

# **OFFICE CONSOLIDATION**

## **Indochinese Designated Class**

### **Regulations**

established by

P.C. 1978-3661

amended by

P.C. 1979-2996

P.C. 1980-3245

REGULATIONS RESPECTING THE DESIGNATION OF AN INDOCHINESE  
DESIGNATED CLASS

*Short Title*

1. These Regulations may be cited as the *Indochinese Designated Class Regulations*.

*Interpretation*

2. In these Regulations,  
"Indochinese Designated Class" means a class of persons the members of which  
(a) are citizens or habitual residents of a country listed in the schedule,  
(b) have left their country of citizenship or former habitual residence subsequent to April 30, 1975,  
(c) have not become permanently resettled,  
(d) are unwilling or unable to return to their country of citizenship or former habitual residence,  
(e) cannot avail themselves of the protection of any other country, and  
(f) are outside Canada and seeking resettlement in Canada.

*Designation of Class*

3. The Indochinese Designated Class is hereby designated for the purpose of subsection 6(2) of the *Immigration Act, 1976* as a class the admission of members of which would be in accordance with Canada's humanitarian tradition.

*Application of Immigration Regulations, 1978*

4. The *Immigration Regulations, 1978*, other than sections 7 to 9 and subsection 14(1) thereof, apply to members of the Indochinese Designated Class.

*Implementation*

5. (1) Where a visa officer has determined that a person is a member of the Indochinese Designated Class, the visa officer, for the purpose of determining whether that member and his dependants will be able to become successfully established in Canada, shall take into consideration

- (a) each of the factors listed in column I of Schedule I to the *Immigration Regulations, 1978*;
- (b) whether any person in Canada is seeking to facilitate the admission or arrival in Canada of that member and his accompanying dependants; and
- (c) any other financial or other assistance available in Canada for such members.

(2) A person who,

(a) in the case of an individual, is a member of a group of not less than five individuals, each of the members of which is a Canadian citizen or permanent resident, has attained at least eighteen years of age and resides in the expected community of settlement, or

(b) in the case of a corporation, is a corporation incorporated under the laws of Canada or any province thereof and having representatives in the expected community of settlement,

may seek to facilitate the admission, or arrival in Canada of a member of the Indochinese Designated Class and his accompanying dependants where

(c) each member of the group or the corporation has given a written undertaking to the Minister to make provision for lodging, care, maintenance and resettlement assistance for the member of the Indochinese Designated Class and his accompanying dependants for a period of one year,

(d) each member of the group or the corporation is not in default with respect to any other undertaking given with respect to any Convention refugee or his dependants or any member of a class designated by the Governor in Council under paragraph 115(1)(d) of the *Immigration Act, 1976* for the purposes of subsection 6(2) of that Act or any dependant of such person, and

(e) the members of the group or the corporation, in the opinion of an immigration officer,

(i) will make or have made adequate arrangements in the community of expected settlement for the reception of the member of the Indochinese Designated Class and his accompanying dependants, and

(ii) have sufficient financial resources and expertise to fulfil the undertaking referred to in paragraph (c).

(2.1) Subject to subsection (2.2), an individual who is a Canadian citizen or permanent resident and has attained at least eighteen years of age may seek to facilitate the admission or arrival in Canada of a member of the Indochinese Designated Class who has not attained eighteen years of age, has no dependants and has to support himself, if

(a) that individual has given a written undertaking to the Minister to make provision for lodging, care, maintenance and resettlement assistance for the member of the Indochinese Designated Class

(i) for the period of at least one year, and

(ii) where the member has not attained eighteen years of age at the end of the period referred to in subparagraph (i), until the member attains eighteen years of age;

(b) no party to an undertaking referred to in paragraph (a) is in default in respect of any other undertaking given with respect to any Convention refugee or his dependants or any member of a class designated by the Governor in Council under paragraph 115(1)(d) of

the *Immigration Act, 1976* for the purposes of subsection 6(2) of that Act or his dependant; and

(c) an immigration officer is satisfied that

(i) the parties to the undertaking referred to in paragraph (a) have sufficient financial resources and expertise to fulfil the undertaking, and

(ii) the individual has obtained from the child welfare authority of the government of the province in which he resides a statement in writing that he is considered suitable to be granted legal guardianship or custody of that member of the Indochinese Designated Class on the arrival in Canada of that member.

(2.2) The undertaking referred to in paragraph (2.1)(a) shall be a joint undertaking given by the individual and four or more other Canadian citizens or permanent residents having attained eighteen years of age where such joint undertaking is required in accordance with an agreement entered into, pursuant to section 109 of the Act, by the Minister and the province in which the individual referred to in paragraph (2.1)(a) resides.

(3) Where a member of the Indochinese Designated Class makes an application for an immigrant visa, a visa officer may issue an immigrant visa to him and his accompanying dependants, if he and his accompanying dependants

(a) meet the requirements of the *Immigration Act, 1976* and these Regulations; and

(b) in the opinion of the visa officer, will be able to become successfully established in Canada. SOR/79-810, s.1

#### *Duration*

6. These Regulations shall cease to have effect on January 1, 1983. SOR/80-908, s.1.

#### SCHEDULE

(s.2)

Country

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Democratic Kampuchea

Peoples Democratic Republic of Laos

Socialist Republic of Vietnam  
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