



**FCJ REFUGEE CENTRE**

Shoulder to Shoulder, Side by Side

*Walking with Uprooted People for 30 years*



# Refugee Process Overview & Hearing Preparation

**Diana Gallego**

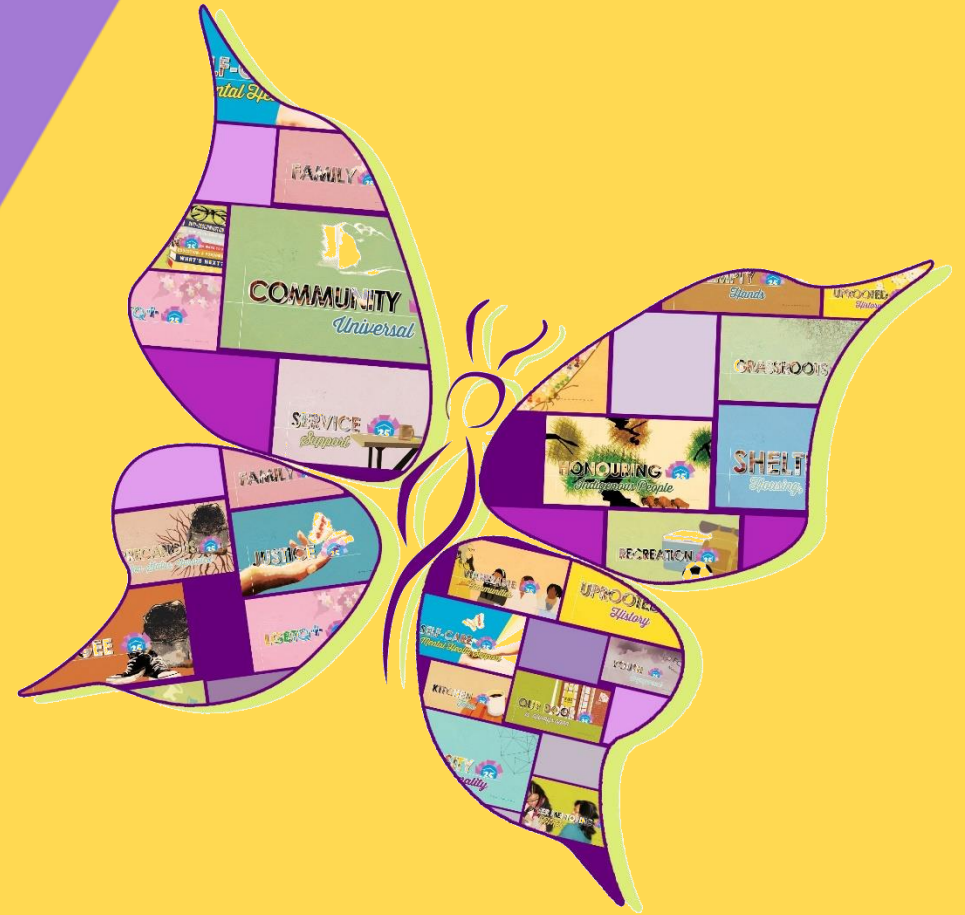
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This presentation is thanks to the support of the:



**The Law  
Foundation  
of Ontario**

# LAND ACKNOWLEDGEMENT

The land we are standing today is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples.

We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

## AGENDA July 19th

- Who is a Precarious Migrant? Pathways to precarity
- Refugee Process Overview Making a claim: inland and at a land port of entry, what happens there? A quick view
- Refugee Claim Forms & Canadian Refugee Protection Portal
- Initial Key Steps: Legal Aid support, right to have a lawyer, medical exam and work permit
- ID Document and renewal
- Refugee Claimant Rights/Resources: SIN#, OW, ESL, Legal Aid, etc. (documents needed)
- Stages in the Refugee Claim Process
- Accepted Refugees: ID updates (SIN, OHIP, PR application, Family reunification, etc.)
- Venues for Rejected Refugees

## AGENDA July 26th

- Pathways to Status
- H&C as an option: implications
- What is the H&C application
- Who is eligible?
- Which documents do you need to collect?
- Resources for refugee claimants and other Precarious Populations: where to find support



**FCJ Refugee Centre**

Walking With Uprooted People

Search ...



## A Call to Address the Worsening Housing Crisis in Ontario



### SPECIAL ANNOUNCEMENTS

[The Importance of Vaccination and Boosters: Podcast Series](#)

[Our Spring Newsletter is Ready!](#)

[Employment Opportunity: Anti-Human Trafficking Women's Coordinator](#)

### GET INVOLVED



# WHO WE ARE...

**Non-profit organization which serves refugees and others at risk due to their immigration status...**



**FCJ REFUGEE CENTRE**  
 Shoulder to Shoulder, Side by Side...  
 Walking with Uprooted People  
 For 30 years

**SETTLEMENT & INTEGRATION**

**IMMIGRATION SUPPORT**



**ANTI-HUMAN TRAFFICKING**

**PUBLIC EDUCATION & NETWORKING**

- Shelter for women & kids
- Refugee housing hub
- Women's services
- Food distribution
- English Classes
- Clinic
- Youth
- Access to Education

- Refugee process
- Immigration orientation
- PRRA
- Refugee appeal
- H&C
- Sponsorships
- Work permit
- Etc.

- Migrants Workers Mobile Clinic
- Direct services to trafficked persons
- Migrant Women's Counter Trafficking Alliance
- Youth Alliance Against HT

- Webinars/trainings sessions
- Borderless voices podcast
- Youtube channel videos
- Resources
- Country research
- Newsletter & annual reports



416-469-9754



437-217-3786

[info@fcjrefugeecentre.org](mailto:info@fcjrefugeecentre.org)

- @FCJRefugeeCentre
- @fcjrefugeecentre
- @RefugeeCentre
- FCJ Refugee Centre

**WWW.FCJREFUGEECENTRE.ORG**

# NON-STATUS & PRECARIOUS POPULATIONS

FCJ Refugee Centre is unique in its capacity to serve anyone who needs assistance. We have a particular penchant for serving populations who we term as “precarious migrants”.

The term precarious migrant refers to the vulnerabilities of individuals who:

- Do not have unconditional permanent residence in Canada
- May possess some form of immigration status, but imposed with specific conditions and parameters
- May not have any formally recognized status in Canada

## DEFINITIONS

### Precarious migrants

Refers to those that hold some form of uncertain migration status – without work authorization, the right to remain here permanently and social citizen rights available to permanent residents.

