



Country Report

CANADA

An analysis of the Private Sponsorship of Refugees (PSR) program and the Economic Mobility Pathways Pilot (EMPP)

D4.2 Interim Country Reports

Authors

Roberto Cortinovis & Andrew Fallone
CEPS

[Available for free downloading from the ASILE website \(www.asileproject.eu\)](http://www.asileproject.eu) © ASILE 2022



The ASILE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870787. This report and its contents are the sole responsibility of the author(s) and the Commission is not responsible for any use that may be made of the information it contains.



Executive summary

Background

The Global Compact on Refugees (GCR) recognises complementary pathways for admission to third countries as an additional ‘solution’ to resettlement and as an expression of solidarity towards countries and communities hosting large numbers of refugees. The 2019 UNHCR ‘Three-Year Strategy on Resettlement and Complementary Pathways’ calls for a sustainable and predictable growth in complementary pathways, with the goal of expanding access to those channels up to two million people by the end of 2028, a target that is double the one million resettlement places aimed for during the same period.

Canada stands at the forefront of international initiatives aimed at sharing ‘best practices’ and promoting the transfer of initiatives originally developed in the Canadian context to other countries around the world. Canada’s Private Sponsorship of Refugees (PSR) program rests on a foundation built over its 40-year long history, with a highly developed institutional and legal framework, and a wide network of civil society organisations and private citizens involved in the sponsoring process. The Global Refugee Sponsorship Initiative (GRSI), launched in 2016, is a multi-stakeholder initiative led by the government of Canada, UNHCR, and featuring academic institutions and private foundations which aims to test the feasibility and potential application of Canada’s well-established model of private sponsorship for refugees in other countries.

Canada also takes a leadership role in experimenting with the development of pathways for the admission of refugees based on exiting labour migration opportunities. The Economic Mobility Pathways Pilot (EMPP), launched in 2018 as a pilot project, enabled the admission of a small group of refugees through Canada’s existing labour migration channels. The EMPP’s pilot phase aimed at assessing whether skilled refugees in East Africa and the Middle East can access Canada’s existing economic pathways, documenting existing barriers and seeking to develop new practices to address identified challenges. In June 2020, the government of Canada announced its intention to launch the EMPP second phase, with the goal of admitting up to 500 skilled refugees and their family members over a two-year period. Canada is committed to share the EMPP experience and lessons learned with other countries in the framework of the Global Task Force on Refugee Labour Mobility, a GCR-linked initiative launched in April 2022 to scale up labour mobility pathways for refugees around the world.



Objectives and methodology

This Interim Country Report provides an analysis of the key features and implementation processes of the two above mentioned ‘complementary pathways’, the PSR program and the EMPP. In line with the ASILE research framework under Work Package 4, the analysis focuses on three key dimensions: a) the selection process and eligibility criteria, b) refugee vulnerability, and c) refugee right to work. The Report relies on the expanding literature discussing the normative and policy issues associated with the design and implementation of complementary pathways to analyse these two instruments. The analysis pays specific attention to aspects of non-discrimination, procedural fairness, equitable access to justice and the right to decent work understood as a ‘composite right’, with a focus on the freedom, accessibility, and quality of work.

The methodological approach used for this Report combines extensive desk research with 18 semi-structured interviews with Canadian government officials, international organisation representatives, members of the legal community, civil society members, and refugee leaders. These interviews aimed at investigating policy makers and practitioners’ first-hand experiences either executing or navigating the two selected mechanisms. They further aimed at exploring respondents’ opinions on the effectiveness and fairness of decision-making procedures, as well as their consistency with international refugee and human rights standards.

Key findings

Selection process and eligibility criteria

- Complementary pathways are predicated on their ‘additionality’ to state-led resettlement programs. They aim at providing additional channels for admission to people in need of protection which supplement resettlement places for refugees assigned on the basis of UNHCR resettlement submission categories. According to UNHCR, community or private sponsorship is considered as a complementary pathway when, as in the case of the Canadian PSR program, it provides a distinct channel for the admission of refugees that is additional to the government-assisted resettlement program.
- The PSR program’s success and continuous support by Canadian civil society strongly relies on the principle of ‘naming’, that is the possibility for private organisations and



groups of citizens in Canada to refer specific individuals for sponsorship. Over the years, the selection of refugees admitted through the program has been shaped by the so-called 'echo effect', the demand by previously admitted refugees to sponsor family members or relatives who has been left overseas. While Canadian citizens have shown a high interest in welcoming 'unknown' individuals in specific situations, for example in the aftermath of the Syrian crisis from 2015 onwards, the functioning of the PSR program in 'normal times' confirms its character as a privileged channel for reuniting extended family members or individuals with ethnic or cultural connections to Canada.

- Over the last few years, the volume of privately sponsored refugees in Canada has largely outnumbered that of Government Assisted Refugees (GARs). This circumstance has led civil society stakeholders to express concerns about the risk associated with a possible shift towards a model of 'privatised resettlement', whereby public authorities increasingly rely on financial and operational support from private actors to fulfil their international commitments. In parallel, the functioning of the PSR program as a tool for extended family reunification, rather than targeting refugees with high protection needs, calls into question the overall balance and humanitarian dimension of the Canadian approach to resettlement.
- The EMPP falls within the group of complementary pathways defined by UNHCR as 'third countries employment opportunities', namely safe and regulated avenues enabling refugees' entry or stay in another country for the purpose of employment.
- The key objective of the EMPP is to ensure the effective 'matching' of skilled refugees with employers in Canada. The program follows a market-oriented approach which implies that the main motivation for employers' participation is to cover skills shortages that cannot be filled locally. As the EMPP replicates (at least partially) the selective qualification levels and application requirements of existing Canadian labour immigration programs, access to this scheme has remained until now the prerogative of a restricted group of individuals holding a specific set of labour skills.



- Access to the PSR program is subject applicants' fulfilment of specific eligibility and admissibility criteria foreseen by Canadian law. Among these, proof of refugee status granted by UNHCR, or a foreign state, is a requirement for admission under the program, with some exceptions: larger organisations participating in the PSR program (so-called Agreement Holders or SAHs) and groups partnering with them are exempted from it. According to the government of Canada, the rationale of this requirement lies in the attempt to increase the effectiveness of the application process (by reducing the number of ineligible applications) and ensure a more rapid processing of cases.
- The above-mentioned requirement excludes from eligibility refugees residing in areas where access to a refugee status determination procedure is not available. Several stakeholders interviewed for this Report recommended to abandon the requirement of positive UNHCR or foreign state refugee recognition as a way to ensure a more equitable access to the program.
- Along the same line, conditions for eligibility under the EMPP require that a candidate has a positive Refugee Status Determination (RSD) document from either the UNHCR or a refugee-hosting state. In addition, however, a candidate would be eligible under the EMPP even if she is registered as an asylum seeker abroad (in case the RSD has not been obtained yet) or if she has a "person of concern letter" issued by the UNHCR for the purposes of EMPP.
- The framing of admission through the PSR program and the EMPP as a discretionary act by the state implies that possibilities for individuals to challenge negative decisions on their applications are limited. Failed applicants under the PSR program, in particular, do not have access to an appeal procedure on the merits. The only possibility for obtaining redress consists in lodging an appeal for judicial review at the Federal Court of Canada. Access to the Federal Court, however, is hampered by significant legal barriers and strictly dependent on the availability on the part of applicants of the financial resources necessary to sustain litigation expenses in Canada.



Vulnerability

- The two complementary pathways analysed in this Report do not envisage a specific focus on refugee vulnerability at the selection stage. This circumstance should not in principle be considered as an issue, given the availability of an alternative admission channel, i.e., state-supported resettlement, operating on the basis of vulnerability criteria. However, since 2017, the number of refugees admitted yearly through the PSR program has almost doubled those admitted through the state-supported program. This trend casts doubts on the commitment by the Canadian government to stick to the principle of ‘additionality’ and ensure a balance between the two main streams of its resettlement program.
- The Canadian government has launched mechanisms to incentivise sponsor groups to support UNHCR-referred refugees through the Blended Visa Office-Referred Program (BVOR), and refugees with special vulnerabilities under the Joint Assistance Program (JAP). However, these two programs represent only a limited share of the overall PSR intake, which remains largely made of ‘named’ sponsorships based on family or other links with individuals in Canada.
- Vulnerability is clearly not a factor considered in the framework of the EMPP. The project aims at promoting a different approach, which puts refugees’ professional experience and skills at the core of the selection process, rather than an assessment of their vulnerabilities and protection needs. While instrumental in engaging Canadian employers, the selection of refugees meeting specific labour market needs clearly shifts the focus of the EMPP away from vulnerability considerations underpinning UNHCR resettlement.
- Addressing and identifying vulnerabilities that may emerge after arrival in Canada is another crucial aspect in the context of the two programs. The PSR relies on sponsoring groups to provide psychosocial support to refugees and help them address any specific need they may face upon arrival. The EMPP relies on employers, in coordination with local civil society organisations, for providing support to participants. However, not all sponsoring groups or employers may be equally well placed to address specific needs and support individuals facing potential situations of vulnerability.



- Resettled refugees through the PSR program have access to a range of government-funded services, which are expected to complement support provided by sponsors and address specific needs. Interviewees underlined how state support services in some Canadian provinces are not always adequate to meet the needs of refugees, especially vulnerable individuals, leaving sponsors in a challenging situation in their attempt to meet emerging needs adequately.
- Refugees participating in the EMPP arrive through economic migration pathways, which means the level of settlement support available to them differ from that available to resettled refugees, including those arriving through the PSR stream. Interviewees pointed to the lower level of support received by EMPP refugees as an issue that needs to be addressed during the next phase of the project.

Right to work

- Both the PSR program and the EMPP puts a strong emphasis on accelerated labour market integration of refugees. In the case of the PSR program, refugees are expected to benefit from support provided by sponsors, who can leverage their networks and provide targeted assistance, in addition to that provided by state-funded settlement agencies. Along the same line, the EMPP is driven by a promise of immediate labour market integration, as refugees participating in the program are selected based on their ability to fill specific job positions in the Canadian labour market. The fact that both sponsored refugees and EMPP beneficiaries are granted permanent residence status in Canada implies that they benefit from the security of status and the generous set of rights associated with permanent residence.
- However, this Report underlines how formal access to rights alone is not in itself a guarantee that refugees arriving through the PSR program and EMPP can have access to decent work, understood in relation to the freedom, effective accessibility, and quality of work. Interviewees stressed the need to respect the autonomy of refugees and their freedom to take up a job offer independently from the willingness or expectations of their sponsors. In addition, they underlined how ensuring that refugees have access to jobs that are commensurate to their skills levels and benefit from labour mobility and upskilling opportunities are key aspects for effective labour market inclusion in line with international labour law standards and decent work principles.



1. Introduction

The United Nations Global Compact on Refugees' (GCR) emphasis on expanding the availability of “complementary pathways for admission of refugees” has created new incentives for the sharing of experiences among international stakeholders in this policy area. Instruments adopted by Canada have been at the centre of the ongoing ‘learning’ process. Both a long-standing and established initiative, the Private Sponsorship of Refugees (PSR) program, as well as a recently adopted instrument focusing on refugees’ labour mobility, the Economic Mobility Pathways Pilot (EMPP), have been identified as ‘promising practices’ that could be potentially replicated in other countries.

The establishment of the Global Refugee Sponsorship Initiative (GRSI)¹ in 2016 underscores the ambition of the Canadian government to propose its well-established PSR program as a model for other states around the world that are willing to develop their own private sponsorship programmes.² The GRSI reflects the assumption that some of the key features of the Canadian refugee sponsorship model can be successfully transferred to countries in geographical regions (such as Europe or South America), which do not necessarily present legal, institutional and political conditions similar to those that are in place in Canada.³

Along the same line, the Economic Mobility Pathways Pilot (EMPP) has been described by UNHCR as putting Canada at the “forefront of exploring the potential for the international recruitment of refugees through labour mobility programs”.⁴ The EMPP was launched in

¹ The GRSI is a joint initiative that includes the following partners: the Government of Canada, the United Nations High Commissioner for Refugees (UNHCR), the Open Society Foundations, the Giustra Foundation, the Shapiro Foundation, and the University of Ottawa. See the GRSI website: <https://refugeesponsorship.org/who-we-are>

² The GCR refers to the objective of increasing the availability and predictability of complementary pathways to protection, including by establishing “private or community sponsorship programmes that are additional to regular resettlement, including community-based programmes promoted through the Global Refugee Sponsorship Initiative (GRSI)”, par. 95.

³ GRSI, ‘Guidebook and Planning Tools based on Canada's Model’. The Handbook states that Canada PSR program is “just one example of how government and civil society can collaborate to provide protection to refugees and support their settlement once they arrive in their new country. It is not the only way, but it is one strong example from which other countries and civil society actors may draw inspiration”.

