



To/À :	Minister/Ministre		Date:	2021-04-09
From/De :	Deputy Minister and Associate Deputy Minister / Sous-ministre et Sous-ministre déléguée			
Subject/Title :	Temporary Public Policy to Facilitate the Resettlement of Afghan Sikhs and Hindus			
Objet/Titre:	Politique publique temporaire visant à faciliter la réinstallation des sikhs et hindous afghans			
Attachement/ Pièce jointe :	Decision Memo: Temporary Public Policy to Facilitate the Resettlement of Afghan Sikhs and Hindus Annex A: F-1139031 - Memo to Minister - Afghani Sikh Resettlement Considerations Annex B: Temporary Public Policy for Afghan Sikhs and Hindus (EN and FR)			
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Immigration, Refugees and Citizenship Canada

Immigration, Réfugiés et Citoyenneté Canada

s.15(1)(i)

s.21(1)(a)

s.21(1)(b)

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

F-1153672

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MEMORANDUM TO THE MINISTER

TEMPORARY PUBLIC POLICY TO FACILITATE THE RESETTLEMENT OF AFGHAN SIKHS AND HINDUS

FOR APPROVAL

SUMMARY

- In October 2020, after receiving a request from the Manmeet Singh Bhullar Foundation (“the Foundation”), your office requested options to urgently facilitate the resettlement of a cohort of Afghan Sikhs and Hindus including their family members.
- Further to your recent direction, a public policy has been drafted to facilitate the resettlement to Canada of this cohort, and their family members, as privately-sponsored refugees. The public policy is needed to exempt this population from the requirement to not have another durable solution; which is one of the qualifying principles for refugee resettlement. The Foundation will serve as the Sponsorship Agreement Holder, with responsibility for ensuring that proper income and settlement support is provided.
- Global Affairs Canada (GAC) has been consulted
It is recommended that your office consult their counterparts at GAC prior to rendering a decision on this special measure.
- Should you wish to enact special measures to facilitate the resettlement of this cohort of Afghan Sikhs and Hindus please indicate your decision by signing this memo and attached public policy (see Annex B).

BACKGROUND:

- Prior to July 2020, a cohort of Afghan Sikhs and Hindus identified by the Manmeet Singh Bhullar Foundation (the Foundation), submitted applications under Canada’s Private Sponsorship of Refugees Program. Applications are reviewed both for approval of the sponsorship application, as well as for eligibility for refugee protection under Canada’s refugee resettlement program. 35 have been approved at the sponsorship stage, one is awaiting a decision at the sponsorship stage, The Foundation and the Gurdwara Guru Amardas Darbar Sikh Society, as well as one Group of Five are identified as private sponsors for these cases.

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Given their access to a durable solution, it is expected that the cohort of Afghan Sikhs and Hindus identified by the Foundation will not be eligible for refugee protection under Canada's resettlement program (as per paragraph 139(1)(d) of the *Immigration and Refugee Protection Regulations* [the Regulations]).

- Section 25.2 of the *Immigration and Refugee Protection Act* (the Act) provides you with the authority to develop a public policy to grant to a foreign national either permanent residence status or an exemption from the applicable requirements of the Act and its Regulations, if you are of the opinion that public policy considerations warrant it.

CURRENT STATUS:

- The attached public policy (see Annex B) would provide authority to resettle these individuals as privately-sponsored refugees should the following eligibility criteria be met:
 - The foreign national is a national of Afghanistan and is Sikh or Hindu;
 - Did not acquire citizenship;
 - Has submitted an application for permanent residence and a sponsorship application to the Department prior to June 30, 2020;
 - Has submitted a new sponsorship undertaking, which lists the Foundation as their Sponsorship Agreement Holder; and,
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- The public policy would require that the Foundation submit a referral letter indicating that, in their opinion, the foreign national meets the above criteria; and, that a Memorandum of Understanding, between the Department and the Foundation be in force confirming the Foundation's role as the implementing partner, including provision of income and settlement supports and an assessment that the individuals meet the eligibility criteria above.
- The public policy would end once the Department has rendered a final decision on up to 36 cases, or on June 30, 2022, whichever comes first. If the Department, or the Foundation terminates the Memorandum of Understanding, the public policy would end at the date of this termination.