### Undocumented

People without full status or full status documents. Often used interchangeably with non-status, most widely used by the City.

### Non-Status

Refers to people living here without official immigration status.

# NON-STATUS & PRECARIOUS POPULATIONS

- Precarious migrants in Canada are vulnerable to many forms of abuse as the law often fails to protect them – both in principle and in practice.
- The existence of these impermanent or illegitimate immigration statuses that fall outside permanent residency is the result of the unfair, inequitable and restrictive nature of our refugee and immigration system
- Precarious migrants include:
  - ✓ Refugee claimants
  - ✓ Refused refugee claimants
  - ✓ Temporary foreign workers
  - ✓ Students
  - ✓ Victims and survivors of human trafficking
  - ✓ Visitors
  - ✓ People involved in sponsorship breakdown
  - ✓ Or anyone else without official immigration status

# PATHWAYS TO PRECARITY

- Pathways to precarity increased during covid-19
- We have seen the many ways in which the vulnerable communities we serve have been disproportionately impacted and marginalized
- Amid the COVID-19 pandemic, these longstanding inequities have been magnified affecting refugee claimants and other precarious populations
- We have seen the various ways in which these populations have been systemically disproportionately impacted
- There are many factors that contribute to the number of non-status population:
  - ✓ Lack of appropriate support
  - ✓ Lack of information
  - ✓ Domestic violence
  - ✓ Abuse in new comers families
  - ✓ Delayed removals
  - ✓ Backlog and legacy cases
  - ✓ Overstay as a visitor
  - ✓ Work exploitation
  - ✓ Etc.



Pandemic precarities: immigration status, work, housing, and health among current and former non-status residents of Toronto.

This is the first community report from a research project on “Non-status migrant exclusions and responses under COVID-19 in the GTA

<https://www.fcjrefugeecentre.org/pandemic-precarities-report/>

# SYSTEMIC DISCRIMINATION: INVISIBILITY

- Lack of sensitivity among general populace
- Burdened by myths and misconceptions
- Encouraged to mask this aspect of their identity
- Often don't fully understand the intricacies and impacts of their own situation
- Discrimination is compounded by other intersecting aspects of their identities, such as:

Skin Colour

Gender (Identity)

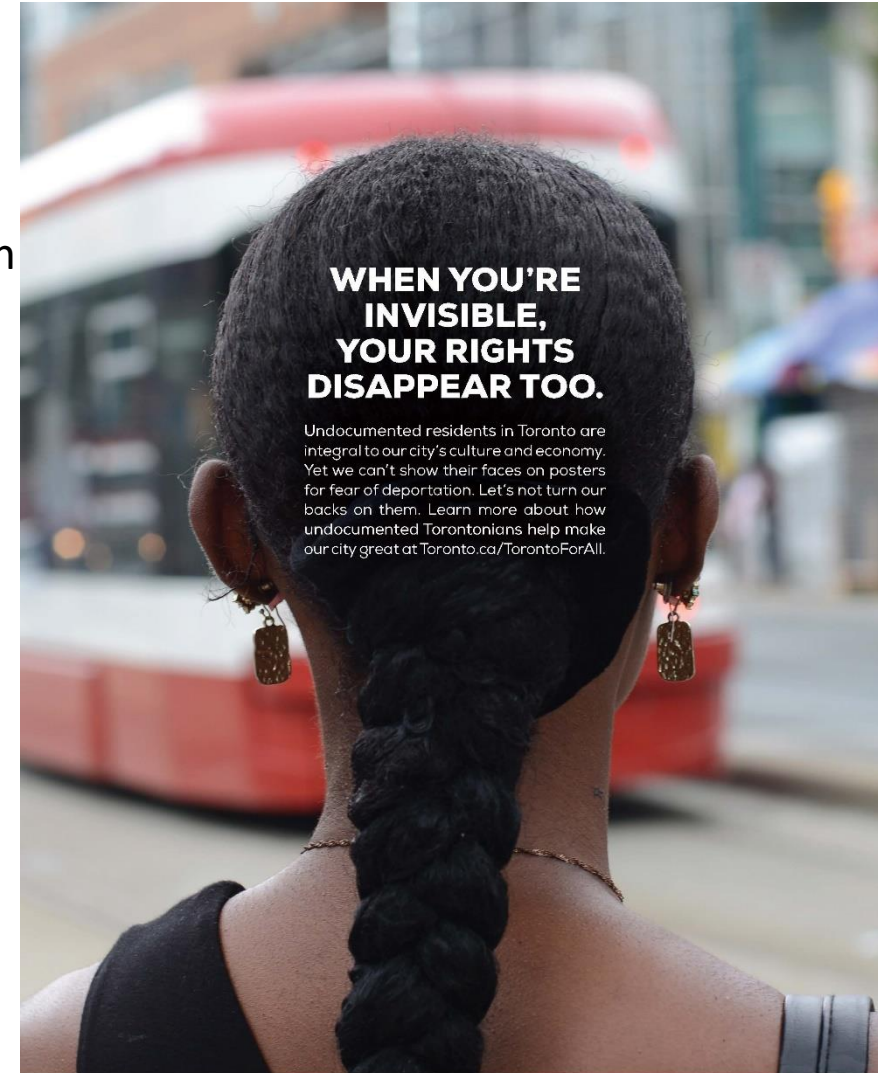
Language Ability

Sexual Identity

Experiences with  
violence

Socio-Economic  
Status

Migrants also experience increased insecurity and violence as a result of the rise of racism, Islamophobia, and anti-immigrant sentiment

