



A Path for Regularization: Humanitarian and Compassionate application

Presented by :
Diana Gallego
Senior Director

This presentation is thanks to the support of



2023

The land we are standing today is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

- Pathways to Status
- H&C as an option: implications
- What is the H&C application
- Who is eligible?
- Which documents do you need to collect?
- Resources for refugee claimants and other Precarious Populations: where to find support

DISCLAIMER

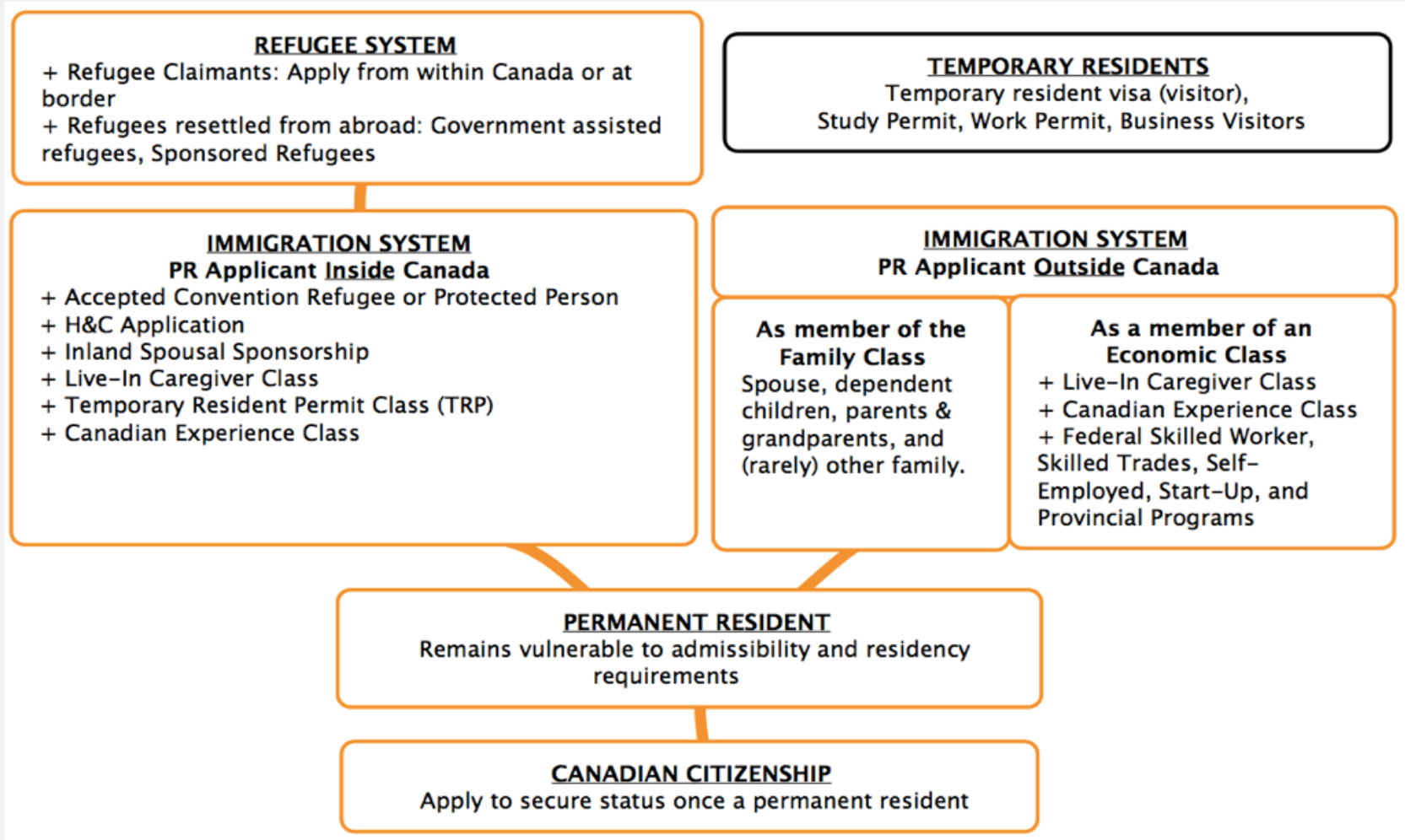


The presentation does not contain legal advice and should not be construed as such. It contains publically available information and it meant for informational purposes only.



**A PARTHWAY
TO STATUS**

PATHWAYS TO STATUS



What is It?