CONSIDERATIONS:

- Due to Canada's COVID-19 travel restrictions, the Department cannot predict when initial admissions under this public policy would commence; once travel restrictions are lifted, however, it is unlikely that resettlement for this cohort would be expedited given that they are not at imminent risk and other cohorts face more immediate risks.
- The Foundation and the Gurdwara Guru Amardas Darbar Sikh Society and one Group of Five initially submitted applications for these cases. As the Foundation has recently become a Sponsorship Agreement Holder and has made a formal request to allow the sponsorship of

s.13(1)(a) s.21(1)(b)
s.15(1)(i) s.23
s.21(1)(a)

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these cases, the public policy will require that they be responsible for all cases and abide by the conditions of their Sponsorship Agreement. In cases where the applicants were not initially sponsored by the Foundation, the initial sponsor could be listed as a co-sponsor.

- This public policy may be perceived as unfair by other refugee stakeholders.

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CONSULTATIONS:

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LEGAL RISKS:

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COMMUNICATIONS IMPLICATIONS:

- Domestic media interest in this issue is very low.

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RECOMMENDATIONS:

- _____ should you wish to facilitate the resettlement of this group, please sign this memo and attached public policy (see Annex B).

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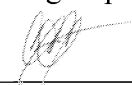
NEXT STEPS:

- Should you approve this public policy, the Department will further engage with Global Affairs Canada
- The Department will develop a Memorandum of Understanding with the Foundation to outline their role and obligations for the selection and resettlement of identified individuals.

Caroline Xavier
Associate Deputy Minister

DM e-approved April 20, 2021
Catrina Tapley
Deputy Minister

Adopt the public policy for this group set out in Annex B.



The Hon. Marco E.L. Mendicino, P.C., M.P.
Minister of Immigration, Refugees and Citizenship

Annexes (2):

A: Memorandum F-1139031 and its annex

B: Temporary Public Policy to Facilitate Resettlement for Afghan Sikhs and Hindus



Immigration, Refugees and Citizenship Canada

Immigration, Réfugiés et Citoyenneté Canada

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

s.15(1)(f))

s.21(1)(a)

s.21(1)(b)

F-1139031

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MEMORANDUM TO THE MINISTER

RESETTLEMENT CONSIDERATIONS FOR SIKHS AND HINDUS FROM AFGHANISTAN

FOR DECISION

SUMMARY

- The purpose of this memorandum is to obtain a decision with regard to the resettlement to Canada of a group of Afghani religious minority refugees
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- Please select an option for this group by checking the corresponding “I concur” box and signing this memorandum at your earliest convenience. Should you select Option 2, officials will return to you to seek further direction and approval.

BACKGROUND:

- You have requested options to urgently facilitate the resettlement of a group of individuals who are members of religious minorities (Sikh and Hindu) from Afghanistan. There are 35 previously submitted private sponsorship applications that remain in progress.
- Of the 35 cases, all but one have been approved at the sponsorship stage and are awaiting processing of the refugee applicants at the migration office. The remaining case awaiting approval must still demonstrate that it meets sponsorship requirements.

CONSIDERATIONS:

Processing prioritization

- In keeping with United Nations Refugee Agency policy and procedures, Canada assesses requests for prioritized resettlement processing based on the circumstances of the individuals, country conditions and access to protection in the country of refuge, among other factors. To ensure fairness in the program, applicants generally have to present extenuating circumstances

Canada

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differing from those of other refugees that warrant priority status, which usually involves a direct threat to life, liberty or physical safety.

- While individual circumstances vary, Afghani Sikhs and Hindus are generally not facing a direct threat to life, liberty or physical safety and are not considered a higher risk population. As such, they would not normally be prioritized for resettlement, barring specific individual vulnerabilities, and we require your explicit direction to do so.

