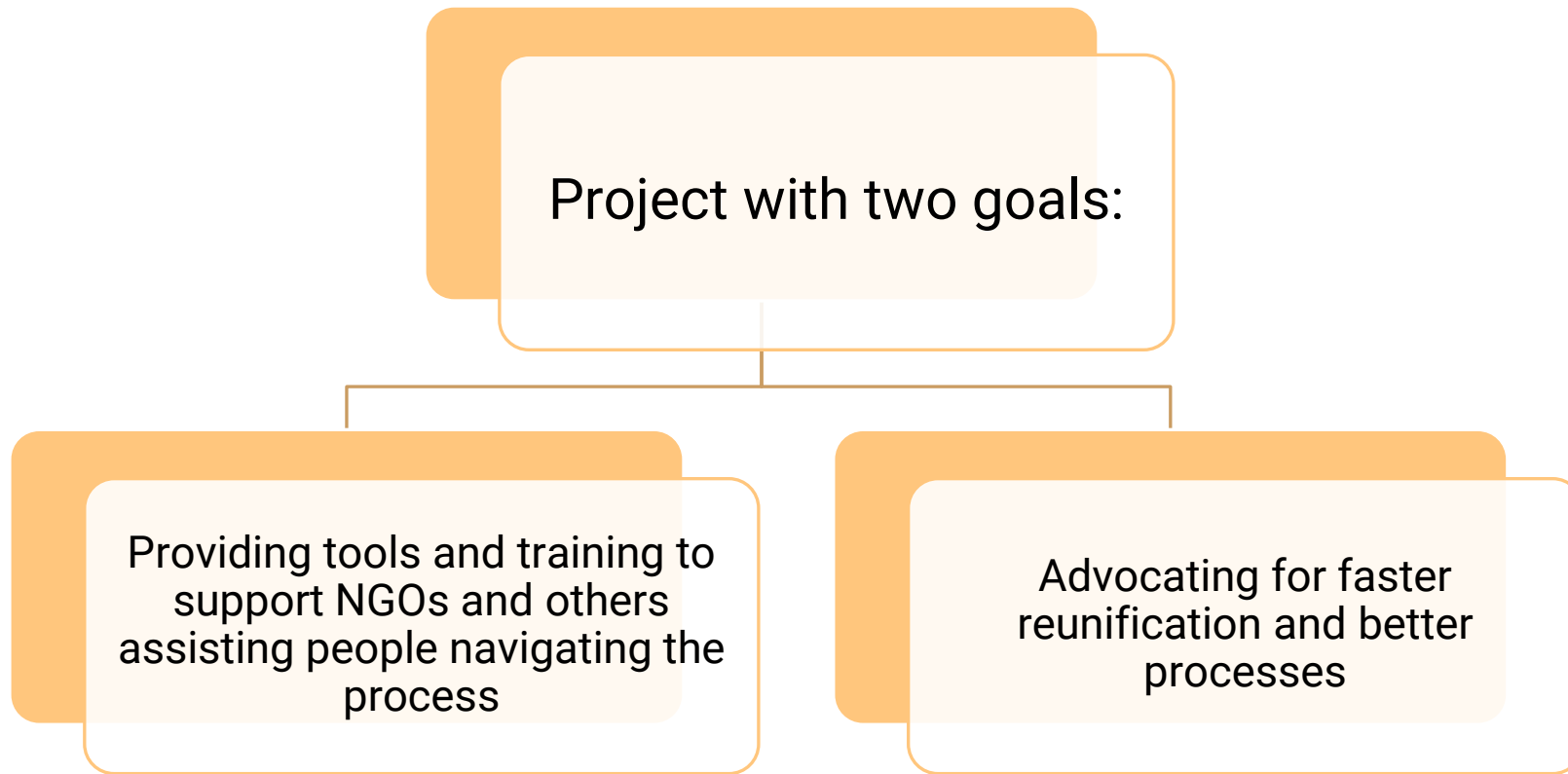


# One Year Window Eligibility issues

10 June 2025

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# Refugee Family Reunification Project



Thanks to the Alberta Association of Immigrant  
Serving Agencies (AAISA) for hosting the meeting!