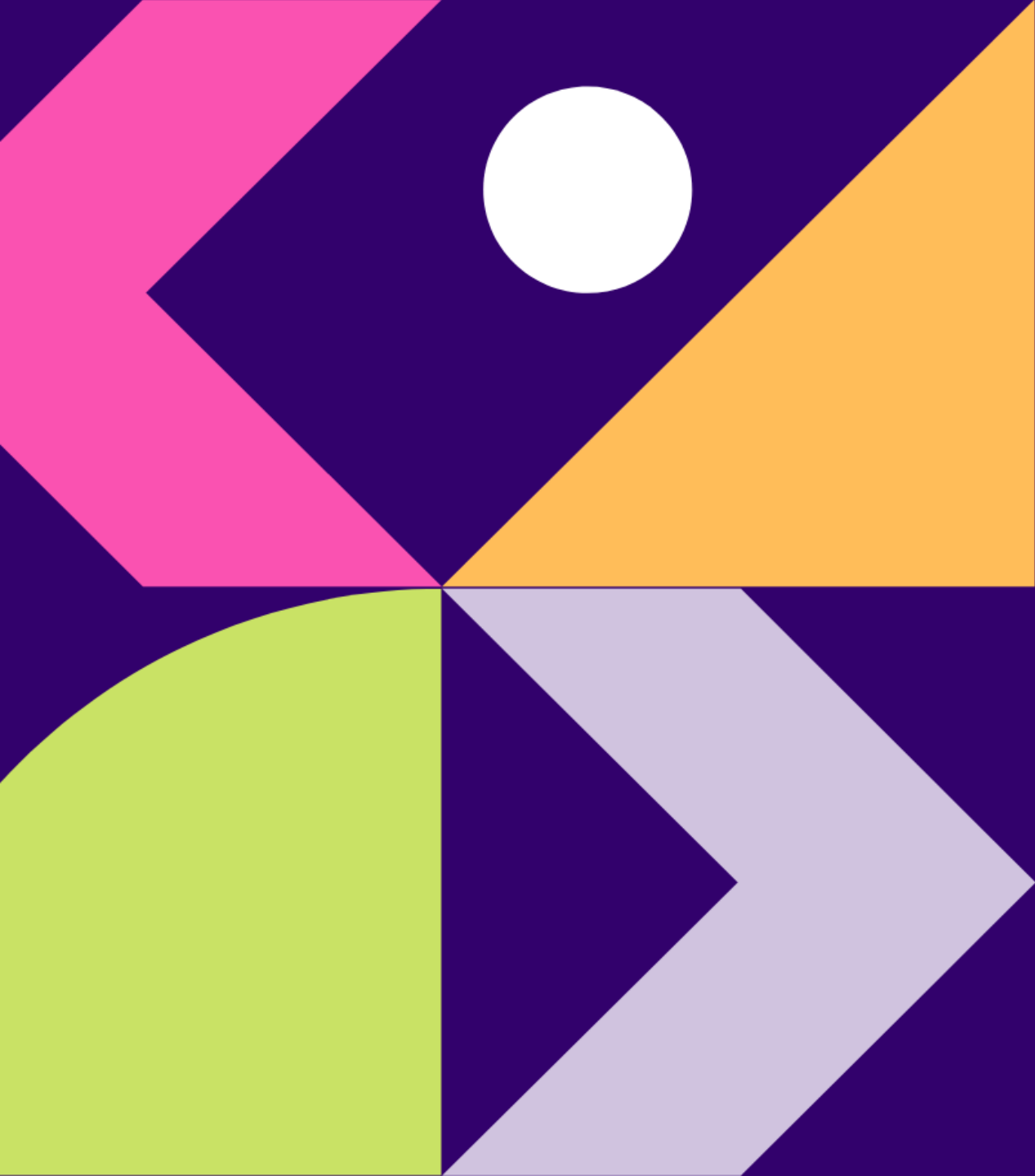


# LIFE OF A REFUGEE AND OTHER PRECARIOUS MIGRANTS: INTERSECTIONALITY

Anxiety  
Nervousness  
Illness  
Trauma  
Family separation  
Shock  
Fear  
Insecure  
Self-doubting  
Risk/Persecution  
Need to scape  
Lack of trust  
Loss of a sense of belonging  
Everything behind