People who would not normally be eligible to become permanent residents of Canada may be able to apply on humanitarian and compassionate grounds.

WEBINAR

**A PATH FOR
REGULARIZATION:
HUMANITARIAN AND
COMPASSIONATE
APPLICATION**



What is It?

- Application for Permanent Residence
- When it is justified by humanitarian and compassionate considerations relating to the foreign national, taking into account the best interests of a child directly effected
- H&C does not stop removal procedures

What is It?

- H&C does not guarantee a work permit or the renewal of a work permit
- H&C does not provide the applicant with any status in Canada
- H&C does not stop removal procedures

Ineligible

- A refugee claim that is pending before the RPD

12 Months bar

1. if a person has filed a refugee claim with the RPD that was : **Rejected - Abandoned - Withdrawn**
2. **The latest decision** in any process in cases where there **has been:**

A Rejected Decision on your Refugee Claim (RPD)

An appeal to the Refugee Appeal Division (RAD)

An application for leave and judicial review submitted to the Federal Court

Requesting and exception of the 12 months bar

Best Interest of the child

Medical condition that would result in a risk to life if you are returned to your home country

Who is included

Principal Applicant + Spouse + Dependent Children in Canada

If there are adult children or other adults in the family (e.g. a grandparent) they need to complete a separate application that can reference the other application and utilize the same information.

If a unaccompanied/separated minor apply is considered Principal Applicant... in this case we always apply for Legal Aid.

BUT REALLY...

- It's all about HARDSHIP
- It would cause the applicant(s) hardship to leave Canada after they established themselves here.
- It would cause the applicant(s) hardship to return to a country where they are no longer established.
- It would cause Canadians hardship if the applicant(s) were to leave Canada.
- Hardships the child(ren) would face if the applicant(s) have to leave Canada

Background Facts

- Who is included in the application?
- How old are they?
- Where are they from?
- Why did they come to Canada?
- Why did they stay in Canada?
- What is their status in Canada?
- Sources: Statement from applicant(s), RPD decision (careful)

Establishment

Property and Assets in Canada

- Bank accounts in Canada, Property ownership (car, home, investments etc), life insurance.
- Supporting documents: bank statements, ownership papers, policy papers

Residence

- Explain why they are in Canada esp. if favourable (i.e. beyond applicants' control)
- Where are they living? are they good tenants?
- Supporting documents: rent receipts, letter of support from landlord

Establishment

Work

- It is very important not be receiving OW
- Include information about employment
- Be careful about working without a permit... but sometimes there is not another choice.
- If not authorized to work in Canada, would someone be willing to hire them if they had authorization?

Establishment

- Do they pay taxes?
- Supporting Documents:
 - pay stubs;
 - tax return
 - Articles of incorporation
 - Financial papers
 - letters of support from: bosses, supervisors, and co-workers, potential employers, clients, etc.

Establishment

Family Connection

- Include information about family of applicants who have permanent status in Canada
- Supporting Documents: letters of support from family, proof of status, proof of relationship.

Education

- Include information of education/improvement in Canada – ESL, Training, School etc.
- Supporting Documents: certificates, attendance sheets, letters of support from teachers/classmates.

Establishment

Community

- Religious community, Volunteering, Friendships, Helping, Community Events
- Supporting Documents: letters of support from religious community leaders, parishioners, volunteer organizers, other volunteers, friends, people you've helped, certificates, photographs

Letters of Support

Should contain specific information, how do they know each other? What do they do together? How would life be worse without the applicants?

General information is not helpful– not up for the letter writer to decide that “they would make a great Canadian.”

Letters of Support

1 letter saying that the applicant is ‘kind and generous’ is as good as 10 letters.

Information about country conditions is not helpful, but specific information is helpful. (e.g. “The political situation in Xanadu is really bad right now” vs. “They have no family in Xanadu”)

Letters of Support

Official letters should look official – e.g. letterhead

Letter in other languages are fine if translated.

When letters look the same, could have an adverse consequence.

When a letter looks copy-pasted, could have an adverse consequence.

Quote the letters in the submission.