And to Umashanie Reddy and Belul Tesfu

# About the meeting

- We will present some basic information and scenarios, and invite you to comment on your experiences
- We will send you the slides
- We will record the meeting – let us know if we should edit out any comments

# Pour les francophones

- Une version en français des diapos est disponible
- Une rencontre en français est envisagée à l'automne
- N'hésitez pas à poser vos questions en français

# Our resource persons

Nir Gepner, lawyer, Willowdale Community Legal Services

Jonathan Porter, lawyer

Ekaterina Pak, RSTP

Michael Casasola, UNHCR Ottawa

Tereza Hadzic, UNHCR Ottawa

Janet Dench, Refugee Family Reunification Project

# And...

Libby Angel, Association for New Canadians, St John's

Rehab El Mezeini, Action Réfugiés Montréal and Refugee Family  
Reunification Project

# What is One Year Window of Opportunity (OYW)

Allows a refugee to apply to reunite with immediate family members within one year of the refugee becoming a permanent resident.

Applies to:

- Government-assisted refugees
- Privately sponsored refugees
- People accepted as Protected Persons in the claim process in Canada (less frequent)



# Family members eligible for OYW

- “Family member” = spouse or common-law partner, dependent children and dependent children of dependent children
- Must have been declared as family members in the application of the refugee

## **Dependent children**

- Children under 22 years (unmarried/not in common-law relationship)
- Older children who are dependent on parent due to a physical or mental condition

# Must have been declared?

- Family member must have been declared by refugee before travelling to Canada
- Declaring at airport on arrival is not sufficient
- But baby born to spouse after arrival can be included as dependent of spouse

# Scenario A

- Family is being resettled to Canada – two parents and children.
- While the application is in process they have another child. They are advised by people not to report the child to the Canadian government because it will delay departure, and they have already been waiting four years in precarious circumstances.
- The baby is not declared at the airport on arrival in Canada.

# Options

The baby was not declared so is not eligible for OYW. The family can consider:

- Applying for OYW with humanitarian and compassionate exemption request
- Applying for Family Class sponsorship (with humanitarian and compassionate arguments if necessary)
- Applying for a Temporary Residence Permit

# Humanitarian and compassionate exemption requests

## **Purpose of H&C exemption requests**

- to alleviate harsh immigration consequences

## **Test**

- whether the situation would excite in a reasonable person the desire to help

# Applying for OYW with a humanitarian and compassionate exemption request

Some considerations for the person applying:

1. Processing times
2. Strength of argument and evidence (merit)
3. Leniency in inadmissibility assessments
4. Likelihood of acceptance through other processes
5. Questions of misrepresentation and eligibility
6. H&C submissions may be comprehensive – see next slide

# H&C submissions

H&C considerations are unique to each case and may include reference to many things that would make a case compelling.

Common factors:

1. Best interests of the child
2. Hardships (including conditions in country of residence, health conditions, mental and emotional issues associated with separation from family, gender related hardships)
3. Establishment in Canada / economic self-sufficiency and viability
4. Risks (or lack of risks) to Canada/Canadians

It is the applicants' job to make their case, so H&C submissions and evidence should be as comprehensive and strong as possible.

# H&C submissions in OYW application

In a OYW process, the evidence, declarations and submissions would be filed alongside the application (or as an update to the application), clearly indicating the exemptions requested and that this is an H&C request.

Some people may be ineligible to seek H&C exemption, so it is important to get advice in advance.

Generally, legal assistance is recommended when filing H&C requests.



# Applying for Family Class

Family class applications allow permanent residents and citizens of Canada to sponsor specific relatives to Canada, so that they may become permanent residents and reunite with the sponsor here.

**Undeclared family members** are generally excluded from Family Class sponsorship.

However, a [public policy](#) currently allows for the Family Class sponsorship of undeclared family members by most resettled refugees.

# Applying for Family Class

Some considerations:

1. Relatively fast processing times
2. Questions of misrepresentation and eligibility for the public policy
3. Sponsorship requirements, and sponsorship undertaking
4. Costs
5. Less leniency on inadmissibility

OYW application	Family Class application
No requirements other than applying for a declared family member within one year of landing in Canada as a resettled refugee	Sponsor must meet certain criteria (including not be on some forms of social assistance, not be in default of immigration loan payments)
No application fee. Immigration loan available for medical, biometrics, travel.	Costs: application fees, medical exam, biometrics, travel
More flexibility on processing requirements due to being in refugee stream	More rigid processing expectations (although can request flexibility)

OYW application	Family Class application
Processing may be slower (refugees are supposed to have priority, but there is no service standard for OYW)	Processing may be faster. Service standards exist. Processing times can be checked online.
Reluctance to engage and approve H&C considerations + <u>no</u> public policy for undeclared family members	Public policy for undeclared family members exists (until Sep 2026)
Less rigid inadmissibility assessment/requirements	More rigid inadmissibility assessment/requirements

OYW application	Family Class application
After arrival, family members are supported financially for one year by IRCC/MIFI (GAR arrivals) or by sponsor (Privately sponsored)	After arrival, the sponsor is responsible for financial support for sponsored family members.
After one year, family members can turn to social assistance if necessary.	If family members turn to social assistance during <a href="#">the period of sponsorship</a> , the sponsor will be asked to repay the government

# Applying for TRP

Temporary Resident Permits (“TRPs”) are special authorization for people to come to Canada or remain here as temporary residents because of compelling reasons, where they are not otherwise eligible.