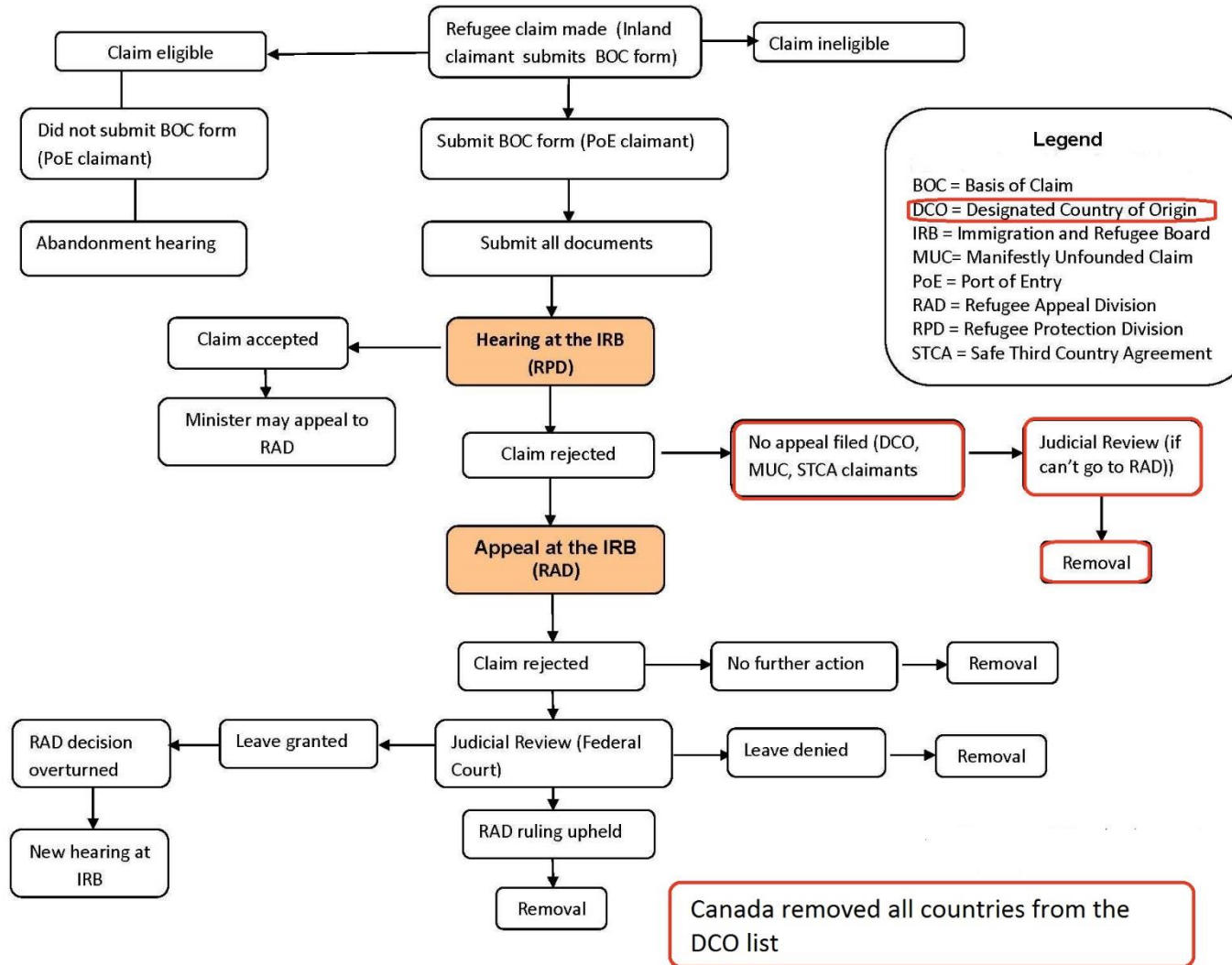


- Flashbacks/Trauma
- Illness
- Insecure/Self-doubting
- Culture shock
- Language barrier
- Lack of Credential recognition
- No access to education
- Prejudice
- Lack of trust
- Confusion
- Financial crisis
- Loss of everything
- Isolation/separation



# REFUGEE PROCESS OVERVIEW

## Refugee Claim Process



# Making a claim at a land port of entry

Since 2004, Canada has designated the United States as a safe country for refugees.

Under the Safe Third Country Agreement Canada and the US each declare the other country safe for refugees and close the door on most refugee claimants at the US-Canada border



Under the Canada–U.S. Safe Third Country Agreement (STCA), a person cannot make a claim at a Canadian border post unless qualify for an exception to the Agreement.

Exceptions:

- ✓ Close family members,
- ✓ Unaccompanied minors,
- ✓ Document holder exception
- ✓ dead penalty

# Claim refugee status from inside Canada: Canadian Refugee Protection Portal (CRPP).

- Starting on October, 2021 no new claims for refugee protection via email or Connect are possible after that date.
- CRPP is now the primary means of submitting a claim.
- Potential refugee claimants have to use the CRPP to start the process for themselves and their in-Canada dependants.
- Individuals can also authorize a legal representative to create an account (in the claimant's name) and submit a claim, on their behalf.
- Individuals who have already made a claim via email or started the process of making a claim for refugee protection via Connect do not need to resubmit their documents through the CRPP. They can continue using Connect to submit required documentation.

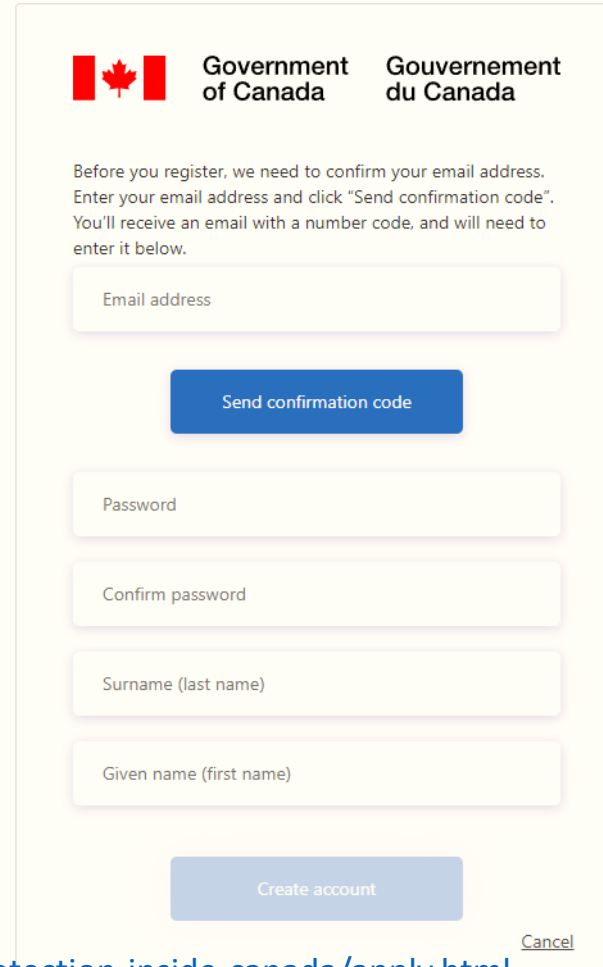
The screenshot shows the Government of Canada website for the Canadian Refugee Protection Portal (CRPP). The header includes the Canadian flag, the text 'Government of Canada / Gouvernement du Canada', and a search bar labeled 'Search IRCC'. Below the header is a 'MENU' dropdown and a breadcrumb trail: 'Canada.ca > Immigration and citizenship > Refugees and asylum > About the process'. The main heading is 'Claim refugee status from inside Canada: How to apply'. There are six navigation buttons: 'COVID-19: Impacts', '1. About the process', '2. Who can apply', '3. How to apply' (which is highlighted in dark blue), '4. After you apply', and 'Optional: Work and study permits'. Below this is a section titled 'Before you make a refugee claim' with the instruction 'Answer a few questions to see if you can make a refugee claim.' The first question is '\* Are you in Canada right now? (required)' with a dropdown menu showing 'Make your selection...'. At the bottom right of this section is a button 'Next: After you apply →'. At the bottom of the page are two buttons: 'Report a problem or mistake on this page' and 'Share this page'.

# Claim refugee status from inside Canada: Canadian Refugee Protection Portal (CRPP).

- The representative and the claimant must complete the declaration at the website and add it to the “Additional Documents” section of the upload documents page.
- The portal can also be used by claimants, who after making a port of entry claim can use the acknowledgement of claim document provided by Canada Border Services Agency to link their application to the online portal.
- The applicants can also receive communication through the CRPP: such as a request to attend a refugee claim interview with an officer in one of our refugee intake offices in Canada, or immigration medical examination (IME) instructions.

