

PUBLIC POLICY PROGRAMS: CANADA'S BYPASS TO
REFUGEE PROTECTION RESTRICTIONS*Maureen Silcoff**

This article explores Canada's use of discretionary public policy programs as a response to the limitations of international and domestic refugee protection frameworks, particularly for individuals fleeing war who fall outside the 1951 Refugee Convention. Anchored in the normative framework of the United Nations' Responsibility to Protect, the international community's duty to assist at-risk populations, the article argues that Canada's refugee system under the Immigration and Refugee Protection Act (IRPA) may not meet its obligations to war-affected populations, but public policy programs, enacted under section 25.2 of the IRPA, offer a pragmatic yet politically contingent mechanism to address these protection gaps. Drawing on a comparative analysis of public policy responses to crises in Ukraine, Gaza, and Afghanistan, this article evaluates the extent to which these ad hoc initiatives align with Canada's international legal responsibilities. It concludes with recommendations for institutional reform, transparency, and

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