⁴ See UNHCR Canada, Economic immigration of skilled refugees, <https://www.unhcr.ca/in-canada/other-immigration-pathways-refugees/economic-immigration-skilled-refugees/>



2018 with the initial aim of admitting a small group of refugees through Canada's existing economic immigration channels. In 2020, Canada announced its intention to scale up the EMPP, with the goal of admitting up to 500 refugees and their families over the following two years. In parallel, the Canadian government has committed to sharing the EMPP experience and lessons learnt in its role of co-chair of the UNHCR Global Task Force on Refugee Labour Mobility, a GCR-linked initiative that aims to scale up labour mobility pathways for refugees.⁵

This Interim Country Report provides a description of the key features and implementation processes of the PSR and the EMPP. It relies on the expanding body of literature exploring the normative and policy questions raised by complementary pathways, and notably the assessment of their alignment with international refugee, human rights and labour law standards. In line with the ASILE research framework under WP4, the analysis focuses on three key dimensions: a) the selection process and eligibility criteria, b) refugee vulnerability, and c) refugee right to work. The Report underscores a set of policy and legal issues stemming from the design and implementation of the two instruments, which should be carefully considered by policy makers and other stakeholders when considering their further development and potential transferability to other countries.⁶

1.1. Methodology and Structure

The methodological approach used for this Report combines extensive desk research with 18 semi-structured interviews with Canadian government officials, international organisation representatives, members of the legal community, civil society representatives, and refugee leaders. The interviews aimed to synthesise policy-makers and practitioners' first-hand experiences either executing or navigating the two mechanisms under consideration. Interviews were conducted from March until November 2021. All interviewees were working in Canadian territory when the interview was

⁵ See Government of Canada, Public policy to support the Economic Mobility Pathways Pilot (EMPP) – Phase 2, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/economic-mobility-pathways-pilot-phase-2.html>

⁶ S. Carrera, L. Vosyliute, L. Brumat and N. Feith Tan, 'Implementing the United Nations Global Compact on Refugees? Global Asylum Governance and the Role of the European Union', EUI Policy Brief, Issue 2021/26, June 2021, p. 7, https://cadmus.eui.eu/bitstream/handle/1814/71755/PB_2021_26.pdf?sequence=5



conducted. Given the travel restrictions associated with the Covid-19 pandemic, all interviews were conducted digitally via Zoom. Interview transcriptions and video recordings were then analysed to identify common themes.

Interviews were conducted based on a standard questionnaire shared by all six ASILE case studies.⁷ This common questionnaire investigates the key themes of refugee status determination, vulnerability, and the right of decent work. The list of questions was tailored to reflect the specificities of the two policy instruments (PSR program and EMPP) covered in this Report, as well as the specific areas of expertise of each individual interview subject. The use of a set of pre-determined questions did not preclude the interview conversations from following their natural course, providing individuals the opportunity to share their experiences and raise additional points not directly addressed by the questionnaire.⁸

This Interim Country Report is structured as follows. Section 2 provides a synthetic description of the Canadian refugee system, underlining its key features and briefly describing main trends and dynamics of refugee protection in the country. Section 3 introduces the expanding literature on 'complementary pathways', which will inform the examination of the two case studies. Section 4 and 5 analyse the PSR and EMPP respectively, paying attention to aspects of non-discrimination and effective remedies in the selection and eligibility determination process; the analysis also explores the ways in which the two instruments conceptualize and address the issue of refugee vulnerability and access to decent work. Section 6 concludes by summarising the key findings identified in the previous sections.

⁷ Case studies covered by ASILE WP4 research cover six countries: Bangladesh, Brazil, Canada, Jordan, South Africa, and Turkey.

⁸ To ensure confidentiality, a non-identifiable code was assigned to each interview (see Table in Appendix I). All data collected adhered to the ASILE Data Management Plan.



2. Background: specificities of the Canadian refugee system

Canada's refugee system is regulated by the Immigration and Refugee Protection Act (IRPA) and the Immigration and Refugee Protection Regulations (IRPR).⁹ The system consists of two main components: the in-Canada Asylum Program for persons who make their claims from inside the country, and the Refugee and Humanitarian Resettlement Program for refugees seeking protection from outside Canada.¹⁰

In turn, the Canadian Refugee and Humanitarian Resettlement Program comprises three separate channels:

- 1) the Government-Assisted resettlement (GAR) program, funded by the federal Government's Ministry of Immigration, Refugees and Citizenship Canada (IRCC);
- 2) the Privately sponsored resettlement (PSR) program, funded by private and civil society organisations;
- 3) The Blended Visa Office Referral (BVOR) program, under which resettlement costs are equally shared between the government and private sponsors.

The IRPA delineates inadmissibility criteria based on security grounds, violation of human or international rights and serious criminality grounds.¹¹ International human rights bodies as well as civil society organisations have expressed long-standing concerns about the broad scope of inadmissibility criteria laid down in Canadian law, arguing they exceed the scope of exclusion grounds under the 1951 Refugee Convention and other international human rights instruments.¹²

⁹ Immigration and Refugee Protection Act, S.C. 2001, c. 27, Current to October 5, 2020. Last amended on June 21, 2019, <https://laws.justice.gc.ca/eng/acts/i-2.5/>; Immigration and Refugee Protection Regulations, (SOR/2002-227), <https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/>

¹⁰ See Government of Canada, How Canada's refugee system works, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role.html>.

¹¹ 'Immigration and Refugee Protection Act', Art. 34-37.

¹² Interview CAN4-8; See also R. Cortinovic, 'Country Note Canada', ASILE project Global Portal, p.4. https://www.asileproject.eu/wp-content/uploads/2021/05/Country-Note_Canada.pdf



The IRPR outlines legal eligibility criteria for resettlement. Eligible individuals must fall under either of the following classes: a) the 'Convention Refugees Abroad Class', which covers individuals outside their country of origin and unable to return to their home country due to fear of persecution because of race, religion, political instability, nationality, or sexual orientation; b) the 'Country of Asylum Class', which extends to individuals outside their countries of nationality and habitual residence who have been, and continue to be, seriously and personally affected by civil war, armed conflict, or massive violations of human rights in each of these countries.¹³

The government of Canada establishes annual limits on the maximum number of refugees who can be resettled under each of the three streams of its Refugee and Humanitarian Resettlement Program. The majority (54.7%) of all resettled refugees in the period January 2015 – April 2020 entered Canada through the PSR program. Of the remaining share (45,3%), seven times more individuals entered through the GAR program than through the much smaller BVOR program.¹⁴ In 2018, the total number of refugees admitted under these three streams resulted in Canada being the main country of resettlement globally.¹⁵ Canada has remained the country resettling the highest number of refugees worldwide even in the challenging context following to the outbreak of the Covid-19 pandemic.¹⁶

In response to the developing humanitarian situation in Afghanistan in the summer of 2021, the Canadian government announced in September of the same year its plan to resettle

¹³ Immigration and Refugee Protection Regulations, Art. 144-147. The Country of Asylum Class, unlike the Convention Refugee definition, does not require a person to be specifically targeted, as the harm feared may be the result of indiscriminate acts.

¹⁴ A. Macklin and J. Blum, ASILE 'Country Fiche: CANADA, January 2021.

¹⁵ United Nations High Commissioner for Refugees (2019), 'Global Trends: Forced Displacement in 2018'. <https://www.unhcr.org/5d08d7ee7.pdf>; Macklin and Blum, 'Country Fiche Canada'.

¹⁶ Hon. Marco Mendicino, 'Speaking Notes for the Honourable Marco Mendicino, Minister of Immigration, Refugees and Citizenship: Announcement related to new initiatives to help Canada assist even more refugees'. Delivered 18.06.2021. <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/07/speaking-notes-for-the-honourable-marco-mendicino-minister-of-immigration-refugees-and-citizenship-announcement-related-to-new-initiatives-to-help.html>



40,000 Afghan refugees.¹⁷ That target is to be achieved through two programs. The first program focuses on individuals who worked in support of Canadian forces in Afghanistan and who are still in or recently left the country. The second program focuses on women leaders, human rights advocates, persecuted religious or ethnic minorities, LGBTI individuals, and journalists, who fled Afghanistan and are currently living in a third country without a durable solution.¹⁸ At the time of writing, however, the government has not yet specified how many Afghans will enter through the GAR stream and how many will be supported through the PSR program.¹⁹

A key aspect contributing to the creation of a favourable environment for the proliferation of Canada's resettlement program is the self-perceived identity of Canada as a 'country of immigration'.²⁰ This image, which is shared by a substantial part of the Canadian public, has resulted over the years in a durable interest by Canadian civil society organizations and private citizens in sponsoring refugees.²¹

Canada's relative geographic insulation has also exerted a profound impact on its refugee and asylum policies. Canada is surrounded by 'cold seas' and shares its only land border with the United States. The two countries signed a Safe Third Country Agreement (STCA), which entered into force in 2004, barring refugee claimants entering through the United States (subject to narrow exceptions for families and unaccompanied minors) from seeking protection at official border crossing points on the Canada-US border.²²

¹⁷ R. Gladstone & I. Austen, 'Canada Doubles its Afghan Refugee Resettlement Target to 40,000 people', *The New York Times*, 27 September 2021, <https://www.nytimes.com/2021/09/27/world/americas/canada-afghanistan-refugees.html>

¹⁸ See Government of Canada, Canada's response to the situation in Afghanistan, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan.html>

¹⁹ See 'Canada promised to take in 20,000-40,000 Afghan refugees. Where are they?', *National Post*, 25 October 2021, <https://nationalpost.com/news/canada/canada-promised-to-take-in-20000-40000-afghan-refugees-where-are-they>

²⁰ Interview CAN4-5, 29.04.2021 (Quoted); Interview CAN4-7, 04.06.2021.

²¹ Interview CAN4-7, 04.06.2021.

²² Macklin and Blum, ASILE Country Fiche, p. 4. See also R. Cortinovis, ASILE Country Note Canada, section 3.



As underlined by Macklin and Blum, the STCA is only the most visible deterrence measure among those adopted by Canada to prevent spontaneous asylum claimants from entering into its territory. Canada maintains a strict visa policy and relies on ‘safe country rules’, in order to deny access to full refugee determination to asylum seekers who had previously applied for asylum in the United Kingdom, Australia and New Zealand.²³ The effective implementation of restrictive policies limiting spontaneous asylum applications in the country, coupled with its relative geographical isolation, have contributed to making refugee resettlement ‘more palatable’ for policymakers.²⁴ It should be noted in this regard how the generally positive attitude of Canadian public opinion towards refugees arriving on the territory through regulated means contrasts with strong public reactions and policy responses towards asylum seekers arriving spontaneously in Canada by sea or land.²⁵

The tension between Canadian’s restrictive approach towards spontaneous arrivals and the role of the country as a recognized ‘champion’ of refugee resettlement is aptly described by Macklin and Blum in the following terms:

Canada’s low visibility, extraterritorial bordering apparatus is effective and attracts little public scrutiny and opprobrium. It enables Canada to present itself as the benign face of sovereignty: a human rights compliant state that chooses to resettle a handful of refugees while also avoiding receiving more than a trickle of the world’s asylum seekers [...] But it is critical to recognize how the combination of relative geographic insulation and extraterritorial bordering operate in tandem to overwhelmingly keep refugees out of earshot and out of sight.²⁶

²³ Macklin and Blum, p. 18.

²⁴ J. Hyndman, W. Payne, S. Jimenez, ‘The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts, RRN/CRS Policy Brief Submitted to the Government of Canada’. January 20, 2017, p. 11.

²⁵ In 2009 and 2010, when two boats carrying a total of 568 refugee claimants from Sri Lanka arrived on the shores of Western Canada, Canadian politicians labeled these individuals as ‘suspected human smugglers and terrorists’ and new legislation was introduced to allow for their protracted detention and denial of rights, despite concerned arrivals only constituting 1% of refugee claim during that period. Akin to the boat arrivals, unauthorised border crossings at Roxham Road (located on the Canada-U.S. border) attracted high visibility and media attention and elicited a negative public response. Interview CAN4-3; see also Canadian Council for Refugees, ‘Sun Sea: Five year later’, 2015 <https://ccrweb.ca/sites/ccrweb.ca/files/sun-sea-five-years-later.pdf>

²⁶ Macklin and Blum, p. 5.



3. The role of “complementary pathways” in refugee protection and human rights

The GCR includes a commitment to expand third country solutions, including by increasing the availability and predictability of complementary pathways for refugees. The latter should be made available on a more systematic, organised, sustainable and gender-responsive basis, and contain appropriate protection safeguards.²⁷

The 2019 UNHCR ‘Three-Year Strategy on Resettlement and Complementary Pathways’ calls for a sustainable and predictable growth in complementary pathways, with the goal of expanding access to those pathways to two million people by the end of 2028, a figure that double the target of one million set for resettlement places over the same period.²⁸

While the GCR does not provide a definition of complementary pathways, UNHCR describes them as:

safe and regulated avenues for refugees that complement resettlement by providing lawful stay in a third country where their international protection needs are met. They are additional to resettlement and do not substitute the protection afforded to refugees under the international protection regime. Complementary pathways include existing admission avenues that refugees may be eligible to apply to, but which may require operational adjustments to facilitate refugee access.²⁹

²⁷ Global Compact on Refugees, p. 94. The GCR objective intersects with the Global Compact on Migration’s (GCM) objective of enhancing the availability and flexibility of pathways for regular migration”. In particular, Article 21(g) GCM includes a commitment to take actions to: “Develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin, due to sudden-onset natural disasters and other precarious situations, such as by providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits, while adaptation in or return to their country of origin is not possible”. See Global Compact for Safe, Orderly and Regular Migration, Resolution adopted by the General Assembly on 19 December 2018, A/RES/73/195.

²⁸ UNHCR, ‘The Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways’, June 2019, p. 6.

²⁹ UNHCR, ‘Complementary pathways for admission of refugees to third countries. Key considerations’, April 2019.