Eligibility

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- On initial review, two of the 35 cases may have entered prior to December 2014, while the rest arrived in 2015 or 2016. Consequently, while each case will have to be assessed against the requirements of the *Citizenship Amendment Act* more thoroughly by decision-makers, it appears that some may already be eligible to apply for citizenship, and more may be eligible to apply after completion of their residency requirement. This would provide the individuals in question with a durable solution

- The majority of Afghani Sikhs and Hindus

as per sub-paragraph 139(1)(d)(ii) of the *Immigration and Refugee Protection Regulations* (the Regulations). This eligibility determination will be completed by the officer assessing each case on its own merits. However, we can predict likely outcomes based on similar cases. In previous cases of Afghani religious minorities seeking refugee protection in Canada, many were found ineligible for resettlement to Canada due to an available durable solution

However, due to individual circumstances, some cases were exempted from this ineligibility and were approved based on humanitarian and compassionate grounds.

Travel restrictions and delayed arrivals

- As a result of COVID-19, refugee resettlement to Canada remains limited due to border restriction measures and the temporary suspension of resettlement departures by international partners. While travel restrictions are beginning to ease and as our primary resettlement partners resume facilitating resettlement movements, the Department is responsible for ensuring that safe, reliable travel is possible in coordination with partners and local authorities for all refugees seeking resettlement to Canada.
- Additional delays may also be caused due to the current COVID-19 restrictions at the IRCC office. As a result of the pandemic, clients are unable to attend the office to submit biometrics, be convoked for interviews, or receive their visas and travel documents if approved. The applicants in question would require an interview to evaluate admissibility and to provide biometrics, which cannot be done at Visa Application Centers for the refugee clientele. At this point, IRCC has not established alternate means to interview clients or enroll biometrics.
- Additionally, there are currently delays in the issuance of exit permits by the government due to ongoing COVID-19 restrictions. Individuals are not permitted to leave the country without permission from the Government. It also requires the payment of fines for exit permits due to overstays, which was already delaying the finalization of some resettlement applications prior to the pandemic.
- Therefore, pursuing expedited resettlement measures is unlikely to result in meaningfully faster arrivals to Canada, as travel options and operational capacity both remain severely limited, and nearly all applicants are subject to the border closures.

Should you decide to expedite, option have been developed.

Option 2 – Development of a public policy

- A public policy could be developed for this group to allow applicants to be granted permanent residence in Canada.
- Applicants could be exempted from the requirements of the *Immigration and Refugee Protection Act* (the Act) and the Regulations to come to Canada outside of an immigration class. This has been done in the past for a similar group whereby applicants were treated as privately sponsored refugees on arrival and benefitted from the support of private sponsors through income and settlement support, despite the individuals not arriving within the resettled refugee class.
- Applicants would be subject to all legislated admissibility requirements including the requirement not to be inadmissible on criminal, security and health grounds.

Pros:

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Cons:

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COMMUNICATIONS IMPLICATIONS:

- Domestic media interest in this issue is very low.

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- Should efforts to resettle this group proceed, a responsive communications approach is recommended.

RECOMMENDATION:

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NEXT STEP:

- If you decide to pursue Option 2, we will develop your preferred option in more detail and come back for your further direction and approval.

Caroline Xavier
Associate Deputy Minister

e-approved by DM Tapley 11/07/2020
Catrina Tapley
Deputy Minister

I concur

- Option 1
- Option 2
- Option 3



The Hon. Marco E.L. Mendicino, P.C., M.P.
Minister of Immigration, Refugees and Citizenship

Annex: List of Cases to Prioritize

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**is withheld pursuant to section
est retenue en vertu de l'article**

19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Temporary Public Policy to Facilitate the Resettlement of Afghan Sikhs and Hindus

Background

Afghan Sikhs and Hindus in Afghanistan, a country with a Muslim majority, face deep-rooted widespread discrimination and have suffered deadly attacks from Daesh affiliates. Their community has been declining for years and many have fled Afghanistan to seek asylum in other countries.

The Manmeet Singh Bhullar Foundation, the Gurdwara Guru Amardas Darbar Sikh Society and one Group of Five had submitted applications under the Private Sponsorship of Refugees Program for these cases.

Public Policy Considerations

The new *Temporary Public Policy to Facilitate the Resettlement of Afghan Sikhs and Hindus* recognizes the need for these individuals to immigrate to Canada. This new temporary public policy will facilitate the resettlement, through the Private Sponsorship of Refugees Program, of up to 36 Afghan Sikhs and Hindus (principal applicants) along with their family members, as members of

the Convention refugee abroad class or the country of asylum class, if these foreign nationals comply with the below described eligibility requirements (conditions).