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply.html>

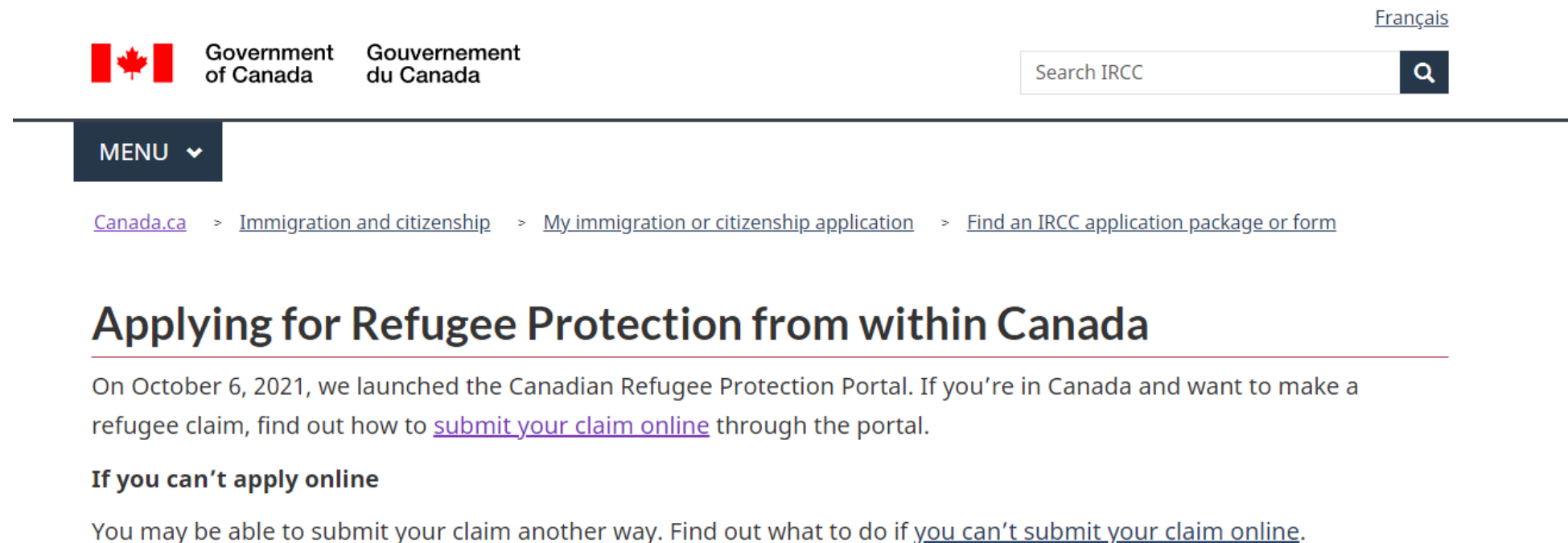
## Register to the Canadian Refugee Protection Portal



The screenshot shows the registration page for the Canadian Refugee Protection Portal. At the top left is the Canadian flag, followed by the text "Government of Canada" and "Gouvernement du Canada". Below this is a confirmation step: "Before you register, we need to confirm your email address. Enter your email address and click 'Send confirmation code'. You'll receive an email with a number code, and will need to enter it below." The form contains several input fields: "Email address", "Password", "Confirm password", "Surname (last name)", and "Given name (first name)". A blue button labeled "Send confirmation code" is positioned below the email field. A light blue button labeled "Create account" is at the bottom of the form. A "Cancel" link is located at the bottom right corner of the form area.

# Claim refugee status from inside Canada: Canadian refugee protection portal (CRPP).

- IRCC staff will be able to use the portal to contact applicants to request additional information or to clarify potential errors. New claimants will then be scheduled for an appointment at their nearest office to provide fingerprints, attend an interview and receive the refugee protection claimant document.
- IRCC will continue to issue an acknowledgement of claim document after receipt of a complete e-application and supporting documentation, and verification of their completeness. This document provides Interim Federal Health Program coverage.



The screenshot shows the top navigation bar of the Canadian Refugee Protection Portal. On the left is the Government of Canada logo with the text "Government of Canada" and "Gouvernement du Canada". On the right is a search bar labeled "Search IRCC" with a magnifying glass icon and a link for "Français". Below the navigation bar is a dark blue "MENU" button with a downward arrow. A breadcrumb trail reads: [Canada.ca](#) > [Immigration and citizenship](#) > [My immigration or citizenship application](#) > [Find an IRCC application package or form](#). The main heading is "Applying for Refugee Protection from within Canada". The text below states: "On October 6, 2021, we launched the Canadian Refugee Protection Portal. If you're in Canada and want to make a refugee claim, find out how to [submit your claim online](#) through the portal." A sub-heading "If you can't apply online" is followed by the text: "You may be able to submit your claim another way. Find out what to do if [you can't submit your claim online](#)."

# Canadian refugee protection portal (CRPP): concern

There are risks associated with this process. We suggest to be very carefulThe consequences of initiating a refugee claim through the new CRPP are the following:

- ✓ You are providing your contact information to Immigration Canada
- ✓ Your current immigration status (Visitor, Student, Worker) is modified to Refugee Claimant.
- ✓ If you fail to provide necessary documents, forms, or information on time your refugee claim will be considered withdrawn or abandoned and you will receive a deportation order.
- ✓ If you miss your refugee hearing dates and deadlines your refugee claim will be considered withdrawn/abandoned and you will receive a deportation order.
- ✓ If your claim receives a negative decision and fail to provide a notice of appeal on time your refugee claim will be considered withdrawn/abandoned and you will receive a deportation order.

Because of these risks, we advise that clients speak with our organization, other refugee organizations, or immigration lawyers before providing any of the their personal information to this client portal.

# Key Step: How to apply for legal aid



Calling earlier in the morning is recommended to reduce waiting time.

Call Toll free #: 1 800-668-8258

Legal Aid # (Toronto only): 416-979-1446

Every time you apply, you will speak to two different agents. The first agent will ask you more basic questions and set up your Legal Aid account.

First agent will give you a client number. Write this number down. Then you will transfer to a second agent. Second agent may ask you more personal questions related to the reason for your refugee claim and your finances. At the end you may received a CE#. Write this # down.

## **Legal Aid Application/ Key Questions**

### **CASE**

1. Who wants to hurt/ kill you
2. How do you know it?
3. Why?
4. Incidents or situations that happened that made you leave your country

### **FINANTIAL ASPECT**

1. How much money did you have when they enter Canada, (Or in the USA, may vary to the situation of the client.
2. Amount of the remaining money

# What is a BOC narrative

- The most important part of a refugee claim.
- The story of what happened to them; why they are in Canada.
- A way to address issues that the board is likely to raise at the hearing.
- Can be the source of inconsistencies and issues that are fatal to a claimant's credibility and then claim

**Client I.D. Number**

**Claimant's first name(s) and family name(s)**

PROTECTED WHEN COMPLETED

**RPD file number (for IRB office use)**

**Basis of Claim Form**  
*(for persons claiming refugee protection in Canada)*

**ANSWER ALL THE QUESTIONS ON THIS FORM.**

- If you are making your claim at an immigration office inside Canada, complete this form and bring the completed form and one copy with you to give to the Officer who will decide if your claim is eligible.
- If you made your claim on arrival at a port of entry into Canada, complete this form and provide the completed form and one copy to the Immigration and Refugee Board of Canada (IRB). You must make sure that the IRB receives the completed form not later than 15 calendar days after the day that the Officer refers your claim to the Refugee Protection Division.
- Make sure that you make a copy of the completed form for yourself.