UNHCR underlines how complementary pathways are “diverse in nature” and may be designed to fulfil different objectives. Some ‘pathways’, such as humanitarian admission, private or community sponsorship programs, or humanitarian visas are usually designed as a tool for protection and a mechanism for responsibility-sharing. The categorization of community sponsorship³⁰ as a complementary pathway for admission deserves further clarification. According to UNHCR, community sponsorship may be considered as a “complementary pathway for admission” when it allows “sponsors to support the entry and stay of nominated refugees in third countries”. This is different from the use of community sponsorship schemes as a “tool to support refugees admitted through other pathways”, for instance state-led resettlement programmes.³¹

A second group of ‘complementary pathways’ rely on entry or migration avenues that are expected to benefit refugees who have certain skills and knowledge, or family links in a third country. This group includes pathways based on family reunification, education and labour opportunities.³²

While the previous distinction is useful to differentiate between distinct groups of instruments, ‘complementary pathways’ instruments may simultaneously pursue multiple objectives and goals, both humanitarian and non-humanitarian. They may combine international protection with other considerations, such as the economic or ‘integration potential’ of beneficiaries or their family links in the country of destination. The flexibility to pursue multiple policy objectives and adapt to the specificities of different legal

³⁰ According to UNHCR: “Community sponsorship of refugees allows individuals, groups of individuals or organizations to come together to provide financial, emotional and practical support for the reception and integration of refugees admitted to third countries”. UNHCR, “Key considerations”, p. 8.

³¹ UNHCR, Key considerations, p. 8. As further explained by Feith Tan, conceptually, community sponsorship may be understood as both a form of resettlement and a complementary pathway. However, when community sponsorship involves the entry and protection of ‘named’ refugees, an additional pathway for specific individuals is created independently and in addition to other channels to admission, including state-run resettlement programs. This Report aligns with this conceptualization by locating the Canadian PSR program discussed in Section 4, and specifically the ‘named’ component of the program, within the category of complementary pathways. See N. Feith Tan, ‘Community Sponsorship in Europe: Taking Stock, Policy Transfer and What the Future Might Hold’, *Frontiers in Human Dynamics*, 3, 2021.

³² UNHCR, Key considerations, p. 5.



frameworks presents both risks and opportunities in terms of the scope and quality of protection offered to refugees.³³

The remaining of this section discusses some of the main normative and policy issues raised by complementary pathways, as identified in the academic literature on these instruments. This short review will focus on aspects related the three dimensions covered in the Report: selection process and eligibility criteria, refugee vulnerability, and access to decent work. This discussion lays the ground for the following analysis of the two cases studies under consideration in this Report: Canada's PSR program and the EMPP.

a) Selection process and eligibility criteria

Instruments falling under the umbrella of 'complementary pathways' are usually associated with a high level of discretion for state authorities, and in some cases private actors, to select candidates in line with their own criteria and priorities. This implies that governmental actors, such as visa officers, civil society organisations and other private actors involved in the selection process, may end up conducting *quasi* refugee status determination procedures to assess the eligibility of applicants, raising concerns about the quality of decision making and the level of procedural safeguards applied throughout these procedures.³⁴

In the case of 'pathways' linked to states' legal migration channels, scholars underlined the importance of applying transparent and principled eligibility criteria to ensure that selection procedures align with states' international commitments in the field of refugee

³³ T. Wood, 'The role of 'complementary pathways' in refugee protection', Kaldor Centre for International Refugee Law, 2020; N. Feith Tan, 'Community Sponsorship in Europe: Taking Stock, Policy Transfer and What the Future Might Hold', *Frontiers In Human Dynamics*, 3, 2021; L. Leboeuf, 'Legal Pathways to Protection: Towards a Common and Comprehensive Approach?' EU Immigration and Asylum Law and Policy, 3 December 2020 Blog, <https://eumigrationlawblog.eu/legal-pathways-to-protection-towards-a-common-and-comprehensive-approach/>; S. Carrera and R. Cortinovis, 'The EU role in implementing the UN Global Compact on Refugees', CEPS Paper in Liberty and Security in Europe, 2019, <https://www.ceps.eu/ceps-publications/eus-role-implementing-un-global-compact-refugees/>

³⁴ Wood, op. cit., p. 26.



protection. These include, notably, the objectives and guiding principles laid down in the UNHCR Three-Year strategy on resettlement and complementary pathways.³⁵

The role played by private actors – including employers, educational institutions, churches, and community groups – deserves specific attention. Wood stresses in this regard the importance of establishing adequate accountability mechanisms to avoid the application of discriminatory grounds – such as ethnic or religious belonging – when selecting refugees for admission.³⁶

b) Vulnerability

While resettlement programs claim to target ‘particularly vulnerable’ refugees,³⁷ instruments categorised as complementary pathways diverge widely as to the role assigned to vulnerability criteria at the selection stage. Some instruments, such as humanitarian visas and admission programmes, assign a priority to ‘vulnerable’ individuals, while other instruments, e.g. community sponsorship or pathways based on education and labour channels, usually do not have a specific focus on ‘vulnerability’.

Normative considerations concerning the role that complementary pathways should play in facilitating the admission of ‘vulnerable refugees’ are strictly linked with the principle that opportunities available through complementary pathways should be ‘additional’ to those provided under state-led resettlement programs.³⁸ Respect of the principle of additionality is key in ensuring that places provided under complementary pathways do not substitute states’ commitment to contribute to the already scarce pool of resettlement places available for the most vulnerable refugees. Despite formal commitments taken by states to ensure additionality, existing research underlines how some national governments are effectively substituting their resettlement pledges with pledges in the

³⁵ Ibid.

³⁶ Ibid.

³⁷ For a review of exiting scholarly literature on the notion of ‘vulnerability’ and its role in the context of resettlement practices see Costello et al., ‘Refugee recognition and resettlement’, ASILE Working Paper (forthcoming). See also N. Welfens and Y. Bekyol, ‘The Politics of Vulnerability in Refugee Admissions Under the EU-Turkey Statement’, *Frontiers in Political Science*, Volume 3, April 2021, pp. 1- 7.

³⁸ See UNHCR, ‘Key considerations’, p. 5.



area of complementary pathways, making the distinction between the two categories increasingly 'blurred'.³⁹

The 'flexible' and discretionary nature of 'complementary pathways' may also contribute to co-creating what scholars have referred to as 'structural vulnerability'.⁴⁰ In particular, a lack of procedural fairness at the selection stage may limit access to vulnerable or disadvantaged individuals. This may be particularly the case if effective procedural mechanisms are not in place to anticipate the specific constraints faced by specific groups or categories of applicants.⁴¹ Furthermore, the discretionary nature of complementary pathways implies that often effective remedies for rejected applicants are not available, precluding individuals from contesting decisions they believe were incorrectly adjudicated.

Once refugees are admitted to their country of destination, they may also face situations of vulnerability which, besides being linked to their past experience of displacement, risk being 'co-created' by the of legal and policy environment they experience upon arrival. Insufficient reception conditions and support services, as well as the absence of procedures in place for monitoring and identifying factors of risk, may put refugees in a precarious legal or social condition and increase their vulnerability.

³⁹ Wood, *op. cit.*, p. 25.

⁴⁰ Traditional understandings of 'vulnerability' in relation to human rights protection rely on the idea that certain individuals or subsets of the broader population are 'vulnerable' due to their unique or distinguishing characteristics, such as membership in a certain ethnic or sexual minority. Yet, labelling specific populations as 'vulnerable' can also lead to stigmatization of the populations identified as 'vulnerable', fixing their position in the eyes of the public and the state into one of perpetual victimhood. Contrasting with an understanding of vulnerability as attached to individuals or groups, the notion of 'structural vulnerability' understands the drivers of vulnerability as 'socio-contextual', that is as emerging from societal processes rather than individual characteristics. The proponents of structural vulnerability focus on the social conditions that exacerbate individuals or group vulnerability, holding the view that governments must reflexively analyse the ways in which vulnerability is impacted by migration laws and practices. See, in particular: H. E. Morawa, 'Vulnerability as a Concept of International Human Rights Law' (2003). *Journal of International Relations and Development*, 6(2); M. A. Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008). *Yale Journal of Law & Feminism*, 20(1), pp. 1-23; Butler, Judith, *Frames of War: When is Life Grievable?* (2009). Verso, London; Peroni and A. Timmer, 'Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law' (2013). *International Journal of Constitutional Law*, 11(4); Gilson, E. C., 2014. *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, London and New York: Routledge.

⁴¹ T. C. Farrow, 'What is Access to Justice?' *Osgoode Hall Law School of York University*, 51(3), 2014, pp. 957 – 987.



c) *Right to work*

One of the objectives of complementary pathways is to provide a sustainable and lasting solution for refugees.⁴² Some instruments – particularly those relying on existing labour opportunities – aim specifically at fostering refugee agency and autonomy, including by independently deciding where to work and how to support themselves.

The availability of sustainable paths towards ‘self-reliance’ by means of access to decent work⁴³ crucially depends on the design of complementary pathways and on the specific legal and socio-economic context of the country of destination. Some experts have warned against the risk that ‘pathways’ providing access to existing regular migration channels do not afford adequate rights and create opportunities for exploitation. Instruments based on labour migration channels may be designed in ways that restrict the rights of individuals to work outside a specific job sector or with a different employer or limit their access to social security for them and their families. Instruments designed in such a way end up exacerbating rather than reducing protection risks – for example, by exposing them to exploitative labour migration programs.⁴⁴

To mitigate those risks, the UNHCR recommends that refugees admitted through complementary pathways have access to institutional mechanisms and procedures that provide access to justice, fair employment practices, freedom from discrimination and exploitation and from other risks associated with third-country mobility, irrespective of their legal status.⁴⁵

⁴² UNHCR, ‘Key considerations’, p. 7.

⁴³ Costello and O’Cinnéide define decent work as ‘composite right’ to reflect both its “diverse and distinct aspects, and their interactions with a range of binding international legal sources” and “its concerns with the freedom, effective accessibility and quality of work”. See C. Costello and C. O’Cinnéide, ‘The Right to Work of Asylum Seekers and Refugees’, ASILE Working Paper, p. 5, https://www.asileproject.eu/wp-content/uploads/2021/07/CostelloOCinneide_RightToWorkASILE_10May2021.pdf

⁴⁴ M. Bradley, ‘Resolving Refugee Situations: Seeking Solutions Worthy of the Name’, World Refugee Council Research Paper No. 9 – March 2019, p. 7.

⁴⁵ UNHCR, ‘Key considerations’, p. 12. See also ILO, ‘Guiding principles Access of refugees and other forcibly displaced persons to the labour market’, 2016. The ILO Guidelines states that national policies and action plans should be formulated in conformity with international labour standards, decent work principles, humanitarian principles, obligations under international law, including human rights law and



In spite of the fact that states may grant refugees a formal right to work under national law, access to work in practice often remains difficult or impossible.⁴⁶ The adoption of strategies to support refugee inclusion in the labour market, such as access to education opportunities, life-long learning, recognition and accreditation of acquired skills and competencies have been identified as key to ensure the right to decent work is enjoyed by refugees in practice.⁴⁷

refugee law, as applicable and in consultation with labour ministries as well as representative employers' and workers' organisations.

⁴⁶ C. Costello and C. O'Cinnéide, 'The Right to Work of Asylum Seekers and Refugees', p. 8.

⁴⁷ ILO, 'Guidelines', p. 10.



4. Private Sponsorship of Refugees (PSR) Program

Private groups of Canadian citizens have sponsored refugees for more than forty years,⁴⁸ leading to the resettlement of around 327,000 refugees over that period. Two major movements of refugees have defined private sponsorship in Canada: the arrival of Vietnamese, Cambodian and Laotian refugees in the late 1970s and early 1980s, and the more recent arrival of Syrian refugees.⁴⁹ Statistics show how annual resettlement numbers have fluctuated significantly over time, with the proportion of privately sponsored refugees matching or exceeding government assisted refugees during ‘peak’ periods.⁵⁰

The legal architecture of private sponsorship first laid down in the 1976 Immigration Act (IA) has remained relatively consistent until today. The sponsorship model permits sponsors to either ‘name’ an individual they wish to sponsor (sponsor-referred cases) or accept a referral of a refugee from a visa officer (visa office-referred cases). Sponsored refugees receive financial and social support for one year by their sponsor, and have access to a range of government-funded settlement services.⁵¹

Individuals and groups can sponsor refugees’ resettlement to Canada by forming one of three types of eligible private sponsor groups: Sponsorship Agreement Holders (SAHs), ‘Groups of Five’, and Community Sponsors. Most refugees are sponsored by SAHs: these are usually faith-based, cultural or humanitarian organisations that have an ongoing agreement with the Government of Canada allowing them to make several sponsorships each year. Large SAHs usually sponsor refugees through subordinate groups, referred to

⁴⁸ Bond defines community sponsorship as: “programs that empower groups of ordinary individuals—as opposed to governments or professionalised agencies—to lead in welcoming, supporting, and integrating refugees. See J. Bond, ‘The power of politics: exploring the true potential of community sponsorship programmes’, in C. Dauvergne (ed.) *Research Handbook on the Law and Politics of Migration*, Cheltenham: Edward Elgar, pp. 155-170.

⁴⁹ J. Hyndman, W. Payne, S. Jimenez, ‘The State of Refugee Sponsorship in Canada’, p. 4.

⁵⁰ A. Macklin and J. Blum, ‘ASILE Country Fiche Canada’, p. 21. Between January 2015 and April 2020, out of 154,510 refugees resettled to Canada, 84,520 persons came through private sponsorship, 61,320 were resettled as government assisted refugees, and 8,670 through the blended public-private program.

⁵¹ Macklin and Blum, ‘ASILE Country Fiche Canada’, p. 20.



as Constituent Groups (CGs), or in partnership with individuals, known as ‘co-sponsors’.⁵² A Group of Five is comprised of five Canadian citizens or permanent residents who come together to sponsor a refugee. A Community Sponsor can be an organization, corporation or association that must demonstrate the financial and settlement capacity to fulfil the sponsorship undertaking and which must be located in the community where the refugee is expected to settle.

