Who Is Considered a Refugee?

Under the **1951 Geneva Refugee Convention** and Canada's **Immigration and Refugee Protection Act (IRPA)**, a refugee is generally someone who cannot safely return to their home country because they face serious persecution.

1. Convention Refugee — IRPA Section 96

A person may qualify as a Convention refugee if they meet the following criteria:

- **Outside their home country:** They are outside their country of nationality or, if stateless, their country of former habitual residence.
- **Well-founded fear:** They have a genuine fear of persecution supported by their circumstances.
- **Reason for persecution:** The persecution is connected to at least one of these five grounds:
    1. Race
    2. Religion
    3. Nationality
    4. Political opinion
    5. Membership in a particular social group (which may include gender, sexual orientation or family membership).
- **Lack of protection:** They cannot obtain effective protection from their home country or cannot seek that protection because of their fear.
- **Unable or unwilling to return:** Returning would expose them to the feared persecution.

2. Person in Need of Protection — IRPA Section 97

Canadian law also recognizes certain people who may not meet the Convention refugee definition but would face serious danger if returned to their country.

This may include people who personally face:

- A danger of torture.
- A risk to their life.
- A risk of cruel and unusual treatment or punishment.

Additional legal conditions apply. For example, risks generally must be personal rather than risks faced by everyone in the country, and certain risks arising from inadequate medical care are excluded.

3. Important Things to Know

- War, poverty, unemployment or difficult living conditions **do not automatically qualify someone as a refugee**.
- A person does not necessarily need to have been physically harmed in the past to qualify.
- Each case is assessed individually based on the person's circumstances and available evidence.
- Meeting a refugee definition does not automatically mean someone qualifies for private sponsorship or admission to Canada.

4. Refugee Sponsorship Through DOORS

DOORS works within Canada's Private Sponsorship of Refugees Program.

People seeking sponsorship must meet the applicable Canadian refugee resettlement requirements, including eligibility under the Convention Refugees Abroad Class or the Country of Asylum Class, as appropriate.

Important: DOORS cannot guarantee sponsorship, refugee recognition, approval or admission to Canada. All applications are subject to applicable Canadian immigration laws, program requirements and decisions by Immigration, Refugees and Citizenship Canada (IRCC).

This information is provided for general public education and does not constitute legal advice.