If the Officer or the IRB, as the case may be, has not received your completed Basis of Claim Form (BOC Form) by the dates mentioned above, the IRB will have a special hearing and may decide to declare your claim abandoned which means you would not be allowed to continue with your claim.

**IMPORTANT NOTICE REGARDING COUNSEL AND DOCUMENTS THAT MAY SUPPORT YOUR CLAIM**  
You have a right to be represented by counsel at your own expense, but the counsel you choose must be available on the date fixed for the hearing.  
You are responsible for obtaining and providing to the IRB any documents that may support your claim. Please see the appendix at the end of this form for details on providing documents to the IRB.

**INSTRUCTIONS FOR COMPLETING THIS FORM**

**IMPORTANT:** You can find instructions to help you complete your BOC Form both in the appendix at the end of this form and in the Claimant's Guide in your Claimant's Kit. Please read these instructions carefully. Before giving your original BOC Form to the IRB, **remove the appendix**. If you have written additional information on other sheets of paper, please provide those sheets of paper with your BOC Form.

**PLEASE COMPLETE LEGIBLY.** Print or type the details about your claim in the spaces provided below. If you need more space, use additional sheets of paper the same size as this form. On each additional sheet, write your name and Client I.D. Number (and IRB file number, if known) in the top right-hand corner, and write the page number at the bottom. Also, indicate which question you are answering on the additional sheet, and number the lines.

**WARNING: It is a serious offence to provide false or misleading information. Your claim may also be rejected - and any favourable decision, if already given, revoked, if you give information that is not true or is misleading, or if you try to hide important information.**

**Date Stamp (for IRB office use)**

Version française disponible sur demande

Immigration and Refugee Board of Canada  
<http://www.irb-cisr.gc.ca>  
Basis of Claim Form  
Page 1 of 10

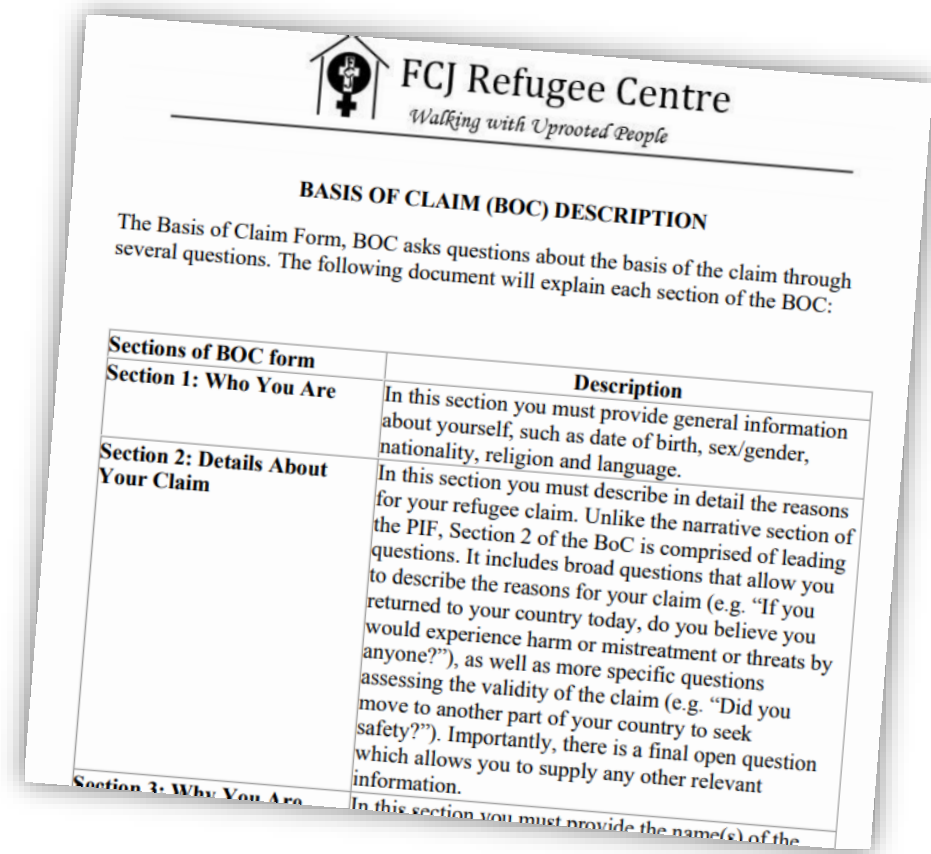
RPD.02.01 (November 2012)

Canada

# Resources how to fill out the BOC:

Translation of refugee forms:

- Spanish
- Portuguese
- Amharic
- Slovakian
- Czech



<https://www.fcjrefugeecentre.org/wp-content/uploads/2019/05/BASIS-OF-CLAIM-DESCRIPTION.pdf>

# UPDATES: REFUGEE PROTECTION CLAIMANT DOCUMENT

- IRCC is not processing renewals of the Refugee Protection Claimant Document (RPCD) at this time.
- They are asking service providers to accept expired RPCDs as still valid, until further notice.

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada

PROTECTED WHEN COMPLETED / PROTÉGÉ UNE FOIS REMPLI - B

**CANADA** EA021 050 072  
D306

**REFUGEE PROTECTION CLAIMANT DOCUMENT**  
THIS IS TO CERTIFY THAT THE PERSON HEREIN IS A REFUGEE PROTECTION CLAIMANT WITHIN THE MEANING OF THE IMMIGRATION AND REFUGEE PROTECTION ACT

Application No:  
UCI:

**CLIENT INFORMATION**

Family Name:  
Given Name(s): K  
Date of Birth: (YYYYMMDD)  
Sex:  
Country of Birth:  
Country of Citizenship:  
Date Issued: (YYYYMMDD)  
Expiry Date: (YYYYMMDD)

**ADDITIONAL INFORMATION**

Pursuant to Subsection 100(1) of the *Immigration and Refugee Protection Act*, this refugee protection claim has been determined to be eligible for a decision by the Refugee Protection Division. Consequently, pursuant to subsection 100(3), the refugee Protection Claim is referred to the Refugee Protection Division of the Immigration and Refugee Board.