In 2013, the government of Canada introduced a new resettlement category, known as Blended Visa Office Referral (BVOR) program. Under the BVOR, private sponsors are ‘matched’ with UNHCR-referred refugees from targeted regions or groups identified by the Canadian government.⁵³ The sponsor and the government equally share the costs of financial support for one year.⁵⁴ While the BVOR program offer sponsors the benefits of less financial costs and faster admission procedures, it withdraws the principle of ‘naming’, one of the key features of the Canadian model. The BVOR stated intention is to help bolster the Canadian government’s fulfilment of its international protection commitments. The program, however, has received criticism for ‘blurring’ the principle of additionality, with some scholars criticizing it as an unstated attempt by the government to ‘offload’ its international resettlement responsibilities to the private sector.⁵⁵

As described by Bond, the Canadian sponsorship ecosystem has developed significantly over time, currently counting on more than 100 entities registered as SAHs, a dedicated SAH Council, a well-established sponsor training body, and hundreds of thousands of

⁵² GRSI, Guidebook, ‘What are the Types of Eligible Sponsor Groups (Individuals, Organizations, Community Groups, Businesses, etc.)?’ <https://refugeesponsorship.org/guidebook?chapter=2&area=2§ion=3&consideration=2>; Refugee Sponsorship Training Program, ‘Sponsorship Agreement Holders’, <https://www.rstp.ca/en/refugee-sponsorship/sponsorship-agreement-holders/>

⁵³ UNHCR resettlement submissions fall into one of the following seven categories: refugees with legal and physical protection needs; survivors of torture and violence; refugees with medical needs; women and girls at risk; refugees in need of family reunification; children and adolescent at risk; and refugees who lack a foreseeable alternative durable solution. See ‘UNHCR Resettlement Handbook’, Ch. 6.

⁵⁴ S. Labman and M. Pearlman, ‘Blending, Bargaining, and Burden-Sharing: Canada’s Resettlement Programs’, *Journal of International Migration and Integration*, 19, 2018, pp. 439–449.

⁵⁵ Ibid.; J. Hyndman, W. Payne, & S. Jimenez, ‘The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts’, p. 5.



repeat sponsors. In December 2016, the Government of Canada, UNHCR, Open Society Foundations, Giustra Foundation, and University of Ottawa jointly launched the Global Refugee Sponsorship Initiative (GRSI), a partnership devoted to supporting the development and growth of community sponsorship programmes around the world based on the Canadian model.⁵⁶

Existing evidence lend support to the conclusion that privately sponsored refugees display higher levels of socio-economic inclusion compared to other categories of resettled refugees, especially in the first years after arrival.⁵⁷ Positive integration outcomes of sponsored refugees are associated with the personal attention, care, and social networks that sponsors provide.⁵⁸ Community sponsorships are also praised for bringing several benefits to local communities alike, increasing their resourcefulness and fostering a more positive approach towards refugees and migrants.⁵⁹

In parallel, several challenges have marked the implementation of the PSR program over time. Sponsor organisations have consistently lamented inefficiencies in the management of the program by Canadian authorities, including lengthy processing times, inconsistent decision-making, high refusal rates and lack of effective remedies in case of negative decisions.⁶⁰ As described in the following part, the implementation of the PSR program raises specific normative and policy issues, most notably concerning how to guarantee that

⁵⁶ See the GRSI website at: <https://refugeesponsorship.org/>

⁵⁷ Mackling and Blum, 'ASILE Country Note, Canada', p. 23.

⁵⁸ J. Bond, 'The power of politics: exploring the true potential of community sponsorship programmes', p. 159.

⁵⁹ Macklin et al. argue that refugee sponsorship promotes active citizenship for both sponsors and refugees, since it requires people "to commit time, energy and resources to a cooperative undertaking of public and civic value: the enrolment of newcomers into substantive, identarian and, ultimately, legal citizenship". See A. Macklin, et al. 'A preliminary investigation into private refugee sponsors', *Canadian Ethnic Studies*, 50(2), 2018, pp. 35–57.

⁶⁰ Treviramus and Casasola, 'Canada's Private Sponsorship of Refugee Program', *Journal of International Migration and Integration*, 4(2), p. 187.



PSR admissions remains additional to government-assisted resettlement, rather than substitute for it.⁶¹

4.1. Selection process and eligibility criteria

Differently from the Government-Assisted resettlement (GAR) program, where refugees are selected by a recognised organisation, usually the UNHCR, the PSR program allows sponsor groups to ‘name’ a specific refugee they wish to bring to Canada. A government office in Canada is tasked with ensuring that the application meet the requirements for sponsorship, including adequate financial capacity of the sponsor. If approved, the file is then sent to the relevant overseas office for processing. Visa officers conduct an interview with the refugee and decide on his/her eligibility for permanent residence status in Canada.

The possibility to ‘name’ refugees is a key feature of the PSR model, and one that has contributed to ensure widespread participation of Canadian civil society in the program.⁶² One interviewee argued in this regard that “naming has made the Canadian program what it is”.⁶³ Another interviewee added that the system of private sponsorship is essentially harnessing the energy existing within the Canadian society, “creating forums by which people can mobilise to assist refugees around the world, and giving them a model to achieve that aim”.⁶⁴

However, scholarly research has also underlined a set of potential negative aspects associated with the practice of ‘naming’. A first critique is that ‘naming’ shifts the focus away from resettling the most vulnerable refugees, essentially transforming the PSR program into an extended family reunification avenue, or a channel to reunite individuals with pre-existing ethnic or cultural connections in Canada.⁶⁵ This observation is particularly

⁶¹ Macklin and Blum, ‘ASILE Country Fiche Canada’, p. 21.

⁶² Interview CAN4-5.

⁶³ Interview CAN4-15.

⁶⁴ Interview CAN4-4.

⁶⁵ Interview CAN4-16. According to Lehr and Dick: “As Canada’s example shows, named refugees are predominantly those related to persons already established in Canada”. They add that: “Private sponsorship program expand refugee family reunion, making it possible for relatives beyond the nuclear family to be resettled”. See S. Lehr and B. Dyck, ““Naming” Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences’, In S. Labman and G. Cameron



relevant considering that, since 2017, refugees admitted yearly through the PSR program have doubled those admitted through the GAR program.⁶⁶ In addition, ‘naming’ raises a fairness issue to the extent that it makes access to private sponsorship dependent on individuals’ personal connections in Canada who are able to mobilise substantial financial resources.⁶⁷

Beyond the inadmissibility criteria foreseen in the IRPA described in Section 2, a set of additional requirements limit the discretion of private groups to sponsor refugees for resettlement. Beginning in 2012, the Canadian government capped the total number of applications that each SAH can submit in a given year. Organisations supporting refugees raised strong criticisms against the introduction of this cap, arguing that a limit to the number of yearly applications should only reflect the degree of civil society engagement and their availability or resources to sponsor refugees.⁶⁸

Eligibility requirements for the PSR program vary depending on the typology of sponsor which is submitting an application. SAHs can submit sponsorship applications for anyone they believe would qualify under the PSR program (e.g. individuals falling with the ‘Convention Refugees Abroad Class’ or the ‘Country of asylum Class’). In contrast, since 2012, ‘Groups of Fives’ and ‘Community Sponsors’ need to provide proof that any applicant has been formally recognised as refugee by UNHCR or a foreign state.⁶⁹

Canadian sponsorship organisations have argued that this measure disadvantages some groups of refugees over others. In fact, many displaced people around the world do not have access to UNHCR or a state RSD procedure in their countries of first asylum, as is the

(eds.) *Strangers to Neighbours Refugee Sponsorship in Context*, Montreal & Kingston: McGill-Queen’s University Press, pp. 42-60.

⁶⁶ See Macklin and Blum, ‘ASILE Country Fiche Canada’, p. 21.

⁶⁷ S. Lehr and B. Dyck, “‘Naming’ Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences”, pp. 42-60.

⁶⁸ *Ibid.*, p. 3.

⁶⁹ Interview CAN4-15. See also I. Van Haren, ‘Canada’s Private Sponsorship Model Represents a Complementary Pathway for Refugee Resettlement’, Migration Policy Institute, 2021, <https://www.migrationpolicy.org/article/canada-private-sponsorship-model-refugee-resettlement>



case for example of many Syrians residing in Turkey, Lebanon and Jordan.⁷⁰ Refugees are also provided different kind of documents attesting refugee recognition depending on the countries in which they reside, which may not be equally recognised by Canadian authorities as a proof of refugee status.⁷¹

From 2015 to 2017, the Canadian government temporarily waived the RSD requirement for Groups of Five and Community Sponsors willing to sponsor Syrian and Iraqi refugees, in an attempt to meet the government resettlement targets for those years.⁷² The Canadian Council of Refugees, as well as several organisations involved in sponsorships, asked the government to consider removing that requirement permanently.⁷³

The eligibility determination process for sponsored refugees includes an interview of the principal applicant and her/his family members with a Canadian visa officer in their current country of residence. The applicant has the onus to satisfy the visa officer that she or he meets all the criteria for resettlement. Even applicants who have been previously gone through the UNHCR Refugee Status Determination (RSD) process must satisfy the visa officer that they qualify as refugees, and the visa officer is not bound by the previous decision.⁷⁴

Canadian law also foresees additional criteria that need to be fulfilled by an applicant to be considered eligible. First, an applicant should not have any prospect of achieving a 'durable solution' within a reasonable period of time in a country other than Canada.⁷⁵ Second, visa

⁷⁰ See P. Thériault, 'Settling The Law: An Empirical Assessment of Decision-Making and Judicial Review In Canada's Refugee Resettlement System', PHD Dissertation Graduate Programme in Law Osgoode Hall Law School, 2021, p. 133.

⁷¹ Interview CAN4-15.

⁷² See RSTP, 'Refugees from Syria & Iraq: Changes to documentation needed for Groups of Five & Community Sponsors', September 19, 2015, <https://www.rstp.ca/en/refugee-sponsorship/latest-policy-program-update/changes-for-sponsoring-syrian-iraqi-refugees/>

⁷³ J.Hyndman, W. Payne, & S. Jimenez, 'The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts', p. 9.

⁷⁴ P. Thériault, 'Judicial Review in Canada's Refugee Resettlement Program', In S. Labman and G. Cameron (eds.) *Strangers to Neighbours. Refugee Sponsorship in Context*, Montreal & Kingston: McGill-Queen's, pp. 227-246.

⁷⁵ IRPR, 139(1)(d).



officers need to be satisfied that an applicant fulfils the requirement of ‘successful establishment’ in Canada, which is assessed on the basis of a set of social factors. Despite widespread criticisms raised over the years by scholars and civil society organisations, successful establishment remains among the criteria formally in place for overseas selection, though little is known about how it is currently applied in practice.⁷⁶

Even if a refugee applicant has been found to be eligible for protection in Canada, she/he still must pass the admissibility criteria based on medical, serious criminality and security grounds. Interviewees reported that only limited information of security checks is provided to refugees and sponsor organisations during the application process. In addition, it was reported that when security concerns are identified by the authorities, applications can get stuck in the system for lengthy periods of time without any decision being taken.⁷⁷

Refugees have limited access to avenues for review in the case of a negative decision on their application. Unlike inland refugee claimants receiving a negative determination – who have the right to appeal to the Refugee Appeal Division (RAD) – rejected resettlement applicants do not have access to an appeal procedure on the merits. While a request for reconsideration of a negative decision can be made directly to the responsible visa officer, the latter enjoy a high level of discretion when assessing such request. The only formal recourse available to applicants is judicial review before the Federal Court of Canada. Judges at the Federal Court do not have the authority to overturn a decision on the merits; however, they can quash the decision based on different grounds, including procedural fairness issues, and send the case back to the visa officer for redetermination.⁷⁸

Research has shown that access to judicial review before the Federal Court of Justice is substantially limited by legal barriers, most notably the leave requirement applying in immigration and refugee matters. In addition, applicants and their sponsors often lack the information and financial resources necessary to pursue an application for judicial review.⁷⁹

⁷⁶ See P. Thériault, ‘Settling The Law’, p. 129.

⁷⁷ Interview CAN4-15.

⁷⁸ For a detailed analysis of the role of judicial review in the context of Canada’s resettlement system see P. Thériault, ‘Settling The Law: An Empirical Assessment of Decision-Making and Judicial Review In Canada’s Refugee Resettlement System’, p. 139.

⁷⁹ *Ibid.*, p. 140.



Overall, the possibility of filing a case with the Court is strictly dependent on sponsoring groups' availability to financially sustain the associated legal expenses.⁸⁰

4.2. Vulnerability

The fact that the PSR program does not give specific priority to the selection of the most vulnerable refugees should not in principle be considered as an issue, given the availability of a specific channel, i.e. state-supported resettlement, operating on the basis of criteria linked to vulnerability. As previously mentioned, however, over the last five years the commitment by the government of Canada to respecting the principle of additionality has been called into question, with admissions of privately sponsored refugees outnumbering those of state-supported refugees by a ratio of 2:1.⁸¹

Scholars and practitioners alike underline how a commitment from the Canadian government to respect the principle of additionality is key to preserve the specificity of the PSR program.⁸² Over the years, private sponsorship organisations have indeed repeatedly warned against the negative consequences associated with a model of 'privatized resettlement'. They stressed that the key role played by private sponsors within the Canadian resettlement system should not relieve the government from assuming its role and upholding its commitments to resettle the 'most vulnerable refugees'.⁸³

Already in the early 1990s, the federal government expressed concerns that private sponsorship was turning into a tool for expanded family reunification.⁸⁴ As resettled refugees establish themselves in Canada, many activate private sponsorship as the only available channel to reunite with other displaced family members, a dynamic known as the

⁸⁰ Interview CAN4-15.

⁸¹ Interview CAN4-4. Macklin and Blum, p. 21.

⁸² S. Labman, 'Private Sponsorship: Complementary or Conflicting Interests?', *Refuge*, 32(2), pp. 67-80.

⁸³ Interview CAN4-16. Macklin and Blum, 'ASILE Country Fiche'.

