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Primer on the *Global Compact on Refugees* and the *Global Compact for Safe, Orderly and Regular Migration*

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*Primer on the Global Compact on Refugees
and the Global Compact for Safe, Orderly and Regular Migration
(Background Paper)*

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PRIMER ON THE *GLOBAL COMPACT ON REFUGEES AND THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION*

1 INTRODUCTION

The *Global Compact on Refugees*¹ (GCR) and the *Global Compact for Safe, Orderly and Regular Migration*² (GCM) are international agreements negotiated by states, with the support of the United Nations (UN) and input from civil society, that cover the movement of people. Based on pre-existing international conventions and practices, they set out objectives for how migration management and refugee protection should be approached within states of origin, states of transit and host states. They promote effective international cooperation in managing migration by addressing the disproportionately heavy burdens certain countries are carrying and by seeking to replace the previous ad hoc reactions to major flows of migrants. While not adopted unanimously, the agreements have the support of a large majority of states in the international community.

Although refugees and migrants are sometimes referred to as one and the same, their differences explain the existence of two separate but complementary agreements. On the one hand, refugees³ are protected by a well-established international legal framework, applicable in cases of flight due to persecution, violence, or other conditions related to vulnerability in their home countries. Migrants,⁴ on the other hand, are a broader group that includes individuals who change their country of residence, irrespective of the reason. While migrants and refugees are both entitled to universal human rights and fundamental freedoms, the two global compacts take into account different underlying obligations for states.

The global compacts are not legally binding. Although the months of negotiations behind their creation and the various iterations of their commitments resembled a treaty-making process, they are not international conventions. Thus, they encourage states to act according to certain goals rather than compel them to do so.

The following sections of this publication address recent steps in the development of both global compacts before delving into their content. Canada's contribution towards the negotiation of the global compacts is then addressed, followed by a discussion of what Canada is doing in respect of the agreements.

2 FROM THE *NEW YORK DECLARATION FOR REFUGEES AND MIGRANTS* TO THE ADOPTION OF THE GLOBAL COMPACTS

On 19 September 2016, the UN General Assembly (UNGA) unanimously adopted the *New York Declaration for Refugees and Migrants* (New York Declaration).⁵ The New York Declaration was an expression of political will that the protection of refugees and migrants and the support to countries sheltering them should be addressed as shared international responsibilities. It endorsed commitments applying

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jointly to refugees and migrants, as well as those applying to refugees and migrants separately. It also set in motion two independent processes that would lead to the adoption of actionable objectives represented in the two global compacts.

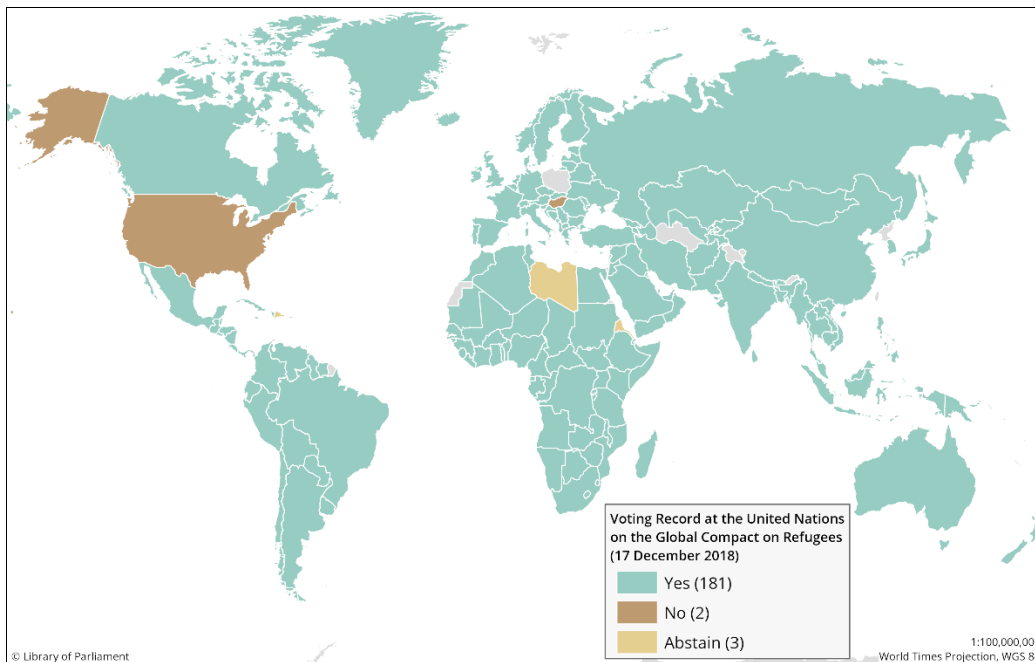
2.1 TOWARDS A GLOBAL COMPACT ON REFUGEES