Family members of resettled refugees may request these permits so that they may come and be with their family in Canada while their permanent residence application is processed (or in order to file a permanent residence application in Canada).

# Applying for TRP

Some considerations:

1. Do IRCC's processing times justify the issuance of a TRP application?  
Are there any other issues of urgency justifying the TRP application?
2. The TRP needs to be compelling and supported with evidence and submissions.
3. Be prepared to be refused at first, and to challenge a refusal in court.
4. Questions of misrepresentation and eligibility

Generally, legal assistance is recommended when applying for a TRP.

# Scenario B

- Same scenario as Scenario A

BUT

- The baby is declared at the airport on arrival in Canada.



# Baby is still ineligible for OYW

- Declaring at airport on arrival is not sufficient for OYW eligibility (needs to be declared before departure to Canada)

# Scenario C

- Man is resettled to Canada.
- His spouse is not listed on the Confirmation of Permanent Residence.
- However, he says that he told the visa officer at the interview that he has a spouse.

# Look for proof of reporting

- Seek IRCC notes (ATIP on electronic notes v. ATIP on entire file)
- UNHCR notes (if referred by UNHCR) – generally UNHCR will not share
- Other referral agents may be more willing to share
- Include in H&C submission the details of his attempts to communicate about his spouse

# Scenario D

- Young woman is resettled to Canada with her family (parents and siblings).
- She had a baby shortly before the family was resettled to Canada. She wanted to report the baby to IRCC but her parents refused because they were ashamed she had the baby and didn't want to delay their departure.
- She wants to bring to Canada her baby and the father of the child.

# Potential issues of misrepresentation and eligibility for baby's mother

Although refugees are generally exempted from inadmissibility on the basis of misrepresentation, certain family relationships could mean that the person was ineligible for resettlement.

For example: if the mother was in a common-law relationship with the father of the child.

Important to seek out advice from a lawyer.

# Scenario E

- A couple is resettled to Canada.
- They have left behind an adopted daughter.
- They had reported her to IRCC and tried to have her come with them to Canada, but they were told that because she was not formally adopted, she did not meet the definition of a family member.

# De facto family members

- IRCC states that de facto family members cannot come through OYW
- Orphaned nephews and nieces, siblings and grandchildren can be sponsored through the Family Class

# Chances of success: factors to consider

Applications for people who don't meet IRCC's narrow definition of "family member" may be more likely to succeed:

- The closer the relationship is to IRCC's definition
- If the best interests of the child favour reuniting in Canada
- If there are factors relating to gender-based violence



# Other options

- Private Sponsorship of Refugees Program (PSRP)
- Economic Mobility Pathways Pilot (EMPP)

# Private Sponsorship of Refugees

- Allows individuals and organizations in Canada apply to sponsor refugees
- Applicants must be outside their home country and outside Canada
- No other durable solution (cannot return home, cannot stay where they are, and no offer of resettlement to another country)
- Sponsors provide financial and settlement support for **12 months**

# Private Sponsorship of Refugees (cont'd)

- Currently pause on Group of Five and Community Sponsor applications
- Sponsorship Agreement Holders (SAHs) can sponsor but have a cap (for sponsorships outside Quebec)

More information:

[RSTP](#)

[IRCC](#)

# Economic Mobility Pathways Pilot (EMPP)

- Program for skilled refugees and displaced persons
- Bridge between humanitarian and economic programs
- Regional EMPP – must meet requirements of PNP or Atlantic Immigration Program
- Federal EMPP – with job offer or limited number of applicants without job offer
- Does not apply in Quebec

# EMPP (cont'd)

- Applicants must meet work experience, education and language requirements
- Proof of refugee status, person of concern, or Temp Protection Status
- Waivers and other facilitative measures
- Support available through partner organizations

More information:

[IRCC](#)

[EMPP partners](#)

# Continuing the conversation on OYW

- [Website resources](#)
- [Listserv](#) on refugee family reunification processing issues
- Follow up **webinars?**