HARDSHIP

- Discrimination (not persecution, risks to life, or torture).
- Health
- Education
- Work
- Poverty

Hardship

Discrimination

- Are the applicants members of a group that are discriminated against in the country of return? If so, include information
- Supporting Documents: country condition documents, evidence of past discrimination

Hardship

Health

- Include evidence that there is inadequate healthcare in the country of return and information about any health conditions that will not be adequately treated in the country of return
- Supporting Documents: Medical documents, documents showing receiving treatment in Canada, Letters from health care professionals, documents showing that condition is not treated in country of return, country condition documents

Hardship

Poverty

- Include information that applicant(s) will be in poverty if they leave Canada
- Receiving ODSP vs. Returning to a country that does not support the disabled
- Supporting documents: country condition documents, statement from applicant(s)

Hardship

Lack of Establishment in Country of Return

- Include if they do not understand official language of the country
- Include if they lack establishment
- Be wary of including evidence of establishment in country of return

Best Interest of the Child(ren)

- Children applicants;
- Canadian children of the applicants;
- Canadian children related to the applicants;
- Children outside of Canada supported by the applicants
- Canadian children who depend on the applicant
- ANY CHILDREN THAT WILL BE IMPACTED

Best Interest of the Child(ren)

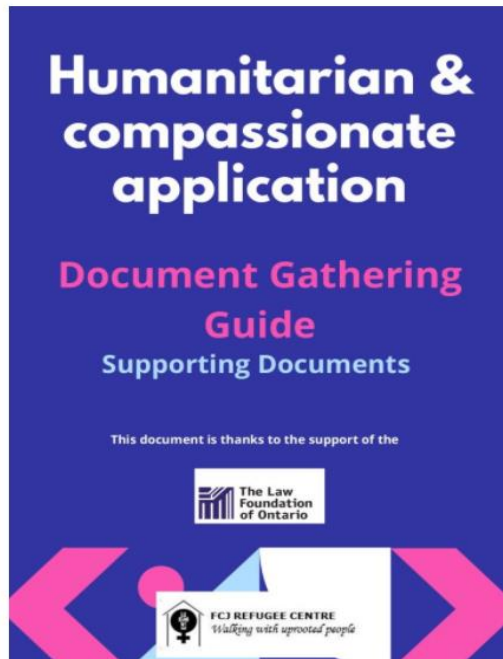
Supporting documents

- Show relationship: birth certificate
- Letters from children, including friends – in the child's words
- Drawing and photographs
- Letters from adults about the children
- Medical records
- Letters from health care professionals
- Money transfers
- Letters from teachers, report cards

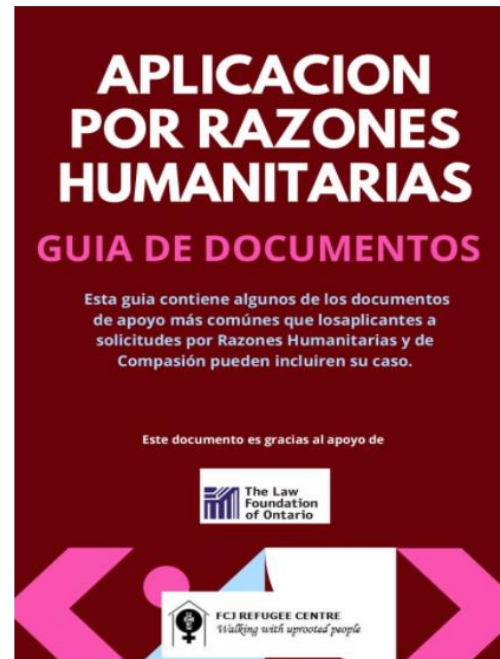
Country Condition Documents

- National Documentation Packages – Publications from NGOs
- Journal Articles (peer reviewed)
- Newspaper articles

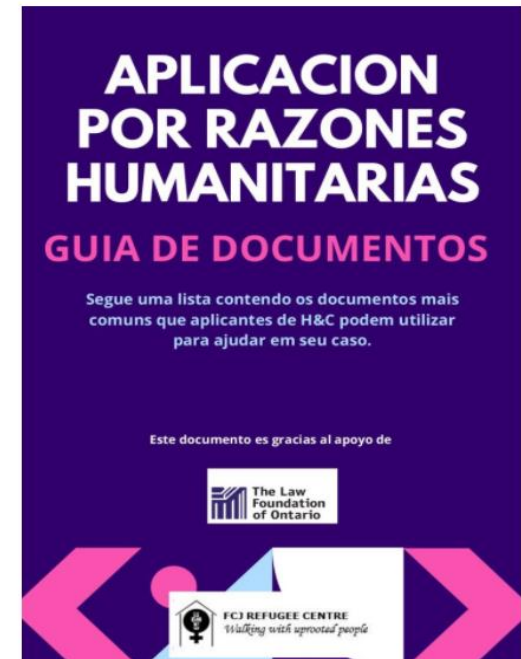
A list containing some of the most common documents that Humanitarian and Compassionate (H&C) applicants can use to support their case.