The development of the GCR included consultations led by the United Nations High Commissioner for Refugees (UNHCR) with states, international organizations, refugees, civil society, the private sector and experts.⁶ The starting point for the process included discussions surrounding the practical application of responsibilities listed in the Comprehensive Refugee Response Framework (CRRF), as set out in Annex I of the New York Declaration.⁷ As explained below, the CRRF consists of various state actions and objectives that contribute to a comprehensive response to any large movement of refugees.

A series of thematic discussions between states held in 2017 was followed by consultations on successive drafts of the GCR between February and July 2018. These were complemented by hundreds of written contributions from UN member states and other stakeholders.⁸

The GCR was officially endorsed by the UNGA on 17 December 2018, with 181 votes in favour, two against (Hungary and the United States) and three abstentions (Dominican Republic, Eritrea and Libya), as seen in Figure 1.

Figure 1 – International Support for the *Global Compact on Refugees*



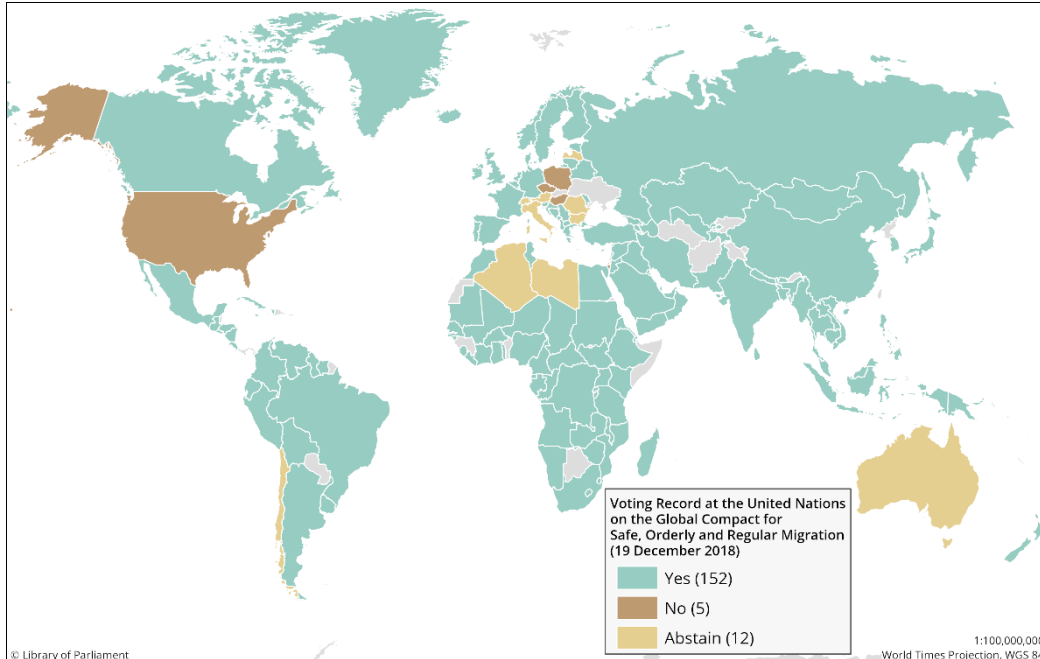
Sources: Map prepared by Library of Parliament, Ottawa, 2019, using data obtained from Food and Agriculture Organization of the United Nations, "[Global Administrative Unit Layers \(GAUL\)](#)," *GeoNetwork*, 2015; and United Nations General Assembly, [Vote Name: Item 65 A/73/583 Draft Resolution II: Office of the United Nations High Commissioner for Refugees](#), 55th Plenary Meeting, 17 December 2018. The following software was used: Esri, ArcGIS Pro, version 2.3.0.