⁸⁴ S. Labman, 'Private Sponsorship: Complementary or Conflicting Interests?', *Refuge*, 32(2), 2016, pp. 67-80, p.69.

⁸⁴ *Ibid.*, p. 73.



“echo effect.”⁸⁵ The establishment of the BVOR stream in 2013 should be considered as an attempt by the government to take back control over ‘naming’. While the BVOR attracted considerable attention in the aftermath of the ‘Syrian crisis’, interest among Canadians in welcoming ‘unknown’ refugees has since subsided, making it difficult for the program to meet the targets established for the following years.⁸⁶

A component of the PSR program that focuses specifically on vulnerability is the Joint Assistance Program (JAS). Under this program, SAHs and their constituent groups commit to support refugees with special needs, including those affected trauma caused by violence or torture, medical disabilities, the effects of systemic discrimination, or having a large number of family members.⁸⁷ Participating sponsoring groups, however, cannot nominate refugees under the JAS, but only select cases among a list of profiles referred to by Canadian authorities.⁸⁸

Throughout the years, the Canadian government has also launched a number of ‘niche programs’ focusing on groups of refugees in a particular vulnerable situation. Among these are the ‘Lamp Lifeboat Ladder’, which focuses on the resettlement of a certain number of highly vulnerable individuals from Greece,⁸⁹ and the Rainbow Refugee Program, which target refugees persecuted based on sexual orientation, gender identity, gender expression or HIV status.⁹⁰ In addition, Operation #NotForgotten was developed in 2019 as

⁸⁵ Interview CAN4-16. Macklin and Blum, ‘ASILE Country Fiche’, p. 23.

⁸⁶ Interview CAN-15. See also S. Labman and J. Hyndman, ‘BVOR Briefing Note’, May 1, 2019, <https://crs.info.yorku.ca/files/2019/04/BVOR-Briefing-2019-May1.pdf?%20x44358>

⁸⁷ Under a joint assistance sponsorship, the government provides financial assistance for the duration of the sponsorship, usually for a period of 24 months. The private sponsor must agree to provide orientation, significant settlement assistance and emotional support for the same period. See Government of Canada, ‘Joint Assistance Program: How to apply’, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program/joint-assistance-program/apply.html>

⁸⁸ See Refugee Sponsorship Training Program, ‘The Joint Assistance Sponsorship (JAS) Program’, [https://www.rstp.ca/en/jas/joint-assistance-sponsorships/#:~:text=Joint%20Assistance%20Sponsorship%20\(JAS\)%20refers,in%20Canada%20than%20other%20refugees.](https://www.rstp.ca/en/jas/joint-assistance-sponsorships/#:~:text=Joint%20Assistance%20Sponsorship%20(JAS)%20refers,in%20Canada%20than%20other%20refugees.)

⁸⁹ Interview CAN4-15.

⁹⁰ See Rainborefugee program, <https://www.rainbowrefugee.com/>



a community-led response for sponsoring refugees stuck in Australia's offshore processing regime in Papua New Guinea, Nauru or in detention in Australia⁹¹ These initiatives, however, currently represent only a small portion of the overall PSR program.

Besides the overarching issue of its additionality to state-supported resettlement, an ongoing debate is taking place within Canada's sponsorship community concerning the role that vulnerability considerations should play in the context private sponsorship, both at the selection stage and once refugees arrive in Canada.

"Vulnerability of the refugee" has been included by some SAHs as one of the criteria they consider when selecting candidates for sponsorship among those that are brought to their attention by co-sponsors.⁹² However, a practitioner interviewed for this Report pointed to several practical and conceptual challenges that SAHs face when trying to apply a 'vulnerability lens' in the selection of individuals they prioritise for sponsorship. Notably, SAHs do not have direct contact with refugees overseas but can only rely on the information provided by co-sponsors bringing refugees to their attention. More fundamentally, SAHs willing to incorporate vulnerability considerations in their selection process are confronted with the challenge of defining and assessing vulnerability.⁹³

Specific vulnerabilities may also emerge after refugees' arrival in Canada. Interviewees stressed the key role assigned to sponsors in providing psychosocial and practical support to newcomers.⁹⁴ Sponsored refugees have also access to a well-established network of government funded settlement and integration agencies, which are expected to work in a complementary fashion with sponsors to provide support and address individuals' specific needs. The recognition of sponsors' key role in addressing emerging vulnerabilities in synergy with state services should not overlook the wide differences in the level of support that

⁹¹ See Operation #NotForgotten, <https://www.refugeecouncil.org.au/canada/>

⁹² SAHs may need to find ways to prioritise cases for acceptance if they receive more requests for sponsorship than they have the capacity to handle or if requests exceed their allocated quota. See Global Refugee Sponsorship Initiative, Guidebook and planning tools based on Canada's model, Interview with representative of the Anglican Diocese of Ottawa, <https://refugeesponsorship.org/guidebook?chapter=3&area=6>.

⁹³ Interview CAN4-15.

⁹⁴ Interview CAN4-7.



different sponsoring groups are able to provide, with an interviewee adding that sponsors' capacity to address specific needs can vary widely between urban and rural locations.⁹⁵

Specific monitoring tools have been established to ensure that sponsors fulfil their commitments towards refugees. The Refugee Sponsorship Training Program, funded by the Canadian government, develops tools that SAHs can use to ensure that sponsoring groups provide quality settlement assistance.⁹⁶ Canadian authorities are also directly involved in monitoring the activities of SAHs through a process named 'routine monitoring', which relies on online questionnaires or telephone interviews with a randomly selected group of refugees to check that adequate supports are being provided and identify potential shortcomings.⁹⁷

In the aftermath of the special resettlement initiative for Syrian refugees over 2015-2016, cases of sponsors providing insufficient support were reported.⁹⁸ As a response to the identified shortcomings, Canadian authorities developed the 'Program Integrity Framework', which focuses on pre-arrival monitoring and aims at ensuring that relevant support structures are in place before refugees arrive in Canada. This new mechanism, however, only targets SAHs, while a corresponding monitoring framework is not in place in the case of Groups of Five, which are responsible for a significant share of sponsored resettlements.⁹⁹

Concerning the role played by state agencies, interviewees underlined the need of increasing the level of coordination between different levels of government. While the Federal government has the main authority for immigration, responsibility for the integration and settlement of newcomers fall under the responsibility of provincial and

⁹⁵ Interview CAN4-14.

⁹⁶ See RSTP, 'SAHs: Best Practices for Monitoring', online: <https://www.rstp.ca/en/sponsorship-responsibilities/best-practices-for-monitoring-for-sahs/>

⁹⁷ IRCC, 'Private Sponsorship of Refugees Program: Post-arrival Assurance Activities', <https://www.rstp.ca/wp-content/uploads/2021/04/PSR-Post-Arrival-Assurance-Activities-March-2021.pdf>

⁹⁸ J. Nancarrow Clarke and T. Marlow. 'The cracks in our admired private refugee sponsorship program', Policy Options, 30 January 2020, <https://policyoptions.irpp.org/fr/magazines/january-2020/the-cracks-in-our-admired-private-refugee-sponsorship-program/>

⁹⁹ Interview CAN4-15.



municipal authorities. It was reported that sponsorship groups in specific provinces or cities are struggling to ensure that refugees have access to adequate support, including healthcare.

This circumstance may be particularly challenging for those sponsorship organisations that committed to sponsor refugees with high vulnerabilities. An interviewee pointed to the existence of a ‘disconnect’ between the ambition of the government to increase the number of sponsored arrivals and the quality of the support system that sponsors can rely upon.¹⁰⁰

4.3. Right to work

Refugees resettled under the PSR program are granted permanent residence status upon their arrival in Canada. Among other things, this status gives beneficiaries the right work and move freely anywhere in the country. While formally enjoying the same set of rights, existing evidence seems to support the conclusion that privately sponsored refugees achieve higher levels of inclusion in the Canadian labour market than other categories of resettled refugees. A government study released in early 2020 examines the “economic attainments” of resettled refugees from 1980- 2009. The study concludes that privately sponsored refugees have higher employment rates and earnings than government-assisted refugees, even when controlling for differences between groups related to education, age, official language ability, and other socio-demographic characteristics.¹⁰¹ Revising existing evidence, Bond concludes that “community sponsorship programmes enhance integration because refugees benefit directly from the personal attention and networks that sponsors provide”.¹⁰²

Other authors, however, have underlined how privately sponsored refugees tend to be named by sponsors based on family or other connections in Canada, while GARs are usually selected

¹⁰⁰ Interview CAN4-15.

¹⁰¹ L., Kaida, F. Hou, and M. Stick, ‘The Long-term Economic Outcomes of Refugee Private Sponsorship’, Ottawa: Statistics Canada, 2020.

¹⁰² J. Bond, ‘The power of politics: exploring the true potential of community sponsorship programmes’, p. 159.



on the basis of UNHCR identified protection needs and vulnerabilities. The latter may thus face specific circumstances limiting their potential inclusion into the labour market.¹⁰³

An interviewee explained that sponsors often “leverage their own networks” to assist in the labour market integration of PSR participants, using both direct connections to employers and guidance and support during the job search process.¹⁰⁴ One interviewee described private sponsorship as “a way in which the state, rather than providing support itself can find people who are eager to put in their expertise, resources and contacts to easing refugee access to the local labour market”.¹⁰⁵

Despite the potential benefits of this approach, one interviewee cautioned that not all private sponsorship organisations, which are more often community or faith based, have specific expertise in the field of labour market inclusion.¹⁰⁶ This circumstance points to the need of strengthening and expanding existing state-funded employment services available to sponsored refugees.¹⁰⁷

¹⁰³ Interview CAN4-16. See also S. Lehr and B. Dyck, “Naming” Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences”, In S. Labman and G. Cameron (eds.) *Strangers to Neighbours Refugee Sponsorship in Context*, Montreal & Kingston: McGill-Queen’s University Press, pp. 42-60.

¹⁰⁴ Interview CAN 4-5.

¹⁰⁵ Interview CAN 4-4. See also ‘The Experience of a Business Sponsoring Refugees’, GRSI Guidebook, <https://refugeesponsorship.org/guidebook?chapter=3&area=7>

¹⁰⁶ Interview CAN4-5, 29.04.2021. See Government of Canada, ‘Sponsorship Agreement Holders: About the program’, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program/agreement-holders.html>

¹⁰⁷ On this point see: Suzan Ilcan, Diana Thomaz, and Manuela Jimenez Bueno, ‘Private Sponsorship in Canada: The Resettlement of Syrian Refugees in the Kitchener-Waterloo Region’, Policy Points, International Migration Research Centre, March 2020, <https://scholars.wlu.ca/cgi/viewcontent.cgi?article=1041&context=imrc>; Mehrunnisa Ahmad Ali, ‘Towards a Unified Model of Refugee Resettlement’, Policy Brief, Canada Excellence Research Chair in Migration & Integration, September 2021, https://www.ryerson.ca/content/dam/cerc-migration/Policy/CERC_PolicyBrief04_Sept2021.pdf;



As part of the settlement plan to be submitted to the government of Canada,¹⁰⁸ sponsoring groups commit to assist refugees in finding an employment. Sponsors are required to register refugees with local settlement agencies providing employment related services, including networking, mentorship, work placement, and preparation for the credential assessment process. Sponsors can also provide additional assistance to help refugees understand the specificities of the Canadian labour market, including on aspects related to cross-cultural communication and the use of existing qualifications and skills.¹⁰⁹

A key component of private sponsorship is a commitment by sponsors to provide income assistance to refugees for their first twelve months in Canada. As indicated in the GRSI Guidebook, this period is foreseen to enable refugees to gain important skills (such as language knowledge) that are crucial to entering the job market. While sponsors may sometimes have an incentive to ‘push’ refugees towards employment, a entering the job market too early may imply that refugees obtain employment in jobs that are not commensurate with their skills and experience. Interviewees underlined that, while supporting refugees in finding a suitable employment, sponsors should respect refugees’ dignity and autonomy to make their own employment decisions.¹¹⁰

¹⁰⁸ Sponsoring groups must submit a settlement plan to the Government of Canada detailing how the group intends to provide settlement assistance, counselling, and support to the resettled refugees during the sponsorship period.

¹⁰⁹ GRSI Guidebook, ‘How Can sponsors assist refugees to find employment’,
<https://refugeesponsorship.org/guidebook?chapter=2&area=3§ion=3&consideration=3>

¹¹⁰ Interview CAN4-15, GRSI Guidebook, ‘Is it mandatory for privately sponsored refugees to find Employment?’,
<https://refugeesponsorship.org/guidebook?chapter=2&area=3§ion=3&consideration=4>



5. Economic Mobility Pathways Pilot (EMPP)

The IRCC notes that Canada has around half a million vacant jobs every year, with especially pronounced labour shortages in some regions.¹¹¹ These figures create an incentive for the development of new labour migration pathways for refugees. Launched in April 2018, the EMPP enables refugees to circumvent existing barriers preventing them from accessing Canada's permanent resident labour programs. Identified obstacles include lost or expired documentation, limited funds, difficulty in obtaining proof of previous professional experience and limited access to consultants or lawyers who may guide potential applicants through the immigration process.¹¹²

Interviewees emphasised that the EMPP is perceived by stakeholders involved as “employer-focused”.¹¹³ The EMPP aims at allowing employers to tap into the largely unexplored professional talent of refugees, by making “refugees talent pool visible to employers in a way it wasn't before”.¹¹⁴ This approach results in employers viewing the EMPP not mainly as a humanitarian project, but as a workforce development project.¹¹⁵

The EMPP aims at bridging gaps between existing policy mechanisms that currently do not interact with each other.¹¹⁶ It begins by identifying local employers in participating regions of Canada who have specific labour market needs. It then relies on two NGO partners – Talent Beyond Boundaries and RefugePoint – to identify refugees in countries of first asylum with skill profiles that match employers' demonstrated needs. Rather than moving through Canada's resettlement system, the EMPP expands access to existing economic channels to refugees

¹¹¹ Government of Canada, 2021, ‘Economic Mobility Pathways Pilot’. Immigration, Refugees and Citizenship Canada. <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/economic-mobility-pathways-pilot.html>

¹¹² Interview CAN4-13; Government of Canada, 2021, ‘Economic Mobility Pathways Pilot’; IRCC-UNHCR Partner's Dialogue on the Economic Mobility Pathways Project (EMPP), Outcome Document, July 2019, <https://www.unhcr.ca/wp-content/uploads/2019/07/The-Economic-Mobility-Pathways-Project-Policy-Principles-and-Lessons-Learned-June-2019.pdf>

¹¹³ Interview CAN4-14.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Interview CAN4-6.



whose skillsets match the needs of local employers. In this way, the EMPP aims at avoiding the administrative hurdles required to create an entirely new migration channel targeted to refugee workers. Upon arrival, participants already have a job contract and share the same support and resources available to other categories of economic migrants with permanent residence in Canada.