As of 2022/02/14 the above-named individual is eligible for coverage of health-care costs under the Interim Federal Health Program (IFHP). This coverage can be cancelled without notice if the individual's immigration status changes. Therefore, health-care providers **must** verify the eligibility of the individual with the IFHP administrator **before** providing services. I, the undersigned:

- declare that I require coverage under the IFHP. I will notify IRCC immediately of any changes to my immigration status, or if I become eligible for or receive other health insurance;
- understand that my medical and personal information will be shared with IRCC, IFHP claims administration and other appropriate third-parties for the administration of the IFHP and that my personal information may be shared with other government institutions and other third-parties in accordance with the *Privacy Act* and the *Department of Citizenship and Immigration Act*.

School age children do not need student authorization to attend primary or secondary schools.

Name, relationship and signature of accompanying adult (if applicable):  
Signature: Money in possession: Minister:

**IRCC Etobicoke**  
REV 14 2022

\*\*\*NOT VALID FOR TRAVEL\*\*\*

THIS FORM HAS BEEN ESTABLISHED BY THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA - THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA  
FORMULAIRE ÉTABLI PAR LE MINISTRE DE L'IMMIGRATION, RÉFUGIÉS ET CITOYENNETÉ CANADA - LE PRÉSENT DOCUMENT EST LA PROPRIÉTÉ DU GOUVERNEMENT DU CANADA

IMM 16420 (1-2019)  
Canada

# UPDATES: REFUGEE PROTECTION CLAIMANT DOCUMENTS

UCI:  
Application Number:

## ACKNOWLEDGMENT OF CLAIM AND NOTICE TO RETURN FOR INTERVIEW

Family Name: \_\_\_\_\_  
Given Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ YYYY/MM/DD

This notice acknowledges that the Government of Canada received your refugee claim on 2022/04/17 YYYY/MM/DD

You are now eligible for health care coverage under the Interim Federal Health Program (IFHP). You are required to undergo an Immigration Medical Examination as part of your refugee claim. The IFHP will cover the cost of this examination. Please present this notice and your IMM 1017 form to the panel physician at your appointment.

You are required to return for an interview with respect to your refugee claim. The details are as follows:

Date: SEPTEMBER 1 2022  
Time: 0800 HRS  
Address: 6900 Airport Road, Entrance 91, Suite 250  
Toronto, ON L4V 1E8  
Canada Border Services Agency  
Telephone: 905-405-3500

You must bring the following with you:

- This original appointment letter
- 4 original passport-sized photographs

If you are under 18 years of age, you must be accompanied by a parent or legal guardian if he or she resides in Canada.

### IMPORTANT:

If you do not appear for your interview, your IFHP coverage may be terminated. In addition, your refugee claim may subsequently be determined to have been abandoned in which case you will be subject to removal from Canada.

Note – If you pay for any medical services or products, you will not be reimbursed.

Health care providers in Canada MUST verify the eligibility of the individual with the IFHP claims administrator, Medavie Blue Cross, before providing services. Medavie Blue Cross may be contacted by telephone at 1-888-614-1880, by facsimile at 506-867-4651 or through their website at <https://www.medaviebluecross.ca/867/764117-01-deposit-eng>

Canada

IMM 5985 (10-2019) E GCMS

Canada Border Services Agency / Agence des services frontaliers du Canada

Date: 2022-05-07

UCI: \_\_\_\_\_

Name: \_\_\_\_\_

Application: \_\_\_\_\_

## NOTICE TO SUBMIT DOCUMENTS FOR CLAIM PROCESSING

This letter refers to your application for refugee protection in Canada. Your claim has been received by our office and will be processed as soon as possible. In order to expedite the processing of your claim, you must complete the following documents:

- Generic Application form for Canada (IMM 0008)
- Additional Dependents / Declaration (IMM 008DEP), if applicable
- Schedule A – Background Declaration (IMM 5669)
- Schedule 12 – Additional Information for Refugee Claimants in Canada (IMM 008)
- Use of a Representative (IMM 5476), if applicable

All documents are available online at [www.cic.gc.ca](http://www.cic.gc.ca). Forms are available in English and in French.

Keep a copy of the completed documents for your record.

Submit all completed documents via email to our processing office at: [CBSA.RefugeeIntakePOE-POEdadmissiondesrefugies.ASFC@cbsa-asfc.gc.ca](mailto:CBSA.RefugeeIntakePOE-POEdadmissiondesrefugies.ASFC@cbsa-asfc.gc.ca)

In the alternative you may submit your completed documents in person to our office at:

✗ CBSA Immigration  
Toronto Pearson Airport Terminal 1,  
Departures Level behind Post #11

Or by courier to the following mailing address:

✗ ATTN: RPU  
CBSA IMMIGRATION  
5980 Airport Road  
Terminal 1 – Departures Level post "11"  
Door # FD 3221 A  
Mississauga, ON L5P 1B2

You must submit your completed documents within 30 days of this letter. Failure to complete and submit the required documents will result in a delay in the processing of your refugee claim.

Once your documents have been submitted, you will be contacted by an officer to arrange an interview date and time. It is imperative that you keep your contact information up to date with our office. Report any changes to your address or contact information to our office in person and in writing.

Sincerely,

Refugee Processing Unit  
Toronto Pearson International Airport / Greater Toronto Area Region  
Canada Border Services Agency / Government of Canada  
[CBSA.RefugeeIntakePOE-POEdadmissiondesrefugies.ASFC@cbsa-asfc.gc.ca](mailto:CBSA.RefugeeIntakePOE-POEdadmissiondesrefugies.ASFC@cbsa-asfc.gc.ca)

# WORK PERMIT

- Until you have your eligibility interview, you will not be issued your first work permit
- You are requesting an open work permit or study permit by checking a box in the revised Schedule 12 and placing your name

- Webinar about work permit available online

<https://www.fcjrefugeecentre.org/webinar-how-to-do-a-work-permit-online/>



Webinar | Guía  
para aplicar a un  
permiso de trabajo

# The IRB/REFUGEE PROTECTION DIVISION (RPD) FILE REVIEW PROCESS

- ✓ **Through the file review process the IRB goal is to view as many cases as possible, to get to a positive decision **without a refugee hearing.****
- ✓ RPD is open to **lawyers identifying cases suitable for file review.** It is encouraged for counsels to send complete information on why a case is appropriate for file review.
- ✓ Case Management Conferences will be done through calls to resolve issues. These conferences could be held by members or by Adjudicative Claims Officers (ACOs) who have been in place for about a year **(triaging cases, preparing files and recommending for positive decision without a hearing.)**
- ✓ The IRB may send out positive decisions without reasons (from file review cases) with the option for the person to request reasons



# Virtual/on-site refugee hearing options

The IRB is expanding on-site options available to those who have hearings before the Board.