2.2 TOWARDS A GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

The path towards the adoption of the GCM was set out in Annex II of the New York Declaration. The process was shepherded by a newly appointed Special Representative of the United Nations Secretary-General for International Migration, the Honourable Louise Arbour, formerly the UN High Commissioner for Human Rights.⁹ Co-facilitators Jürg Lauber, Permanent Representative of Switzerland, and Juan José Gómez Camacho, Permanent Representative of Mexico, were chosen by the President of the UNGA to oversee 18 months of consultations and negotiations by states, including a year of thematic, regional and multi-stakeholder discussions covering all aspects of migration.¹⁰ Six further rounds of intergovernmental negotiations were held in New York, and on 13 July 2018, UN member states finalized the text of the GCM.

On 10 December 2018, the GCM was adopted by 164 governments at an intergovernmental conference in Marrakech. It was formally endorsed by the UNGA on 19 December 2018, with 152 votes in favour, five against (Czech Republic, Hungary, Israel, Poland and the United States) and 12 abstentions (Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore and Switzerland), as seen in Figure 2.

Figure 2 – International Support for the Global Compact for Safe, Orderly and Regular Migration



Sources: Map prepared by Library of Parliament, Ottawa, 2019, using data obtained from Food and Agriculture Organization of the United Nations, “[Global Administrative Unit Layers \(GAUL\)](#),” *GeoNetwork*, 2015; and United Nations General Assembly, [Vote Name: Items 14 and 119 Draft resolution A/73/L.66 \(as orally revised\): Global Compact for Safe, Orderly and Regular Migration](#), 60th Plenary Meeting, 19 December 2018. The following software was used: Esri, ArcGIS Pro, version 2.3.0.

2.3 CANADA'S CONTRIBUTION TO THE NEGOTIATION OF THE GLOBAL COMPACTS

Prior to the adoption of the New York Declaration, Canada, in collaboration with Jordan, Fiji, Kenya, Lebanon and Turkey, led efforts to ensure international action and cooperation on refugees and migrants.¹¹

With respect to negotiations leading up to the GCR, Canada engaged domestically with civil society as drafts were developed.¹² Global Affairs Canada noted that Canada “advocated for the inclusion of gender-sensitive language and the recognition of specific needs and capabilities of women and girls.”¹³

The Government of Canada also played a “leadership role” in advocating for the inclusion of “concrete, practical actions” in the GCM that reflect the views of civil society, including migrants themselves.¹⁴

3 THE GLOBAL COMPACTS

3.1 *GLOBAL COMPACT ON REFUGEES*

The GCR is made up of four parts: an introduction, the CRRF, a detailed program of action, and measures for follow-up and review.

3.1.1 INTRODUCTION

The introduction sets out the background of the GCR, noting the urgency of increased burden sharing by states while reiterating the agreement's non-binding character. It also lists the guiding principles behind the initiative, including international refugee instruments, such as the 1951 *Convention relating to the Status of Refugees*.¹⁵

The four major objectives of the agreement are then laid out in paragraph 7. They consist of the following:

- easing the pressures on refugee host countries;
- enhancing refugee self-reliance;
- expanding access to third-country solutions; and
- supporting conditions in countries of origin for return in safety and dignity.¹⁶

The introduction closes by acknowledging the importance of also working towards eliminating the reasons behind the movement of people:

All States and relevant stakeholders are called on to tackle the root causes of large refugee situations, ... to promote, respect, protect and fulfil human rights and fundamental freedoms for all; and to end exploitation and abuse, as well as discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, or other status.¹⁷