A holistic analysis of an initiative such as the EMPP, whose stated aim is that of facilitating refugees' access to the labour market, requires looking beyond the number of additional places made available. The sustainability of the EMPP need to be assessed against several additional criteria, including respect of the principle of family unity, non-discrimination, as well as the quality of working conditions and the long-term social integration of refugees admitted through the program.

The focus of the EMPP on refugees with specific skill profiles risks blurring the line between refugee protection and migration management. As underlined in the following section, prioritizing the admission of highly skilled refugees risk exacerbating the structural situation of disadvantage faced by refugees with lower skill levels, if suitable channels of admissions targeting those groups as well are not established.¹¹⁷

5.1. Selection process and eligibility criteria

IRCC claims that the EMPP was designed respecting a set of core protection principles: a) additionality of admissions to Canada's resettlement quotas; b) provision of a durable solution by granting selected refugees permanent residence in Canada and a clear path to citizenship; c) alignment with international protection priorities, by prioritising refugees from countries applying the Comprehensive Refugee Response Framework or the 3RP strategy, namely Kenya and Lebanon; d) gender equality among the candidates.¹¹⁸

Operationally, the EMPP functions by connecting refugees with three pre-existing Canadian labour migration programs: the Provincial Nominee Programs (PNP), the

¹¹⁷ See Craig Damian Smith and Dana Wagner, 'How Canada can address skills shortages by improving access to economic pathways for refugees and displaced people in Latin America', CERC Policy Brief, No. 01 April 2021, https://www.ryerson.ca/content/dam/cerc-migration/Policy/Final_PB_Smith_Wagner_April19.pdf

¹¹⁸ IRCC-UNHCR Partner's Dialogue on the Economic Mobility Pathways Project (EMPP), Outcome Document, 2019.



federally funded Atlantic Immigration Pilot (AIP), and the recently created Rural and Northern Immigration Pilot (RNIP).¹¹⁹ While the technical nuances of these three programs differ, their core objective is to facilitate the entry and permanent residence of skilled workers into Canada. Potentially, EMPP participants could also apply through the ‘Express Entry’ system, which is an electronic system to manage the intake of applications for permanent residence lodged under a set of Canadian economic immigration programs.¹²⁰ During Phase 1 of the EMPP’s implementation, however, no applicants were able to enter through the ‘Express Entry’ programs, given these programs’ narrower skills profiles and application requirements.¹²¹

Employers hoping to resettle and hire refugees through the EMPP must first file with their provincial government for approval. Second, following a skills-matching process coordinated by NGO partners in the countries of asylum, RefugePoint and Talent Beyond Boundaries,¹²² selected candidates need to apply for economic migration from overseas through existing programs (AIP, PNP, RNIP, or ‘Express Entry’ mechanisms). As a third

¹¹⁹ The AIP is a special pathway tailored to encourage skilled and semi-skilled migration to the four Canadian provinces of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, and New Brunswick. The PNP is a broad term for the skilled labour migration pathways adopted in eleven of Canada’s provinces and territories, with Québec having a separate skilled migration pathway, and Nunavut lacking such a program. See Immigration, Refugees and Citizenship Canada (IRCC), ‘The Economic Mobility Pathways Pilot: Exploring labour mobility as a complementary pathway for refugees’. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/economic-mobility-pathways-project-labour-mobility.html>; The RNIP is a community-driven program seeking to encourage greater labour migration of qualified workers to specific rural Canadian communities. See ‘Public policy to support the Economic Mobility Pathways Pilot (EMPP) – Phase 2’. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/economic-mobility-pathways-pilot-phase-2.html>; Rural and Northern Immigration Pilot: about the pilot, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/rural-northern-immigration-pilot.html>

¹²⁰ These include the Federal Skilled Worker Class; Federal Skilled Trades Class; Canadian Experience Class; and Enhanced Nomination Provincial Nominee Class high-skilled streams.

¹²¹ Immigration, Refugees and Citizenship Canada (IRCC), ‘The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees’. <https://www.canada.ca/content/dam/ircc/documents/pdf/english/corporate/reports-statistics/evaluations/the-economic-mobility-pathways-project.pdf>

¹²² RefugePoint began as a humanitarian organisation responding to refugees’ health needs in Kenya but grew to focus on fostering refugee self-reliance in 28 countries. Talent Beyond Boundaries concentrates specifically on assisting refugees to access existing labour mobility pathways.



step, employers are requested to notify about their application to the IRCC or the provincial/territorial officials, to ensure the application is processed smoothly.¹²³

Phase 1 of the EMPP's implementation lasted from April 2018 until end of 2019. Phase 2 of the project began in early 2020 and will last until the end of 2022. Under Phase 1 of the EMPP 6 principal applicants and 9 family members of applicants were successfully resettled.¹²⁴ As of April 2021, 12 principal applicants were resettled under Phase 2 of the project.¹²⁵ The Canadian government committed to scaling the original pilot project up to 500 individuals by the end of 2022.¹²⁶ While this commitment may face delays related to the ongoing pandemic, an interviewee touted that the EMPP is the “first program in the world to try to do this at scale”.¹²⁷

Some interviewees, however, underlined a set of barriers that limited accessibility to the program during Phase 1. Concerning the program's eligibility requirements, one interviewee stated:

Because complementary pathways are new and unfolding around the world, it's an opportunity to try to have some coherence on eligibility. Is it only refugees who've been recognised by the state or UNHCR that would be eligible, or is this meant to capture a bit of a larger pool of people?¹²⁸

Under phase 1 of the EMPP, candidates were required to provide proof of UNHCR or a foreign state registration to participate. This requirement was easily satisfied in the Kenyan context due to the existence of a formal refugee status determination process administered by the Government of Kenya. However, potential applicants in Jordan and Lebanon faced restrictions in accessing UNHCR registration depending on their time of

¹²³ Ibid.

¹²⁴ Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'.

¹²⁵ Interview CAN4-5.

¹²⁶ Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'; Interview CAN4-5.

¹²⁷ Interview CAN4-8.

¹²⁸ Interview CAN4-5.



arrival in those countries. In such cases, proof was requested that individual candidates had at least a “recorded” status in the UNHCR database.¹²⁹

The government of Canada clarified eligibility criteria for the EMPP when launching Phase 2 of the pilot. Candidates must be assessed by an IRCC Officer to have a valid, positive Refugee Status Determination (RSD) from either the UNHCR or a refugee-hosting state. As an alternative, a candidate is required to be registered as an asylum seeker abroad (in case the RSD has not been obtained yet) or have a “person of concern letter” issued by the UNHCR for the purposes of EMPP. In addition to the previous, candidates will still need to be determined as belonging either to the ‘Convention Refugees Abroad Class’ or the ‘Country of asylum Class’ by a Canadian visa officer.¹³⁰

An interviewee explained that the identification of refugees’ skills remains an evolving aspect of the program, not least due to the inadequacy of existing data and knowledge on the most effective approaches to identify suitable candidates.¹³¹ The EMPP relies on two NGO partners, RefugePoint and Talent Beyond Boundaries, to identify candidates matching employers’ desired profiles. Despite both organisations’ demonstrated expertise, one interviewee noted that there were relevant disparities in the capacities and approaches of the two organisations in identifying human capital in different locations.¹³²

For example, RefugePoint identifies candidates in Kenya from the pool of individuals previously involved in job training programming carried out by the organisation in Nairobi and in refugee camps. This restricts the number of potential candidates, given that skilled individuals who did not previously participate in RefugePoint training programmes may not be identified. On the other hand, the close relationship between RefugePoint and identified individuals can be considered as a factor fostering successful placements.¹³³ In

¹²⁹ Interview CAN4-6. IRCC-UNHCR Partner’s Dialogue on the Economic Mobility Pathways Project (EMPP), Outcome Document, 2019.

¹³⁰ See Government of Canada, ‘Immigrate through the Economic Mobility Pathways Pilot: Who is eligible’, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/economic-mobility-pathways-pilot/immigrate/eligibility.html>

¹³¹ Interview CAN4-5.

¹³² Interview CAN4-5.

¹³³ Interview CAN4-14.



addition, UNHCR keeps data on refugees' participation in education, job training, and scholarship programs, and uses these records to assist RefugePoint in identifying EMPP candidates, specifically in the Kakuma and Dadaab refugee camps.¹³⁴

Talent Beyond Boundaries has been the first organisation in the world to develop and maintain a large database of refugee' skills profiles in Jordan and Lebanon.¹³⁵ Upon receiving information concerning employers' needs, this database is used to narrow down and interview potential participants.¹³⁶ Talent Beyond Boundaries also receives assistance from the Canada-based refugee-led NGO Jumpstart Refugee Talent on aspects related to participants' labour market integration and relationships with employers.¹³⁷

As the EMPP aims at meeting employers' labour market needs, disparities in access inevitably emerge due to differences in the human capital endowments of potential participants. Scholars have criticised migration channels that rely on a "[...] selection logic focused on only those individuals considered to embody the ideal kind of migrant worker: 'the talented', 'the brightest' or 'the highly skilled'".¹³⁸ While EMPP admissions are in principle not intended to replace state-sponsored resettlement, a narrow focus only on applicants possessing specific qualifications replicate barriers to accession that characterise most of the existing Canada's labour admission programs.

Interviewees added that "there are more than 80 immigration programs in Canada, but out of these only the minority focus on lower human capital opportunities," such as some seasonal tourism labour migration programs.¹³⁹ As Canada is currently experiencing a nearly 50% spike in vacant jobs, up to an unprecedented 731,905 vacancies during the

¹³⁴ Interview CAN4-5; Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'.

¹³⁵ Elgersma et al., 2020, 'Tapping the Potential of Displaced Talent: Lessons Learned'.

¹³⁶ Interview CAN4-14.

¹³⁷ Interview CAN4-12; Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'.

¹³⁸ Carrera, S., Guild, E., and Eisele, K., *Rethinking the Attractiveness of EU Labour Immigration Policies: Comparative perspectives on the EU, the US, Canada and beyond*, CEPS: Brussels, p. 127.

¹³⁹ Interview CAN4-5.



second quarter of 2021,¹⁴⁰ it remains to be seen if Phase 2 of the EMPP will include less highly skilled profiles needed to fill those vacancies. One interviewee mentioned that internal discussions remained open about the possibility of offering eligible candidates vocational training programs to develop their human capital endowments and increase the potential for their successful placement with Canadian employers.¹⁴¹

Specific requirements of the AIP, PNP, RNIP, and ‘Express Entry’ labour migration mechanisms limited accessibility to the EMPP during the initial phase of its implementation. These include application fees, fees related to language and medical testing requirements, travel costs, and legal requirements for proof of funds. The AIP requires that applicants demonstrate the availability of specified amounts of funds, while some PNP pathways require that employers attest applicants’ ability to support their settlement (and those of their family members).¹⁴² Providing proof of such funds can be challenging for refugees, who may not have access to the formal banking system.¹⁴³ To address these obstacles, interviewees suggested that EMPP participants could be given access to the Immigration Loans Program already available to resettled refugees.¹⁴⁴ One interviewee explained that eligibility requirements of some PNP pathways may limit eligibility of candidates with larger families, as the income level of their prospective jobs in Canada would only be considered sufficient to support one child.¹⁴⁵

In Phase 2, the EMPP aims not only to expand the number of beneficiaries but also at ‘levelling the playing field’ by reducing barriers to accession.¹⁴⁶ In June 2021, after most interviews for this Interim Report were conducted, the Minister of Immigration, Refugees and

¹⁴⁰ Data retrieved from Statistics Canada.

¹⁴¹ Interview CAN4-5.

¹⁴² Interview CAN4-14.

¹⁴³ Elgersma, Sandra, Dyer, Lara, L’Esperance, Jennifer, MacIntosh Wiseman, Sarah, and Wagner, Dana (2020), ‘Tapping the Potential of Displaced Talent: Lessons Learned’. In *Beyond 2020: Renewing Canada’s Commitment to immigration*. Metropolis eBook. Volume 1.
https://www.ciim.ca/img/boutiquePDF/608_metropolis_ebook_vol1_2020_v10_lr-n3qfp.pdf

¹⁴⁴ Interview CAN4-5; Interview CAN4-14.

¹⁴⁵ Interview CAN4-5.

¹⁴⁶ Elgersma et al., 2020, ‘Tapping the Potential of Displaced Talent: Lessons Learned’.