The Manmeet Singh Bhullar Foundation will be the primary implementing partner and will be responsible for: issuing a referral letter; providing income and settlement support – as the Sponsorship Agreement Holder identified for the 36 cases – for the duration of one year to all principal applicants and their family members who will have immigrated to Canada under this temporary public policy.

I hereby establish that there are sufficient public policy considerations justifying granting exemptions, pursuant to section 25.2 of the *Immigration and Refugee Protection Act* (the Act), from the criteria and obligations in the Act and the *Immigration and Refugee Protection Regulations* (the Regulations) listed below when the foreign national complies with the eligibility requirements (conditions) set out below.

Eligibility requirements (conditions)

Based on public policy considerations, delegated officers may grant an exemption from the criteria and obligations listed below, when a foreign national (principal applicant) meets the following eligibility requirements (conditions):

1. The foreign national is a national of Afghanistan;
2. The foreign national is Sikh or Hindu;
3. The foreign national did not acquire citizenship;
4. An application for permanent residence and a sponsorship application as per paragraph 153(1)(b) of the Regulations were submitted by the foreign national or on behalf of the foreign national to Immigration, Refugees and Citizenship Canada (IRCC) prior to June 30, 2020;
5. A new sponsorship undertaking (as defined in section 138 of the Regulations) must be submitted, which lists the Manmeet Singh Bhullar Foundation as the Sponsorship Agreement Holder responsible for privately sponsoring the principal applicant and their eligible family members where with this sponsorship undertaking in writing to the Minister, the Manmeet Singh Bhullar Foundation will agree to provide, for one year, in the form of a payment and not a loan, income support equivalent to Resettlement Assistance Program rates, which can be supplemented through in-kind contributions or other forms of support. In the context of this undertaking, the Foundation will also commit to provide lodging and other basic necessities in Canada to the principal applicant and their eligible family members;

- 6.
- 7.
8. A referral letter signed by the Manmeet Singh Bhullar Foundation indicating that they have determined, in accordance with subsection 25.2(4) of the Act, that the principal applicant and their family members are eligible under this public policy as, in their opinion, these foreign nationals meet the above conditions (eligibility requirements) of the public policy. The final assessment pertaining to the eligibility of such foreign nationals under this public policy will be done by delegated officers;
- 9.

AND,

A Memorandum of Understanding between IRCC and the Manmeet Singh Bhullar Foundation must be in force.

Family members of the principal applicant eligible for immigration to Canada under this temporary public policy will be granted the same exemptions as the principal applicant if the latter is eligible under this public policy and the below exemptions are granted to the principal applicant.

Definition of family members

Family members are defined as persons who meet the definition of “family member” in subsection 1(3) of the Regulations as assessed by a delegated officer.

Criteria and obligations from the Act and Regulations for which an exemption may be granted

- Paragraph 139(1)(d) of the Regulations – that there be no reasonable prospect of a durable solution in a country other than Canada;
- Paragraph 139(1)(g) of the Regulations – be able to become successfully established in Canada;
- Subsection 140.3(4) of the Regulations – to submit an application to the immigration office that serves the foreign national’s place of residence; and,
- Section 307 of the Regulations – to pay the application processing fee for examining circumstances under subsection 25.2(1) of the Act.

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Other statutory eligibility and admissibility requirements

Principal applicants and their family members eligible under this temporary public policy are subject to all other statutory eligibility and admissibility requirements not exempted under this temporary public policy.

Provincial selection criteria (Quebec)

Principal applicants and their family members, eligible under this temporary public policy, intending to reside in Quebec are subject to the Province of Quebec's selection criteria further to subsection 70(3) of the Regulations, and cannot be granted permanent residence unless Quebec determines that they meet the applicable selection criteria of the province.

Start date and end dates

This temporary public policy takes effect on the date when it is signed. Operationalization of this temporary public policy will start when the MOU with the Manmeet Singh Bhullar Foundation is in force.

IRCC will accept a maximum of 36 applications for permanent residence as described above under this temporary public policy.