3.1.2 COMPREHENSIVE REFUGEE RESPONSE FRAMEWORK

The second part of the GCR contains the CRRF in the form in which it appeared in the New York Declaration.¹⁸ The CRRF consists of a wide range of measures to be taken by states in order to prepare for, and respond to, large-scale refugee situations. These include, among other detailed steps, the adoption of measures to support rapid reception and admission of refugees, and assistance for local and national institutions and communities receiving refugees.¹⁹

3.1.3 PROGRAM OF ACTION

The third part of the GCR consists of a program of action to facilitate the application of

a comprehensive response in support of refugees and countries particularly affected by a large refugee movement, or a protracted refugee situation, through effective arrangements for burden- and responsibility-sharing (Part III.A); and areas for timely contributions in support of host countries and, where appropriate, countries of origin (Part III.B).²⁰

The program of action includes arrangements by states to share the burden of taking in refugees; measures for reception and admission of refugees; stipulations for settlement services; and commitments to solutions. The solutions include, but are not limited to, support to countries of origin and host countries, voluntary repatriation of refugees, resettlement and local integration.²¹

3.1.4 FOLLOW-UP AND REVIEW

Lastly, provisions on how follow-up and review of the GCR will proceed include a Global Refugee Forum, to be held every four years, high-level officials' meetings, to be held every two years, and the UNHCR's annual report to the UNGA.²²

3.2 *GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION*

The GCM contains a preamble, vision and guiding principles, a cooperative framework with 23 detailed objectives and commitments, measures on implementation, and details of follow-up and review mechanisms.

3.2.1 PREAMBLE

Whereas international protection for refugees can be directly traced to the 1951 *Convention relating to the Status of Refugees*, the many dimensions governing migration rest on international norms represented in a variety of international instruments. For this reason, the preamble of the GCM includes a lengthy list of these instruments. For example, in addition to the core human rights treaties, the preamble mentions the *United Nations Convention against Transnational Organized Crime*, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*; the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, and the International Labour Organization conventions on promoting decent work conditions and labour migration.²³

3.2.2 VISION AND GUIDING PRINCIPLES

The GCM's vision and guiding principles reflect intentions to, among other things, identify common understandings related to migration; acknowledge shared responsibilities of states; raise awareness of the particular vulnerabilities of women and child migrants; and optimize the overall benefits of migration. Mindful of state sovereignty, the GCM also reaffirms the right of states to determine their national migration policy. The agreement notes that, when envisaging legislative and policy measures, states may "[take] into account different national realities, policies, priorities and requirements for entry, residence and work."²⁴

3.2.3 OBJECTIVES FOR SAFE, ORDERLY AND REGULAR MIGRATION

The GCM contains 23 objectives that promote safe, orderly and regular migration. Each objective consists of a commitment, reinforced by a detailed list of actions "considered to be relevant policy instruments and best practices."²⁵ The objectives can be classified into five broad categories, as illustrated in Figure 3:

- information and evidence-based policies (e.g., eliminating discrimination and promoting evidence-based public discourse to shape perceptions of migration);
- policies and procedures related to the migration continuum (e.g., ensuring predictability in migration procedures, using detention as a last resort and minimizing root causes compelling people to leave their country of origin);
- labour mobility, settlement and inclusion (e.g., ensuring that migrants have access to basic services, facilitating skills recognition and safeguarding recruitment and work conditions);
- the reduction of vulnerabilities (e.g., strengthening the response to human smuggling and combatting trafficking in persons); and
- cooperation and collaboration among states (e.g., facilitating safe and dignified returns and sustainable reintegration of migrants to their home states).

Figure 3 – Objectives of the *Global Compact for Safe, Orderly and Regular Migration*, by Category



Source: Figure prepared by the authors based on information obtained from United Nations Refugees and Migrants, [Global Compact for Safe, Orderly and Regular Migration](#), 13 July 2018, para. 16, pp. 5–6. The 23 objectives have been categorized by the authors.

3.2.4 IMPLEMENTATION, FOLLOW-UP AND REVIEW

The final sections of the GCM outline operational aspects that contribute to implementing, following up and reviewing progress on the 23 objectives. Assistance to enable states to implement the objectives is provided for through a UN-based mechanism that promotes knowledge sharing among “Member States, the United Nations and other relevant stakeholders, including the private sector and philanthropic foundations.”²⁶ The mechanism also includes a start-up fund to both receive funding and provide financing for capacity-building projects.