Citizenship announced a package of measures designed to address the main challenges identified in the review of Phase 1.¹⁴⁷

These measures include an exemption for EMPP participants from the requirement to possess a valid travel document and granting them access to loans already available to other categories of resettled resettlement. The foreseen measures also include the removal of the fees requested to EMPP participants when applying for permanent residence status and streamlined requirements for facilitating the admission of EMPP participants' family members. The IRCC awarded Talent Beyond Boundaries with a CA\$135,000 research grant to develop a model for decreasing the high workload involved in the case-by-case matching of applicants with employers.¹⁴⁸

5.2. Vulnerability

Interviewees underlined that the EMPP's priority of matching skilled refugees with employers clearly shifts the focus away from applicants' vulnerabilities by recategorising refugees as "economic migrants".¹⁴⁹ They noted that "vulnerabilities aren't even a criteria for the EMPP", adding that "risk assessments" are not conducted when selecting candidates for the EMPP.¹⁵⁰ An interviewee explained that, as the top goal of the program is to reduce the time between the lodging of an application and the beginning of work, "if there are extra barriers in processing of applications, such as vulnerability assessments, that can render them uncompetitive".¹⁵¹ According to another interviewee, the EMPP's

¹⁴⁷ Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Pilot: Exploring labour mobility as a complementary pathway for refugees'. Government of Canada, 2021; 'Canada announces 3 new initiatives to welcome and support more refugees', 18.06.2021. <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/canada-announces-3-new-initiatives-to-welcome-and-support-more-refugees.html>

¹⁴⁸ Ibid.

¹⁴⁹ Interview CAN4-16.

¹⁵⁰ Interview CAN4-14; Interview CAN4-5.

¹⁵¹ Interview CAN4-5.



prioritization of employers' needs over other considerations is key in shifting "the employers' perception of participation in the programme from a burden to a benefit".¹⁵²

The lack of a specific focus on vulnerability results from the structure of the legal migration channels facilitating EMPP participants' entry, as "under these programs, immigrants are selected based on their human capital or ability to fill Canadian labour market needs rather than their vulnerability and need for protection".¹⁵³

Partners involved in the project, including state agencies, UNHCR and NGOs, underlined the "tremendous conceptual shift" promoted by the EMPP. Differently from resettlement programs, which are designed to target refugees with high protection risks, the EMPP promotes an understanding of refugees "in terms of their ability to contribute to Canada by way of skills and talents". At the same time, implementing actors recognised an inherent 'tension' between these two modes of admission, as those factors enabling access to labour pathways (skills training, qualifications, and experience) may be considered as decreasing the likelihood of being selected for resettlement.¹⁵⁴

Interviewees highlighted specific concerns about the level of support provided to EMPP participants once in Canada. As they are considered economic migrants, they do not have access to a range of support services specifically envisaged to address refugees' needs. One interviewee expressed this problem in the following terms:

[EMPP participants] are considered economic immigrants and as such they have access to a suite of services that are not necessarily designed with refugees in mind [...] it's a bit of a question mark: are they getting enough support, especially for family members? Because there are different services supporting resettled refugees that this group are not accessing.¹⁵⁵

¹⁵² Interview CAN4-14.

¹⁵³ Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'.

¹⁵⁴ IRCC-UNHCR Partner's Dialogue on the Economic Mobility Pathways Project (EMPP), Outcome Document.

¹⁵⁵ Interview CAN4-5.



The form of reception and integration support offered to refugees once arrived in Canada relies largely on employers and local implementing partners, creating differences in the level of support received by participants.¹⁵⁶ Furthermore, an interviewee expressed concern that some civil society actors supporting the reception and integration of EMPP participants remain ‘siloes’ in their approach and not aware of the services already provided by other organisations, government agencies, and participating employers.¹⁵⁷

An interviewee suggested that the Settlement and Integration Policy Branch of the IRCC could build out the available resources on the ground to better identify and meet the needs of incoming EMPP participants. The same interviewee explained that local communities involved in implementing the EMPP in rural areas (in regions such as Manitoba, Newfoundland and Labrador, Nova Scotia, Ontario, and the Yukon) face additional challenges, as many civil society organisations providing settlement support are concentrated in urban centres. Implementing actors are currently developing a ‘Rural Toolkit’ to share their lessons learned and assuage some of these concerns.¹⁵⁸

5.3. Right to work

The EMPP’s focus is on creating opportunities for refugees to access to existing economic migration pathways, yet more data from subsequent phases of implementation is needed to evaluate the EMPP from the perspective of access to ‘decent work’. All participants in the program arrive in Canada with a secured job position that matches their skill profiles. The EMPP achieves in this way its core objective of enabling refugees’ access to existing economic migration channels. Given their status as permanent residents, the right of EMPP participants to remain in Canada is not contingent on the duration of their job. Furthermore, they are not tied to a specific employer or occupation.¹⁵⁹ All EMPP participants benefit from the employment-related support already in place for other economic migrants. Yet, the ability of these existing support services to adequately address the needs of refugees remains to be examined.

¹⁵⁶ Interview CAN4-5.

¹⁵⁷ Interview CAN4-5.

¹⁵⁸ Interview CAN4-5.

¹⁵⁹ Interview CAN4-14.



Phase 2 of the EMPP will test two approaches to explore how larger numbers of skilled refugees could access existing immigration program and benefit from settlement support. The first approach relies on a community-driven model, whereby interested local communities coordinate a network of employers and civil society organisations to identify and settle EMPP participants. Funding from the IRCC Settlement and Integration Policy Branch is mobilised to support the activities of the network.¹⁶⁰

The first community that is testing this model is Pictou County, in Nova Scotia. The local Pictou County Regional Enterprise Network (PCREN), which works to promote local economic development and support local employers, collaborates with the Pictou County Safe Harbour, a community-based refugee sponsorship group, to provide targeted support to EMPP participants.¹⁶¹ This partnership addresses specific challenges, such as the lack of public transportation in rural communities, and coordinates targeted service provision on aspects such as childcare and language training, which are usually not available to economic migrants.¹⁶²

The second approach that is going to be tested adopt a sector-driven model. Under this model, groups of employers in a similar economic sector work together to identify cohorts of suitable EMPP candidates and organise the settlement process.¹⁶³ The sister organisations of TalentBeyond Boundaries, TalentLift, and Jumpstart Refugee Talent, are expected to work with Canadian employers to increase the number of EMPP positions available and monitor refugees' access to adequate working conditions.¹⁶⁴

The EMPP's small scale and experimental nature means that evidence concerning participants' mobility within the Canadian labour market remains absent. During the first and second phases of the program, officials checked in regularly with both employers and employees to ensure their continued progress.¹⁶⁵ Objective 18 in the UN Global Compact on

¹⁶⁰ Interview CAN4-5.

¹⁶¹ Elgersma et al., 2020, 'Tapping the Potential of Displaced Talent: Lessons Learned', p. 25.

¹⁶² Interview CAN4-14.

¹⁶³ Elgersma et al., 2020, 'Tapping the Potential of Displaced Talent: Lessons Learned', p. 24.

¹⁶⁴ Interview CAN4-12; Interview CAN4-13.

¹⁶⁵ Interview CAN4-5.



Migration calls for enhancing “the ability of migrant workers to transition from one job or employer to another by making available documentation that recognises skills acquired on the job or through training in order to optimise the benefits of upskilling”.¹⁶⁶ Additional research is needed to analyse the long-term labour market outcomes of EMPP participants and assess potential issues related to their labour market inclusion.

¹⁶⁶ United Nations, 2018. ‘The Global Compact for Safe, Orderly and Regular Migration’, (A/RES/73/195).



6. Interim Conclusions

Both the PSR program and EMPP are, to different degrees, key elements of Canada's contribution towards increasing the availability and predictability of complementary pathways of admission as called for in the GCR. Significantly, those two instruments have been at the core of international initiatives launched by the Canadian government to promote and test the viability of adopting similar initiatives in other countries.

The fact that the PSR program and the EMPP are both listed as 'complementary pathways' should not lead to underestimate the diversity of the two instruments in terms of their origins, objectives and, crucially, their impact on the level of refugee admissions in Canada. The PSR program is a long-lasting and consolidated initiative which has allowed the successful resettlement of more than three hundred thousand refugees in Canada over the previous forty years. Substantial evidence is available on the program implementation; in addition, a growing academic literature is looking at Canada's private sponsorship model in a multi-disciplinary perspective, examining its key institutional and legal features.

In comparison, the EMPP is a recently launched initiative, which has just moved beyond its pilot phase. Only a small group of refugees (15 people in total) have been admitted under phase one of the project, while Canadian authorities announced the objective of resettling a total of 500 refugees under phase 2 of the project, currently ongoing. At this stage only limited evidence is available on the EMPP operation. The nascent status of this initiative implies that it is currently difficult to predict its 'scalability', and its potential to become a structural component of Canada's refugee admission model.

The above underlines the diversity of instruments falling within the broad 'umbrella' of complementary pathways. It also points to the wide range of options available to states and other involved stakeholders when designing and implementing those instruments.

In line with ASILE WP4 Research objectives, this Report has looked at the PSR program and EMPP by focusing on the three main dimensions: selection and eligibility criteria; refugee vulnerability; and refugee access to decent work. The analysis allowed to identify a set of normative and policy issues briefly summarized below.



Selection process and eligibility criteria

Both the PSR program and the EMPP aim at encouraging the participation of private actors in admitting refugees to Canada, either by giving sponsor organisations the possibility to ‘name’ refugees for sponsorship, in the case of PSR program, or by identifying profiles matching employers’ labour needs in the case of the EMPP. Yet not all diaspora and religious communities control equal resources to invest in sponsorship, while relatively few refugees fulfil the strict requirements of Canada’s permanent labour migration programs. This points to the need for broadening the scope of potential beneficiaries by removing or revising application and eligibility requirements that currently limit access only to candidates with a specific background or who are able to mobilise substantial financial or social resources.

Eligibility criteria for the PSR program (even if only for applications submitted by “Groups of Five” and Community Sponsors) include the need of positive refugee status determination by UNHCR or by a foreign state. Access to refugee status determination procedures (and related documentation), however, is not equally available to refugees across different geographical contexts. This circumstance creates disparities in access to the program for different groups of refugees.

This Report highlights how the discretionary character of ‘complementary pathways’ implies that only limited procedural safeguards and avenues for review are available for rejected applicants. Research has shown how in the case of the PSR program, possibilities to seek judicial review of a negative decision before the Federal Court of Canada are limited by legal, financial and informational barriers. State authorities should invest in improving the quality of selection procedures and strengthening procedural guarantees for applicants, not only to protect the rights of refugees but, more broadly, to guarantee respect of the rule of law principle.

Vulnerability

The analysis of the two programs illustrates how, at the selection stage, existing family or other privileged links of applicants with individuals or communities in Canada (in the case of the PSR program) or being in possession of specific labour market skills (in the case of the EMPP) take precedence over vulnerability considerations. The PSR program, however, gives SAHs and sponsoring groups a high level of autonomy in selecting candidates based on their own assessment criteria, which may include the vulnerability of an applicant.



Selection based on specific protection needs or vulnerabilities is instead clearly not a priority of the EMPP. Potential vulnerabilities are rather considered as an obstacle in ensuring the rapid processing of an applications and thus making a refugee job applicant competitive.

During the settlement phase, sponsorship groups and employers, are assigned a key role in identifying refugees' potential vulnerabilities and help them accessing support services provided by state agencies. A risk associated with this approach is that the level of support provided to individuals may vary depending on the resources and capabilities of different sponsoring groups or employers. Minimising this risk requires, first of all, that an effective and comprehensive monitoring system is in place to ensure that beneficiaries receive an adequate level of support from their sponsors and, if needed, are referred to healthcare and other relevant services.

Right to work

Facilitating inclusion in the labour market is considered a priority under the two instruments. In the case of the PSR program, sponsor organisations are granted a key role in facilitating access of refugees to the labour market, including by leveraging their own resources, networks and expertise. In the case of the EMPP, applicants are selected based on their potential to fill specific labour needs of Canadian employers and granted a formal job offer before arrival.

Key to achieve the sustainability of the two programs is ensuring balance between the responsibilities of state authorities on the one hand and those of sponsorship organisations and employers on the other. The principle of additionality requires that voluntary efforts of private actors complement (rather than replace) the role played by state-funded settlement support. This Report emphasises the importance of ensuring that efficient public employment services remain available and equally accessible to sponsored refugees and EMPP beneficiaries to mitigate potential disparities resulting from diverging levels of support provided by sponsors or employers.



6.1. Priorities for the next phase of WP4 Research

The findings presented in this Interim Report underline a set of key issues that deserve further consideration during phase two of WP4 research. First, the analysis conducted so far has underlined the need to better understand the specific obstacles and restrictions (both legal and operational) faced by sponsors, employers, and refugees during the application and eligibility determination process of both the PSR program and the EMPP. Second, further research is needed to gain critical insight into key actors' perspectives on the long-term evolution and sustainability of the two instruments. As previously mentioned, the increasing reliance by the government of Canada on 'complementary pathways' to fulfil its international obligations towards refugees call into question their 'additional' character to state-led resettlement. This circumstance raises important questions regarding the long-term priorities and humanitarian focus of the Canadian approach to third country solutions.

This Report indicates the need for further research on how key actors, including relevant state agencies, SAHs, sponsorship groups, employers understand and deal with refugees' vulnerability. Additional analysis is needed in particular on the effectiveness of existing processes and practices to identify potential vulnerabilities once refugees have settled in Canada. This is particularly the case since both the PRS program and EMPP are driven by selection rationales – e.g., extended family reunification and labour market potential – which do not focus on the assessment of refugee vulnerability in the first place.

This Interim Report further outlines the need for additional research concerning access to decent work of refugees admitted through the PSR program and the EMPP. Facilitated access to the labour market is presented as key strength of the two programs. However, further insight is needed on the concrete obstacles and challenges that refugees face when navigating the Canadian labour market.