English



Español

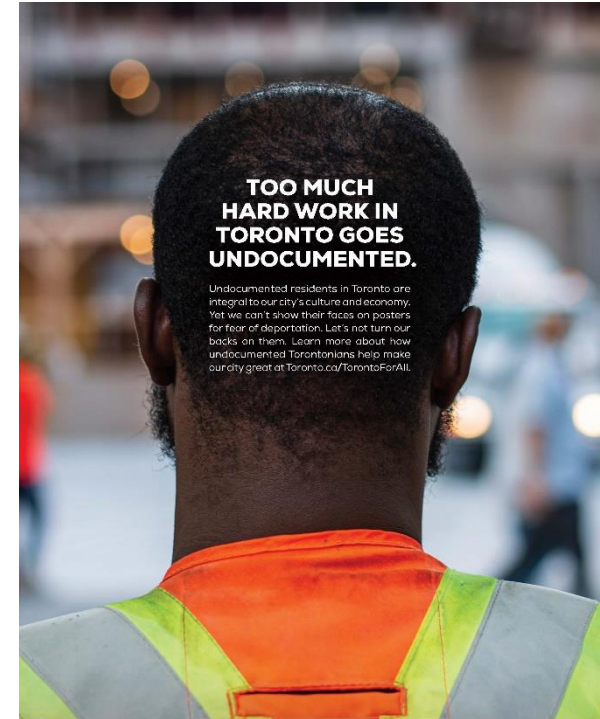


Português

<https://www.fcjrefugeecentre.org/humanitarian-and-compassionate-application-document-gathering-guide-english-spanish-and-portuguese/>

SANCTUARY CITIES: ACCESS WITHOUT FEAR

- Toronto was the first city in Canada to declare itself a sanctuary city, allowing undocumented migrants to access city services.
- On February 21st, 2013 a motion was passed by the City of Toronto to open city services to anyone regardless of their immigration status
- This is considered by many a “historic” moment in Toronto, expanding existing access to municipal services
- Trainings has been implemented to ensure an appropriate level of service delivery
- Recent polls suggest that there is still some resistance among the general populace



ACCESS T. O. POLICY

Torontonians, regardless of immigration status, have access to City services without fear of being asked for proof of status. Access T.O. for Undocumented Torontonians aims to improve customer service to this vulnerable population by ensuring that City staff have the necessary and relevant information needed to provide effective service

August 24th 2021 TO launches new 'Toronto For All' Campaign to support undocumented residents.

RESOURCES



FCJ REFUGEE CENTRE
Shoulder to Shoulder, Side by Side...
Walking with Uprooted People
For 30 years

SETTLEMENT & INTEGRATION

- Shelter for women & kids
- Refugee housing hub
- Women's services
- Food distribution
- English Classes
- Clinic
- Youth
- Access to Education

IMMIGRATION SUPPORT

- Refugee process
- Immigration orientation
- PRRA
- Refugee appeal
- H&C
- Sponsorships
- Work permit
- Etc.

FCJ
REFUGEE CENTRE

ANTI-HUMAN TRAFFICKING

- Migrants Workers Mobile Clinic
- Direct services to trafficked persons
- Migrant Women's Counter Trafficking Alliance
- Youth Alliance Against HT

PUBLIC EDUCATION & NETWORKING

- Webinars/trainings sessions
- Borderless voices podcast
- Youtube channel videos
- Resources
- Country research
- Newsletter & annual reports

 416-469-9754

 437-217-3786

info@fcjrefugeecentre.org

 @FCJRefugeeCentre

 @fcjrefugeecentre

 @RefugeeCentre

 FCJ Refugee Centre

WWW.FCJREFUGEECENTRE.ORG

Connect with us



416- 469 9754



437-217 3786



647-971 2153 Migrant Workers



info@fcjrefugeecentre.org



www.fcjrefugeecentre.org



fcjrefugeecentre



@FCJRefugeeCentre



@RefugeeCentre

QUESTIONS

Diana Gallego

dianagallego@fcjrefugeecentre.org

416- 469 9754 ext. 225

THANK YOU