The UN Network on Migration, established to “ensure effective, timely and coordinated system-wide support to Member States” implementing the GCM, is also singled out as playing a role.²⁷ The importance of continuing global, regional and sub-regional dialogues on migration is noted,²⁸ as is a biennial report on the progress of the implementation of the GCM from the Secretary-General to the UNGA.²⁹

Aspects of follow-up and review include repurposing the High-Level Dialogue on International Migration and Development, currently scheduled to take place every fourth session of the UNGA, to review the implementation of the GCM. Renamed the “International Migration Review Forum,” the forum will discuss “the implementation of the Global Compact at the local, national, regional and global levels, as well as allow for interaction with other relevant stakeholders with a view to building upon accomplishments and identifying opportunities for further cooperation.”³⁰

Finally, once again recognizing state sovereignty, the GCM’s implementation section notes that the agreement should be executed “taking into account different national realities, capacities, and levels of development, and respecting national policies and priorities.”³¹

4 WHAT CANADA IS DOING

The fundamental principles and concepts at the heart of both global compacts are not new to Canada. The Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship, Mr. Matt DeCoursey, has stated that Canada’s immigration system aligns with both the global compacts’ objectives and commitments.³² Referring specifically to the GCM, the Government of Canada underlined that “the majority of the almost 200 action items listed under the Compact’s objectives reflect current Canadian practices.”³³

Canada’s immigration and refugee framework is shaped by the *Constitution Act, 1867*³⁴ and the *Canadian Charter of Rights and Freedoms*³⁵ (Charter), with its main obligations and objectives set out in the *Immigration and Refugee Protection Act*³⁶ (IRPA). Through this framework, Canada can

- pursue the maximum social, cultural and economic benefits of immigration;
- support family reunification; and
- fulfill its international legal obligations with respect to refugees and affirm its commitment to global efforts to provide assistance to those in need of resettlement.³⁷

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To meet its immigration and refugee objectives and to maintain a managed and planned immigration system, the federal government establishes policies and programs in areas such as the following:

- eligibility criteria for immigration;
- requirements for entering and remaining in Canada (inadmissibility),^[38]
- integration into Canadian society; and
- ways in which the IRPA should be enforced.³⁹

Also, in consultation with provinces and territories, which share jurisdictional responsibility for immigration, the federal government decides how many immigrants will be accepted in a given year. These targets are set out in the multi-year Immigration Levels Plan.⁴⁰ The Immigration Levels Plan (formerly the Annual Levels Plan) “not only determines how resources of Immigration, Refugees and Citizenship Canada ... are allocated but also reveals the government’s vision for the role of immigration in Canadian society.”⁴¹

Canada works towards effective socio-economic integration of newcomers to address labour shortages. Across the country, more than 500 settlement organizations provide services, such as language training, in partnership with federal, provincial and municipal governments, to integrate newcomers in Canadian society and help them join the job market. These settlement services are also adapted to the needs of specific groups of newcomers, such as children and youth, who can access the Settlement Workers in Schools programs.⁴²

Canada’s immigration policy facilitates family reunification for people through the Family Class Sponsorship Program, as well as other programs, such as family reunification for protected persons. Immigration to Canada as a member of the family class depends on the relationship between the foreign national – spouse, common-law partner, child, parent – and the sponsor, who must be either a Canadian citizen or a permanent resident.

