

TAB 4

Assisted Voluntary Returns

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19th Annual Immigration Law Summit – Day Two



The Law Society of
Upper Canada | Barreau
du Haut-Canada

CONTINUING PROFESSIONAL DEVELOPMENT



Assisted Voluntary Returns

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Canada Border
Services Agency

Agence des services
frontaliers du Canada

Canada

Why Assisted Voluntary Returns?

As part of the implementation of the *Balanced Refugee Reform Act*, the CBSA is administering an Assisted Voluntary Returns pilot program

The CBSA aims to encourage voluntary returns as a cost-effective and timely option that complements traditional enforced removals, with the benefit of allowing failed claimants to reach their country of return with greater dignity and anonymity

- Many failed claimants lack an understanding of the consequences of not leaving Canada immediately upon receiving their negative refugee decision
- Some failed claimants lack the means to leave the country voluntarily and support themselves upon returning, leading to long stays in Canada after they've received a negative IRB decision
- Most failed refugee claimants will end up being removed by the CBSA instead of returning voluntarily, which can come at a cost of up to \$15,000 per person even in low-risk cases

AVR Assistance

- Educational and counselling assistance to develop a realistic, sustainable plan to help pilot program participants realize a successful and voluntary return
- Help obtaining a travel document and plane ticket to the country of return (average ticket cost of \$1,500 – which, if paid for by the Government of Canada, must be reimbursed in order for the individual to return to Canada in the future)
- One-time re-integration assistance in-kind, to a maximum of \$2,000 CAD per eligible individual, delivered by local service partners in the country of return (e.g. help starting a small business, education, vocational training or employment placement)

The Assisted Voluntary Returns Process

CBSA

IOM

**Inform Potential
Applicants**

**Assess and Monitor
Applicant Eligibility**

**Plan Re-integration
Assistance and Assist Return**

Return

**Implement Re-integration
Assistance Plan**

Ensuring Program Integrity

Privacy of Information

- The CBSA will properly manage personal information on clients in accordance with the Privacy Act
- The IOM has stringent policies governing its disclosure of private information

Monitoring of Reintegration Funds

- The IOM will be required to provide regular reporting to the CBSA based upon on a set of performance indicators related to program activities
- Local IOM offices in the participant's country of return will work with local service partners to ration and monitor reintegration funds
- Other than for minor incidental expenses (e.g. taxi, meal while traveling home) reintegration assistance is not given as cash directly to the participant to avoid siphoning of aid via criminals or corrupt officials

Unfounded claims

- The limited in-kind services (up to \$2,000) that will be available under the pilot program are not enough of an incentive for people to file a refugee claim simply to benefit from the pilot program
- If a claimant is judged by the IRB to have made a manifestly unfounded claim, they are not eligible for assistance under the AVR pilot program, further discouraging the filing of unfounded claims simply to obtain the reintegration assistance

Who is eligible for AVR?

- Applicants who have received a negative determination on their claim for refugee protection from the Immigration and Refugee Board (IRB)-*application to the AVR program can take place after the RPD or RAD decisions as applicable*
- Within the Greater Toronto Area:
 - Submitted a claim for refugee status at any port of entry, CBSA or CIC inland office within the GTA region
 - Refugee claim heard by the IRB within the GTA Region
 - Removal being effected from the GTA Region
- Applicants must satisfy the parameters of voluntary compliance (defined in Section 238 of the Immigration and Refugee Protection Regulations)
- Applicants (or lead applicants of a family unit) must be a citizen of a country, and intends to be removed to a country, from within the following geographical areas:
 - For Phase 1: June 29, 2012 to March 31, 2013: Mexico, Caribbean, Central America, South America
 - For Phase 2: April 1, 2013 to March 31, 2015: no restriction, all countries.

Who is not eligible for AVR?

- Applicants who present criminality and/or security concerns
 - Applicant is issued a warrant for arrest or removal by the CBSA or any law enforcement agency
 - Applicant is reported for serious criminality or criminality (IRPA36)
 - Applicant is reported as being inadmissible to Canada or is found to be inadmissible on security grounds, human or international rights violations, or organized crime (IRPA34, 35, 37 respectively)
- Applicants who have withdrawn or abandoned their refugee claim
 - Applicant withdraws his/her refugee claim before having received a determination by the IRB
 - Applicant whose claim has been declared abandoned by the IRB
- Applicants applying for H&C / Permanent Residence
 - Client for whom an application for permanent residence is submitted from within Canada based on humanitarian and compassionate considerations
 - Applicant has submitted an in-Canada application for permanent residence accompanied by a spousal sponsorship application

Who is not eligible for AVR?

- Applicants from a country with a temporary suspension of removal
- Applicants who do not remain in compliance with all terms and conditions issued to them by the Government of Canada
- Applicants who have received a determination by the IRB that the claim is Manifestly Unfounded (IRPA 107.1) or who receive a refugee decision based on an application with no credible basis (IRPA107(1))
- Applicants who remain in Canada for more than 365 days following their final IRB decision

Questions?



Visit www.cbsa-asfc.gc.ca/agency-agence/refugee-refugie
for more information on Balanced Refugee Reform