



FCJ Refugee Centre
Walking with Uprooted People

UNDERSERVED COMMUNITIES WOMEN AND PEOPLE FLEEING GENDER RELATED PERSECUTION

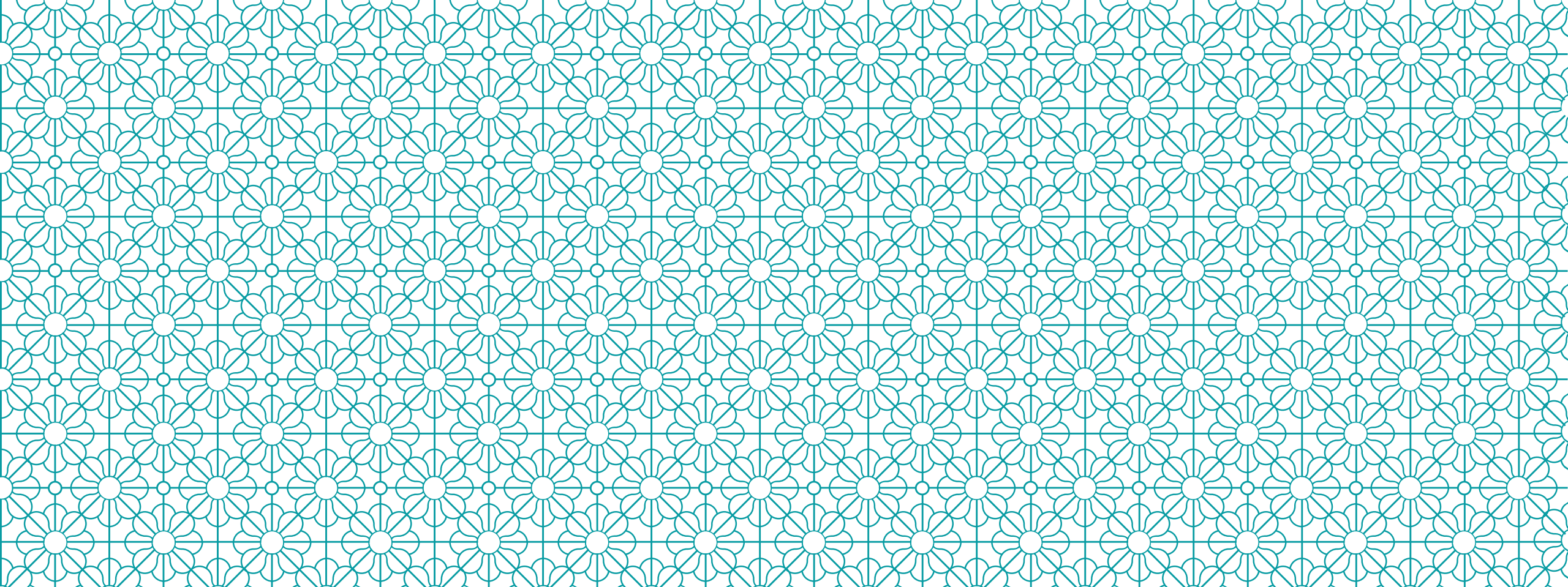
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UNDERSERVED COMMUNITIES RESEARCH WOMEN AND PEOPLE FLEEING GENDER RELATED PERSECUTION

Changes in Legislation

CHANGES THAT IMPACT MOST WOMEN AND PEOPLE FLEEING GENDER RELATED PERSECUTION

- New Timelines
- Inability to reopen cases
- Change from Personal Information Form (PIF) to Basis of Claim Form (BOC)
- Hearing format
- Refugee Appeal Division Format (RAD)
- Conditional Permanent Residence

NEW TIMELINES:

- ❑ Claimants now have less time to prepare for their hearing.
- ❑ People who suffered gender related persecution might not be psychologically able to share or tell their experience because of their traumatic experiences.
- ❑ This barrier may result in more inconsistencies and omissions of relevant information since claimants may be psychologically unfit to discuss traumatic past.
- ❑ These inconsistencies and/or omissions make claimants vulnerable to receive a negative decision on the basis of lack of credibility.

NEW TIMELINES (CONTINUED):

- ❑ The expedited timelines provide claimants with less time to seek Legal Aid and find a competent lawyer.
- ❑ Without a lawyer's support, claimants are left to negotiate the new system and personal responsibilities.
- ❑ This is problematic as it takes **work** and **time** to acquire relevant supporting evidence of torture or “documentation of human rights abuses against women is not always readily available”.
- ❑ Obtaining all documents may be difficult and may take additional time if they need to be translated and certified.

INABILITY TO REOPEN CASES

- ❑ New changes mandate that claimants **cannot** reopen their claims.
- ❑ This perpetuates gender related violence, as a woman may not feel that she can leave an abusive partner.
- ❑ A woman will not have the opportunity to tell her story and have her personal case considered if she decides to leave her partner to flee from gender related persecution.
- ❑ The inability to reopen cases limits the options a woman has to make a claim with an abusive partner.

CHANGE FROM PERSONAL INFORMATION FORM (PIF) TO BASIS OF CLAIM FORM (BOC)

- ❑ The BOC question format does not allow a person to narrate the gender related persecution they have experienced.
- ❑ BOC provides limited space for their stories (although if more space is needed, additional paper may be used).
- ❑ BOC must be submitted no later than **15 days** for persons who made a refugee claim through a port of entry following their referral to the IRB.

HEARING FORMAT

- ❑ A claimant must attend the hearing where they will be asked questions by the adjudicator.
- ❑ The adjudicator will compare evidence and find inconsistencies in the claimant's story.
- ❑ It is important that the claimant complete the BOC in as truthful a manner as possible, as it is evidence during the hearing.

REFUGEE APPEAL DIVISION FORMAT (RAD)

- ❑ The RAD is a new division within the Immigration and Refugee Board.
- ❑ It is a process that is completed on paper and decided without another hearing
- ❑ Access to the RAD is limited to non-DCO claimants and people who did not enter Canada from the United States.

CONDITIONAL PERMANENT RESIDENCE

- ❑ A sponsored spouse granted conditional permanent residence must live with their sponsor for 2 years from the date of receiving permanent residence, in a legitimate relationship.
- ❑ A person having been granted conditional permanent residence enjoys all the rights and privileges of a permanent resident.
- ❑ In instances of relationship breakdown, the sponsored spouse must remain in the relationship or lose their status
- ❑ While provisions have been made for cases of abuse, many people are still afraid to leave their abusive relationship and risk losing their status.