In terms of refugee protection and complementary pathways for refugees, Canada has significant expertise with the private sponsorship of refugees,⁴³ such as occurred with the resettled Syrian refugees in 2015⁴⁴ and the resettled survivors of Daesh in 2017 and 2018. Since 2016, Canada has worked with over 15 countries interested in adopting similar sponsorship programs tailored to their reality.⁴⁵ The Global Refugee Sponsorship Initiative is led by the Government of Canada, the Office of the UNHCR, the Giustra Foundation, the Open Society Foundations and the University of Ottawa Refugee Hub. The initiative is designed to provide training and advice to countries interested in offering refugee resettlement through community sponsorship. The goal is to mobilize citizens and create alternate pathways for admission of refugees.⁴⁶

Canadian federal laws and policies with respect to multiculturalism also facilitate the integration of newcomers. The Charter recognizes the importance of preserving and enhancing the multicultural heritage of Canadians.⁴⁷ In addition, the 1988 *Canadian Multiculturalism Act* seeks to preserve and enhance Canada’s diverse cultural heritage and to recognize it as a fundamental characteristic of Canadian society, while ensuring the equality and full participation of all Canadians in the country’s

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social, political and economic spheres.⁴⁸ Canada's approach to multiculturalism encourages integration by allowing immigrants to fully participate in Canadian society while also preserving their cultural heritage.⁴⁹

Canada's immigration laws, policies and programs provide examples of how the principles of the global compacts can be interpreted and applied, which reflect the variety of tools governments have at their disposal to work towards the objectives of the global compacts. Moreover, Canada's participation at high-level officials' meetings, the Global Refugee Forum and the International Migration Review Forum will allow the federal government to share best practices with and learn from other states.⁵⁰

NOTES

1. United Nations General Assembly [UNGA], [Report of the United Nations High Commissioner for Refugees: Part II – Global compact on refugees](#) [GCR], UN Doc. A/73/12 (Part II), 73rd Session, Supplement No. 12, 2018.
2. Global Compact for Migration, [Global Compact for Safe, Orderly and Regular Migration](#) [GCM], 13 July 2018.
3. The United Nations High Commission for Refugees [UNHCR]'s general definition of a refugee is a "person who meets the eligibility criteria under the applicable refugee definition, as provided for by international or regional instruments, under UNHCR's mandate, and/or in national legislation." See UNHCR, "[Glossary](#)," *UNHCR Global Report 2005*, p. 444.
4. The International Organization for Migration [IOM] defines a migrant as
any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

See IOM, "[Migrant](#)," *Key Migration Terms*.
5. UNGA, [New York Declaration for Refugees and Migrants](#) [New York Declaration], UN Doc. A/RES/71/1, 3 October 2016.
6. UNHCR, [The Global Compact on Refugees](#).
7. UNGA, New York Declaration, Annex I, pp. 16–21. On the "practical application," see para. 18, p. 20.
8. UNHCR, [The Global Compact on Refugees: UNHCR Quick Guide](#), pp. 3–4.
9. United Nations [UN], Meetings Coverage and Press Releases, "[Secretary-General Appoints Louise Arbour of Canada Special Representative for International Migration](#)," News release, UN Doc. SG/A/1712-BIO/4940, 9 March 2017.
10. UNGA, New York Declaration, Annex II, para. 11, p. 23.

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11. UN, [Letter from the Office of the President of the General Assembly to all Permanent Representatives and Permanent Observers to the United Nations](#), 13 September 2016. Moreover,

on the margins of the General Assembly, on 20 September 2016, the United States President Obama hosted the Leaders' Summit on Refugees, alongside co-hosts Canada, Ethiopia, Germany, Jordan, Mexico and Sweden, which appealed to governments to pledge significant new commitments on refugees.

