

Temporary resident visas for certain family members of Canadian citizens and permanent residents living in Gaza

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This handout is solely for informational purposes. We urge you to consult with us at info@connectingottawa.com if you have any specific legal questions about a client's situation.

PROGRAM DESCRIPTION

Canadian citizens and permanent residents who live in Canada or intend to return to live in Canada may act as an "anchor" relative so that certain family members in Gaza may come to Canada on a temporary resident visa. The anchor in Canada must sign a statutory declaration pledging various forms of support for their family member on arrival. To qualify for the temporary resident visa, the Canadian citizen or permanent resident's family member in Gaza must be their spouse or common law partner, child of any age, their parent, their grandparent, their grandchild or their sibling. These family members may include their own spouse and dependent children on their application. For example, a permanent resident could provide a statutory declaration in support of their sister, her husband and their two children under age 22.

In addition to the family relationship, individuals coming to Canada through this program must hold a passport or travel document issued by the Palestinian Authority, be in the Gaza Strip on the day they submit their application, not be inadmissible to Canada for any reasons other than for financial reasons, and undergo a medical exam if they have been in certain countries. The medical exam can be done after exiting Gaza.

The Canadian citizen or permanent resident anchor must be 18 years old or older, live in Canada or intend to live in Canada, and be willing to help their family members for one year. The anchor must not be receiving social assistance. See the full public policy for other factors that could make someone ineligible to act as an anchor. Note that the anchor may serve as an anchor for more than one family member coming to Canada.

For complete details on eligibility for this program, please see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/eligibility.html>

Note that when the Canadian citizen or permanent resident completes the statutory declaration in support of their family member's application, it must be signed by an authorized official such as a notary, lawyer or justice of the peace. The document may be notarized digitally. A separate statutory declaration is required for each family group coming to Canada. For example an individual supporting the application of their parents and an adult sister would need to complete one declaration for their parents (1 family unit) and a separate one for the sister (a second family unit).

After completing their statutory declaration, the family member in Canada must complete and submit an IRCC crisis web form providing certain information about each family member in Gaza for whom they are acting as an anchor. They must attach their statutory declaration, their Canadian government ID, their proof of status in Canada and proof that they live or intend to live in Canada to the web form. An anchor must submit a separate web form for each family unit for whom they are acting as an anchor. Please see complete instructions on how to submit the web form under "Step 2" at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/apply.html>

If the web form is completed correctly, the family member in Canada will receive a letter by email with reference codes for each family member listed on their statutory declaration. Each family member's reference code must be used to start their temporary resident visa application. Families will need to act quickly as the program announcement indicates only 1,000 applications will be accepted and receiving

a reference code does not guarantee a spot in the program.

The individual in Gaza or their family member in Canada or lawyer can complete the temporary resident visa application through the IRCC portal using the reference code. Note that if the individual in Gaza is appointing their family member in Canada or a lawyer as their representative, they must complete a Use of Representative Form which must be uploaded to the portal. An unsigned form may be submitted if the individual in Gaza is unable to sign.

Please review the detailed IRCC web page concerning all documents which must be uploaded. Note that an explanation may be provided if an individual in Gaza is currently unable to provide a copy of their passport or proof of relationship to the family member in Canada. This application does not require proof of funds or proof of employment like a typical temporary resident visa application.

In addition, as part of their application for the temporary resident visa, the family members in Gaza must all complete consent to disclose personal information forms. This form permits the government of Canada to share the individual's personal information with the governments of Israel and Egypt in order to try to obtain permission for the individuals to exit Gaza. The government of Canada is not able to guarantee protection of the individual's privacy and exiting Gaza to come to Canada will not be possible without signing the form.

The government of Canada cannot guarantee that anyone will be approved to leave Gaza since other governments make this decision. Depending on the situation of the family members in Gaza, they either complete the form themselves, send particular information to their family member or lawyer in Canada by text which will be uploaded to their application as a screenshot, or give verbal consent to their family member or lawyer in Canada acting as their representative (permitting them to complete the consent form on their behalf). Please review the full IRCC web page concerning the statutory declaration of the anchor and consent form for precise instructions at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/apply.html>

To upload documents in the IRCC portal, follow the exact steps for completing the temporary resident visa application found at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/apply.html>

The application fees include the \$100 TRV fee per person and the \$85 biometrics for all individuals who must undergo biometrics collection after exiting Gaza (individuals between age 14 and 79). Fees may be paid by an individual in Canada and the fees receipt uploaded to the application.

The government of Canada makes clear that it will be the applicant's responsibility to pay for their own stay in any country outside Gaza where they go for biometrics collection if they stay there longer than the two nights the government will pay for. In addition, it is the applicant's responsibility to maintain legal status in that country. Details are very limited in terms of the procedures for receiving permission to exit Gaza and then complete processing in another country in the region. See the limited information available about final steps at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/after.html>

On arrival in Canada, individuals who enter as temporary residents under this program will receive Interim Federal Health coverage for 90 days and are eligible to apply for a fee-exempt study or work permit. They will enter with visitor status valid for three years. If their passport is not valid for three years, they will receive visitor status for a shorter period but can apply to extend it if they renew their passport, in order to receive the full three years to which they are entitled. See: <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures/in-canada.html#wb-cont>