This temporary public policy ends when IRCC has rendered a final decision on up to 36 cases, or on June 30, 2022, whichever comes first.

However, if the Minister of Citizenship and Immigration, or the Manmeet Singh Bhullar Foundation terminates the Memorandum of Understanding, the public policy will end on the date of this termination. In such a scenario, IRCC will only process applications under this temporary public policy that were received prior to, or on the date of termination.



The Honourable Marco E. L. Mendicino, P.C., M.P.
Minister of Citizenship and Immigration
Dated at Ottawa, this 28th day of May 2021

Politique d'intérêt public temporaire visant à faciliter la réinstallation des sikhs et des hindous afghans

Contexte

En Afghanistan, un pays à majorité musulmane, les sikhs et les hindous afghans font l'objet d'une discrimination généralisée profondément enracinée et ont subi des attaques mortelles de la part de groupes affiliés à Daech. Leur communauté est en déclin depuis des années et beaucoup ont fui l'Afghanistan pour demander l'asile dans d'autres pays.

La Manmeet Singh Bhullar Foundation, la Gurdwara Guru Amardas Darbar Sikh Society et un groupe de cinq avaient présenté des demandes dans le cadre du Programme de parrainage privé de réfugiés pour ces cas.

Considérations d'intérêt public

La nouvelle *Politique d'intérêt public temporaire visant à faciliter la réinstallation des sikhs et des hindous afghans* reconnaît la nécessité pour ces personnes d'immigrer au Canada. Elle facilitera la réinstallation, dans le cadre du Programme de parrainage privé de réfugiés, d'au plus 36 sikhs et hindous afghans (demandeurs

principaux) ainsi que des membres de leur famille, à titre de membres de la catégorie des réfugiés au sens de la Convention outre-frontières ou de la catégorie des personnes de pays d'asile, si ces étrangers répondent aux critères d'admissibilité (conditions) décrits ci-après.

La Manmeet Singh Bhullar Foundation sera le principal partenaire de mise en œuvre et sera chargée de délivrer une lettre de recommandation et d'offrir un soutien au revenu et à l'établissement – en tant que signataire de l'entente de parrainage pour les 36 cas – pendant un an, à tous les demandeurs principaux et aux membres de leur famille qui auront immigré au Canada en vertu de la présente politique d'intérêt public temporaire.

Par la présente, j'établis qu'il y a suffisamment de considérations d'intérêt public justifiant l'octroi, aux termes de l'article 25.2 de la *Loi sur l'immigration et la protection des réfugiés* (la *Loi*), de dispenses des critères et obligations prévus dans la *Loi* et dans le *Règlement sur l'immigration et la protection des réfugiés* (le *Règlement*) énumérés ci-après lorsque l'étranger se conforme aux critères d'admissibilité (conditions) énoncés ci-après.

Critères d'admissibilité (conditions)

En se fondant sur des considérations d'intérêt public, les agents délégués peuvent accorder une dispense des critères et obligations énumérés ci-après, lorsqu'un étranger (demandeur principal) répond aux critères d'admissibilité (conditions) suivants :

10. L'étranger est un ressortissant de l'Afghanistan;
11. L'étranger est sikh ou hindou;
12. L'étranger n'a pas acquis la citoyenneté
13. Une demande de résidence permanente et une demande de parrainage aux termes de l'alinéa 153(1)b) du *Règlement* ont été présentées par l'étranger ou en son nom à Immigration, Réfugiés et Citoyenneté Canada (IRCC) avant le 30 juin 2020;
14. Un nouvel engagement de parrainage (au sens de l'article 138 du *Règlement*) doit être soumis, désignant la Manmeet Singh Bhullar Foundation comme signataire de l'entente de parrainage pour le parrainage privé du demandeur principal et des membres de sa famille admissibles et dans le cadre duquel, en présentant cet engagement de parrainage par écrit au ministre, la Manmeet Singh Bhullar Foundation accepte de fournir pendant un an, sous la forme d'un versement et non d'un prêt, un soutien au revenu équivalant au taux du Programme d'aide à la réinstallation, auquel peuvent s'ajouter des contributions en nature ou d'autres formes de soutien. Dans le cadre de cet engagement, l'organisme s'engage également à

fournir un logement et des articles de première nécessité au Canada au demandeur principal et aux membres de sa famille admissibles;

15.