See also UN, "[UN Summit for Refugees and Migrants 2016](#)," *Refugees and Migrants*.
12. House of Commons, Standing Committee on Citizenship and Immigration [CIMM], [New Tools for the 21st Century – The Global Compact for Safe, Orderly and Regular Migration and the Global Compact for Refugees: An Interim Report](#), Twenty-third Report, 1st Session, 42nd Parliament, December 2018.
13. Government of Canada, [Canada's National Action Plan on Women, Peace and Security 2017–2022: Global Affairs Canada – Progress Report for Fiscal Year 2017/18](#), p. 52.
14. CIMM, [Government Response to the Report of the House of Commons Standing Committee on Citizenship and Immigration Entitled "New Tools for the 21st Century – The Global Compact for Safe, Orderly and Regular Migration and the Global Compact for Refugees: An Interim Report"](#), 1st Session, 42nd Parliament, 5 April 2019.
15. GCR, paras. 1–9, pp. 1–3.
16. *Ibid.*, para. 7, p. 2.
17. *Ibid.*, para. 9, p. 3.
18. Rather than replicating the text of the Comprehensive Refugee Response Framework, paragraph 10 of the GCR simply makes reference to Annex I of the New York Declaration. See *ibid.*, p. 3.
19. UNGA, New York Declaration, Annex I, pp. 17–18.
20. GCR, para. 11, p. 3.
21. *Ibid.*, paras. 11–100, pp. 3–20.
22. *Ibid.*, paras. 101–107, pp. 20–21.
23. GCM, para. 2, p. 1.
24. *Ibid.*, para. 15, p. 4.
25. *Ibid.*, para. 16, p. 5.
26. *Ibid.*, para. 43, p. 32. Paragraph 43 foresees a mechanism within the UN enabling states and stakeholders to contribute "technical, financial and human resources" to "strengthen capacities and foster multi-partner cooperation."
27. United Nations Network on Migration, [About](#).
28. GCM, para. 47, p. 33.
29. *Ibid.*, para. 46, p. 33.
30. *Ibid.*, para. 49 (d), p. 34.
31. *Ibid.*, para. 41, p. 32.
32. CIMM, [Evidence](#), 1st Session, 42nd Parliament, 26 November 2018, 1605 (Mr. Matt DeCoursey, Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship).
33. CIMM (2019), *Government Response*.

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34. [Constitution Act, 1867](#), 30 & 31 Victoria, c. 3 (U.K.). The federal government assumes responsibility for the majority of immigration-related issues under section 91(25) of the Constitution and meets with provincial and territorial governments to plan and consult on immigration matters. Section 95 provides for shared provincial–federal jurisdiction for immigration, allowing provinces to enact laws relating to immigration within the province that do not contravene federal legislation. Immigration is a shared federal–provincial/territorial jurisdiction under sections 91(25) and 95 of the *Constitution Act, 1867*.
35. [Canadian Charter of Rights and Freedoms](#) [Charter], Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.
36. [Immigration and Refugee Protection Act](#) [IRPA], S.C. 2001, c. 27, s. 3.
37. Ibid.
38. IRPA (ss. 34–43) establishes the following reasons for inadmissibility to Canada: security reasons (e.g., espionage, violence or terrorism), human or international rights violations, serious criminality, criminality, organized crime, health grounds, financial reasons, misrepresentation, or having an inadmissible family member.
39. Sandra Elgersma, [Immigration Policy Primer](#), Publication no. 2015-42-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 16 November 2015.
40. Government of Canada, [Notice – Supplementary Information 2019–2021 Immigration Levels Plan](#), 31 October 2018.
41. Elgersma (2015).
42. Government of Canada, [Settlement journey for refugees in Canada](#).
43. Government of Canada, [Canada: A History of Refuge](#).
44. Government of Canada, [#WelcomeRefugees: Canada resettled Syrian refugees](#).
45. Global Refugee Sponsorship Initiative, [About GRSI](#); CIMM, [Evidence](#), 1st Session, 42nd Parliament, 18 October 2018, 1535 (Ms. Jennifer Bond, Managing Director and Chair of the Global Sponsorship Initiative, The Refugee Hub); and Jennifer Hyndman, [Brief for the House of Commons Standing Committee on Citizenship and Immigration on the Global Refugee Compact](#).
46. CIMM (2018) (Bond).
47. Charter, s. 27.
48. [Canadian Multiculturalism Act](#), R.S.C. 1985, c. 24 (4th Supp.).
49. Laurence Brosseau and Michael Dewing, [Canadian Multiculturalism](#), Publication no. 2009-20-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 3 January 2018, p. 5.
50. Immigration, Refugees and Citizenship Canada, [“Remarks for the Honourable Ahmed Hussen, Minister of Immigration, Refugees and Citizenship, at the adoption of the Global Compact for Safe, Orderly and Regular Migration,”](#) Speech, Marrakech, Morocco, 10 December 2018; and Government of Canada, [Government of Canada Intervention to the 69th Session of the UNHCR Executive Committee \(2018\)](#), General Statement.