Additional interviews under round two of fieldwork will target the following categories of actors:

- a) Government agencies and authorities, and international organisations responsible for designing, implementing and evaluating the PSR program and the EMPP;
- b) Sponsoring groups, employers and NGOs involved in the selection and application process of the two instruments;



- c) Sponsoring groups, state-funded settlement agencies and civil society organisations responsible for identifying/addressing refugees needs and vulnerabilities;
- d) Advocates for refugees working rights, organisations focusing on refugees' economic empowerment and providing vocational training to admitted refugees;
- e) Scholars and academic researchers working on refugee resettlement, private sponsorship and complementary pathways in Canada;
- f) Refugees admitted through the PSR program and the EMPP.



References

Ahmad Ali, M., 2021. 'Towards a Unified Model of Refugee Resettlement,' Policy Brief, Canada Excellence Research Chair in Migration & Integration, September 2021, https://www.ryerson.ca/content/dam/cerc-migration/Policy/CERC_PolicyBrief04_Sept2021.pdf

Bond, J., 2021. 'The power of politics: exploring the true potential of community sponsorship programmes', in C. Dauvergne (ed.), *Research Handbook on the Law and Politics of Migration*, Cheltenham: Edward Elgar, pp. 155-170.

Bradley, M., 2019. 'Resolving Refugee Situations: Seeking Solutions Worthy of the Name', World Refugee Council Research Paper No. 9 — March, <https://www.cigionline.org/publications/resolving-refugee-situations-seeking-solutions-worthy-name/>

Bradley, M. and C. Duin, 2020. 'A port in the storm: Resettlement and Private Sponsorship in the Broader Context of the Refugee Regime'. In: S. Labman and G. Cameron (eds.), *Strangers to Neighbours, Refugee Sponsorship in Context*, McGill-Queen's University Press, pp. 74-94.

Butler, J., 2009. *Frames of War: When is Life Grievable?*, Verso, London.

Canadian Council for Refugees, 2015. 'Sun Sea: Five year later', <https://ccrweb.ca/sites/ccrweb.ca/files/sun-sea-five-years-later.pdf>

Carrera, S., E. Guild, and K. Eisele, 2014. *Rethinking the Attractiveness of EU Labour Immigration Policies: Comparative perspectives on the EU, the US, Canada and beyond*, Brussels: CEPS, <https://www.ceps.eu/ceps-publications/rethinking-attractiveness-eu-labour-immigration-policies-comparative-perspectives-eu-us/>

Carrera, S. and R. Cortinovis, 2019. 'The EU role in implementing the UN Global Compact on Refugees', CEPS Paper in Liberty and Security in Europe, <https://www.ceps.eu/ceps-publications/eus-role-implementing-un-global-compact-refugees/>

Carrera, S., L. Vosyliute, L. Brumat and N. Feith Tan, 2021. 'Implementing the United Nations Global Compact on Refugees? Global Asylum Governance and the Role of the



European Union', EUI Policy Brief, Issue 2021/26,

https://cadmus.eui.eu/bitstream/handle/1814/71755/PB_2021_26.pdf?sequence=5

Cortinovis, R., 2021, 'Country Note Canada', ASILE project Global Portal,

https://www.asileproject.eu/wp-content/uploads/2021/05/Country-Note_Canada.pdf

Costello, C., and C. O'Cinnéide, 2021. 'The Right to Work of Asylum Seekers and Refugees', ASILE Working Paper, <https://www.asileproject.eu/the-right-to-work-of-asylum-seekers-and-refugees/>

Costello, C., M. Sanjeeb Hossain, M. Janmyr, N. M. Johnsen, & L. Turner. 'Refugee recognition and resettlement', ASILE Working Paper (forthcoming).

Elgersma, S., L. Dyer, J. L'Esperance, S. MacIntosh Wiseman, and D. Wagner, 2020.

'Tapping the Potential of Displaced Talent: Lessons Learned'. In: *Beyond 2020: Renewing Canada's Commitment to immigration*. Metropolis eBook, Volume 1. <https://acs-metropolis.ca/product/125metropolis-ebook-beyond-2020-renewing-canadas-commitment-to-immi/>

Farrow, T. C., 2014. 'What is Access to Justice?' *Osgoode Hall Law School of York University*, 51(3), pp. 957 – 987. <https://digitalcommons.osgoode.yorku.ca/ohlj/vol51/iss3/10/>

Feith Tan, N., 2021. 'Community Sponsorship in Europe: Taking Stock, Policy Transfer and What the Future Might Hold', *Frontiers in Human Dynamics*, 3, pp. 1-8.

<https://doi.org/10.3389/fhumd.2021.564084>

Fineman, M. A., 2008. 'The Vulnerable Subject: Anchoring Equality in the Human Condition', *Yale Journal of Law & Feminism*, pp. 1-23.

<https://digitalcommons.law.yale.edu/yjlf/vol20/iss1/2/>

Gilson, E. C., 2014. *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, London and New York: Routledge. <https://www.routledge.com/The-Ethics-of-Vulnerability-A-Feminist-Analysis-of-Social-Life-and-Practice/Gilson/p/book/9781138208964>

Global Refugee Sponsorship Initiative (GRSI), 'Building Blocks of Community Sponsorship. Guidebook and Planning Tools based on Canada's Model',

<https://refugeesponsorship.org/guidebook>



Government of Canada, 2021. 'Economic Mobility Pathways Pilot', <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/economic-mobility-pathways-pilot.html>

Government of Canada, 2021. 'Canada announces 3 new initiatives to welcome and support more refugees', <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/canada-announces-3-new-initiatives-to-welcome-and-support-more-refugees.html>

Government of Canada, 2021. 'Public policy to support the Economic Mobility Pathways Pilot (EMPP) – Phase 2', <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/economic-mobility-pathways-pilot-phase-2.html>

Hyndman, J., W. Payne, S. Jimenez, 2017. 'The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts', RRN/CRS Policy Brief Submitted to the Government of Canada, https://refugeeresearch.net/wp-content/uploads/2017/02/hyndman_feb%E2%80%9917.pdf

Immigration, Refugees and Citizenship Canada (IRCC), 'The Economic Mobility Pathways Project: Exploring labour mobility as a complementary pathway for refugees'. <https://www.canada.ca/content/dam/ircc/documents/pdf/english/corporate/reports-statistics/evaluations/the-economic-mobility-pathways-project.pdf>

Immigration, Refugees and Citizenship Canada (IRCC) – UNHCR, 2019. Partner's Dialogue on the Economic Mobility Pathways Project (EMPP), Outcome Document, <https://www.unhcr.ca/wp-content/uploads/2019/07/The-Economic-Mobility-Pathways-Project-Policy-Principles-and-Lessons-Learned-June-2019.pdf>

International Labour Organisation (ILO), 2016. 'Guiding principles Access of refugees and other forcibly displaced persons to the labour market', https://www.ilo.org/global/topics/labour-migration/publications/WCMS_536440/lang-en/index.htm

Immigration and Refugee Protection Act (S.C. 2001, c. 27), <https://laws.justice.gc.ca/PDF/I-2.5.pdf>



Immigration and Refugee Protection Regulations, (SOR/2002-227).

<https://laws-lois.justice.gc.ca/PDF/SOR-2002-227.pdf>

Kaida, L., F. Hou, and M. Stick, 2020. 'The Long-term Economic Outcomes of Refugee Private Sponsorship', Ottawa: Statistics Canada.

<https://www150.statcan.gc.ca/n1/pub/11foo19m/11foo19m2019021-eng.htm>

Labman, S., 2016. 'Private Sponsorship: Complementary or Conflicting Interests?', *Refugee*, 32(2), pp. 67-80. <https://doi.org/10.25071/1920-7336.40266>

Labman, S. and M. Pearlman, 2018. 'Blending, Bargaining, and Burden-Sharing: Canada's Resettlement Programs', *Journal of International Migration and Integration*, 19, pp. 439-449. <https://doi.org/10.1007/s12134-018-0555-3>

Labman, S. and J. Hyndman, BVOR Briefing Note May 1,

<https://crs.info.yorku.ca/files/2019/04/BVOR-Briefing-2019-May1.pdf?%20x44358>

Leboeuf, L., 2020. 'Legal Pathways to Protection: Towards a Common and Comprehensive Approach?', EU Immigration and Asylum Law and Policy Blog, 3 December, <https://eumigrationlawblog.eu/legal-pathways-to-protection-towards-a-common-and-comprehensive-approach/>

Lehr, S. and B. Dyck, 2020. "Naming" Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences", In S. Labman and G. Cameron (eds.) *Strangers to Neighbours. Refugee Sponsorship in Context*, Montreal & Kingston: McGill-Queen's University Press, pp. 42-60, <https://doi.org/10.2307/j.ctv176ktqs.7>

Macklin, A. and J. Blum, 2021. 'Country Fiche: CANADA'. ASILE Project,

https://www.asileproject.eu/wp-content/uploads/2021/03/Country-Fiche_CANADA_Final_Pub.pdf

Macklin, A. et al. 2018. 'A preliminary investigation into private refugee sponsors', *Canadian Ethnic Studies*, 50(2), pp. 35-57. <https://doi.org/10.1353/ces.2018.0014>

Mendicino, M., 2021. 'Speaking Notes for the Honourable Marco Mendicino, Minister of Immigration, Refugees and Citizenship: Announcement related to new initiatives to help Canada assist even more refugees', delivered 18.06.2021. <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/07/speaking->



[notes-for-the-honourable-marco-mendicino-minister-of-immigration-refugees-and-citizenship-announcement-related-to-new-initiatives-to-help-.html](#)

Morawa, A. H. E., 2003. 'Vulnerability as a Concept of International Human Rights Law', *Journal of International Relations and Development*, 6(2).

https://ciaotest.cc.columbia.edu/olj/jird/jird_jun03_moao1.pdf

Nancarrow, Clarke J. and T. Marlow. 2020. 'The cracks in our admired private refugee sponsorship program', *Policy Options*, 30 January.

<https://policyoptions.irpp.org/fr/magazines/january-2020/the-cracks-in-our-admired-private-refugee-sponsorship-program/>

Peroni, L. and A. Timmer, 2013. 'Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law', *International Journal of Constitutional Law*, 11(4).

<https://doi.org/10.1093/icon/mot042>

Smith, C. D. and D. Wagner, 2021. 'How Canada can address skills shortages by improving access to economic pathways for refugees and displaced people in Latin America', *CERC Policy Brief*, No. 01 April 2021.

https://www.ryerson.ca/content/dam/cerc-migration/Policy/Final_PB_Smith_Wagner_April19.pdf

Thériault, P., 2020. 'Judicial Review in Canada's Refugee Resettlement Program', In S. Labman and G. Cameron (eds.) *Strangers to Neighbours. Refugee Sponsorship in Context*, Montreal & Kingston: McGill-Queen's, pp. 227-246.

<https://doi.org/10.2307/j.ctv176ktqs.17>

Thériault, P., 2021. 'Settling The Law: An Empirical Assessment of Decision-Making and Judicial Review In Canada's Refugee Resettlement System', PHD Dissertation Graduate Programme in Law Osgoode Hall Law School.

<http://hdl.handle.net/10315/38504>

Treviramus, B. and M. Casasola, 2018. 'Canada's Private Sponsorship of Refugee Program', *Journal of International Migration and Integration* 4(2), pp. 177-202.

<https://doi.org/10.1007/s12134-003-1032-0>

United Nations, 2018. 'Global Compact on Refugees'. New York.

<https://www.unhcr.org/5c658aed4.pdf>

United Nations, 2018. 'The Global Compact for Safe, Orderly and Regular Migration', (A/RES/73/195). <https://digitallibrary.un.org/record/1660537?ln=en>



United Nations High Commissioner for Refugees (UNHCR), 2011. Resettlement Handbook, <https://www.unhcr.org/46f7c0ee2.pdf>

United Nations High Commissioner for Refugees (UNHCR), 2019. 'Global Trends: Forced Displacement in 2018', <https://www.unhcr.org/5do8d7ee7.pdf>

United Nations High Commissioner for Refugees (UNHCR), 2019. 'Complementary pathways for admission of refugees to third countries. Key considerations', <https://www.unhcr.org/protection/resettlement/5ce55faf4/unhcr-complementary-pathways-admission-refugees-third-countries-key-considerations.html>

United Nations High Commissioner for Refugees (UNHCR), 2019. 'The Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways', <https://www.unhcr.org/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html>

Van Haren, I., 2021. 'Canada's Private Sponsorship Model Represents a Complementary Pathway for Refugee Resettlement', Migration Policy Institute, 2021, <https://www.migrationpolicy.org/article/canada-private-sponsorship-model-refugee-resettlement>

Welfens, N. and Y. Beykol, 2021. 'The Politics of Vulnerability in Refugee Admissions Under the EU-Turkey Statement', *Frontiers in Political Science*, Volume 3, pp. 1-7. <https://doi.org/10.3389/fpos.2021.622921>

Wood, T., 2020. 'The role of 'complementary pathways' in refugee protection', Kaldor Centre for International Refugee Law, <https://www.kaldorcentre.unsw.edu.au/publication/role-%E2%80%99complementary-pathways%E2%80%99-refugee-protection>



Appendix I: List of interviews

Interview Code	Date
CAN4-1	08.04.2021
CAN4-2	15.04.2021
CAN4-3	19.04.2021
CAN4-4	28.04.2021
CAN4-5	29.04.2021
CAN4-6	12.05.2021
CAN4-7	04.06.2021
CAN4-8	04.06.2021
CAN4-9	04.06.2021
CAN4-10	15.06.2021
CAN4-11	16.06.2021
CAN4-12	30.03.2021
CAN4-13	27.05.2021
CAN4-14	21.06.2021
CAN4-15	5.11.2021
CAN4-16	10.11.2021
CAN4-17	17.11.2021
CAN4-18	17.11.2021