16.

17. Une lettre de recommandation signée par la Manmeet Singh Bhullar Foundation mentionnant qu'elle a établi, aux termes du paragraphe 25.2(4) de la *Loi*, que le demandeur principal et les membres de sa famille sont admissibles en vertu de la présente politique d'intérêt public parce que, selon elle, ces étrangers répondent aux conditions susmentionnées (critères d'admissibilité) de la politique d'intérêt public. L'évaluation finale de l'admissibilité de ces étrangers en vertu de la présente politique d'intérêt public sera effectuée par des agents délégués;

18.

ET

Un protocole d'entente doit être en vigueur entre IRCC et la Manmeet Singh Bhullar Foundation.

Les membres de la famille du demandeur principal qui sont admissibles à l'immigration au Canada en vertu de la présente politique d'intérêt public temporaire se verront accorder les mêmes dispenses que le demandeur principal si ce dernier est admissible en vertu de la présente politique d'intérêt public et que les dispenses ci-après sont accordées au demandeur principal.

Définition de membre de la famille

Les membres de la famille sont définis comme des personnes qui répondent à la définition de « membre de la famille » énoncée au paragraphe 1(3) du *Règlement*, selon l'évaluation d'un agent délégué.

Critères et obligations prévus dans la *Loi* et le *Règlement* pour lesquels une dispense peut être accordée

- Alinéa 139(1)d) du *Règlement* – aucune possibilité raisonnable de solution durable n'est réalisable dans un délai raisonnable dans un pays autre que le Canada;
- Alinéa 139(1)g) du *Règlement* – pouvoir réussir l'établissement au Canada;
- Paragraphe 140.3(4) du *Règlement* – faire une demande au bureau d'immigration qui dessert le lieu de résidence de l'étranger;
- Article 307 du *Règlement* – payer les frais pour l'étude du cas, aux termes du paragraphe 25.2(1) de la *Loi*.

Autres critères de la recevabilité et d'admissibilité prévus par la loi

Les demandeurs principaux et les membres de leur famille admissibles en vertu de la présente politique d'intérêt public temporaire sont assujettis à toutes les autres exigences de la recevabilité et d'admissibilité prévues par la loi dont ils ne sont pas dispensés par la présente politique d'intérêt public temporaire.

Critères de sélection provinciaux (Québec)

Les demandeurs principaux et les membres de leur famille qui sont admissibles en vertu de la présente politique d'intérêt public temporaire et qui ont l'intention de résider au Québec sont assujettis aux critères de sélection du Québec énoncés au paragraphe 70(3) du *Règlement*, et ils peuvent uniquement se voir accorder la résidence permanente si le Québec conclut qu'ils répondent aux critères de sélection applicables de la province.

Dates de début et de fin

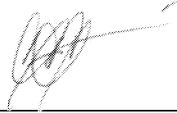
La présente politique d'intérêt public temporaire entre en vigueur à la date de sa signature. La mise en œuvre de la politique d'intérêt public temporaire commencera lorsque le protocole d'entente avec la Manmeet Singh Bhullar Foundation sera en vigueur.

IRCC acceptera un maximum de 36 demandes de résidence permanente dans le cadre de la présente politique d'intérêt public temporaire.

La politique d'intérêt public temporaire prendra fin lorsqu'IRCC aura rendu une décision définitive sur un maximum de 36 cas, ou le 30 juin 2022, selon la première de ces éventualités.

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Toutefois, si le ministre de la Citoyenneté et de l'Immigration ou la Manmeet Singh Bhullar Foundation met fin au protocole d'entente, la politique d'intérêt public prendra fin à la date de cette résiliation. Dans un tel scénario, IRCC traitera uniquement les demandes en vertu de la présente politique d'intérêt public temporaire qui auront été reçues à la date de la résiliation ou avant cette date.



L'honorable Marco E. L. Mendicino, C.P., député
Ministre de la Citoyenneté et de l'Immigration

Fait à Ottawa, ce 28 jour de mai 2021