As of Monday, June 6, 2022, the IRB is expanding the number of hearing rooms with secure laptops available to those who require them for their hearings.

Message from the Chairperson  
Immigration and  
Refugee Board of Canada



Message du président  
Commission de l'immigration  
et du statut de réfugié du Canada

Dear members of the IRB Consultative Committee (IRB CC),

Throughout the pandemic, the Immigration and Refugee Board of Canada (IRB) has been guided by its commitment to protecting the health and safety of IRB employees and those appearing before the Board, while maintaining access to justice to the extent possible.

As the public health situation becomes more stable, the IRB is expanding on-site options available to those who have hearings before the Board. As of Monday, June 6, 2022, the IRB is expanding the number of hearing rooms with secure laptops available to those who require them for their hearings. From these rooms, individuals appearing before the Board can connect virtually to a member and other hearing participants. See the [IRB offers on-site rooms to address challenges some people may face with virtual hearings](#) page for more information on how to request access.

Chers/ères membres du Comité consultatif (CC) de la CISR,

Tout au long de la pandémie, la Commission de l'immigration et du statut de réfugié du Canada (CISR) a été guidée par son engagement de protéger la santé et la sécurité des employés de la CISR et des personnes qui comparaissent devant la Commission, tout en assurant l'accès à la justice dans la mesure du possible.

Comme la situation en matière de santé publique se stabilise de plus en plus, la CISR peut élargir l'éventail d'options offertes sur place aux personnes qui comparaissent devant la Commission. Le lundi 6 juin 2022, la CISR augmentera le nombre de salles d'audience et mettra des ordinateurs portatifs sécurisés à la disposition des personnes qui en ont besoin pour assister à leur audience. À partir de ces salles, les personnes qui comparaissent devant la Commission pourront être reliées virtuellement à un commissaire et aux autres participants de l'audience. Consultez la page [la CISR offre des salles sur place pour aider les personnes qui peuvent avoir de la difficulté à participer à une audience virtuelle](#) pour de plus amples renseignements sur la marche à suivre pour présenter une demande d'accès.

# PREPARING FOR YOUR REFUGEE HEARING

**Legal Aid, key issues and  
evidences**

# Refugee claimant resources

- The Immigration and Refugee Board of Canada is implementing the refugee hearing information sessions: VIRTUAL READY TOURS
- This is a unique opportunity for refugee claimants to learn what is going to happen during their refugee hearing.
- The Refugee Appeal Division, RAD, also facilitates the session for unrepresented rejected refugees that want to learn how to appeal their negative decision.

**REFUGEE APPEAL VIRTUAL INFO-SESSION**  
FREE ORIENTATION FOR REFUGEE CLAIMANTS APPEALING THEIR NEGATIVE DECISION TO THE REFUGEE APPEAL DIVISION (RAD) OF THE IMMIGRATION AND REFUGEE BOARD (IRB)



STAFF FROM THE IRB/RAD WILL HELP YOU TO LEARN:  
WHO CAN FILE AN APPEAL OF A DECISION RENDERED BY THE (RPD)?  
HOW TO FILE AN APPEAL?  
WHAT IS NEEDED TO PERFECT AN APPEAL?

**CONTACT INFORMATION**  
Carolina Teves  
cteves@fcjrefugeecentre.org



**REGISTRATION** visit our website: <https://www.fcjrefugeecentre.org>



**JULY 14**  
**JULY 28**

**AUG 11**  
**AUG 25**

**SEP 15**  
**SEP 29**



THIS IS A GREAT OPPORTUNITY TO LEARN:



WHAT IS A VIRTUAL HEARING?


READY TOURS TAKE PLACE TWICE A MONTH

**JULY 7**  
**JULY 21**

**AUG 4**  
**AUG 18**

**SEP 8**  
**SEP 22**

**ARE YOU A REFUGEE CLAIMANT?**  
JOIN ONE OF THE IRB-RPD VIRTUAL READY TOURS



THIS IS A GREAT OPPORTUNITY TO LEARN:  
HOW TO BE READY ?  
WHAT IS A VIRTUAL HEARING ?  
WHAT IS GOING TO HAPPEN AT YOUR REFUGEE HEARING ?

READY TOURS TAKE PLACE TWICE A MONTH

**CONTACT INFORMATION**  
Carolina Teves  
cteves@fcjrefugeecentre.org

**REGISTRATION** visit our website: <https://www.fcjrefugeecentre.org/ready-tour-registration>

\*If interpreter is required we have volunteers who can support in some languages

# Preparing your testimony

Review narrative, evidence submitted or disclosed.

Review your country IRB National Documentation Package.

## **Think about:**

- Why your country cannot protect you
- Did you try to go to the police? What was the result?
- Why do you think the police would not/could not protect you in the future?
- Why you cannot move to another part of your country and be safe.
- Why you fear relocating to another part of the country
- Why it would be unreasonable for you to try to live there

# Preparing for key issues at any Refugee Hearing

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- 1. IDENTITY**
- 2. CREDIBILITY**
- 3. INTERNAL FLIGHT ALTERNATIVE**
- 4. SUBJECTIVE FEAR**
- 5. GENERALIZED RISK**
- 6. STATE OF PROTECTION**

## Gathering Evidence

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**First, review your narrative, incident by incident to make a list of evidences and how they can be obtained.**

It is important:

- that you obtain evidence or try to ASAP

Keep a written diary of:

- who you contacted to ask
- how you contacted them,
- on what date,
- and their response or no response.

## While waiting, please gather evidence

There are two types of documents/evidence:

- Country conditions evidence**
- and personal evidence**

Country conditions speaks to the conditions/situations in country or countries affecting you and/or you fear persecution. That that. The RPD already has documents about your country, these documents are called the National Documentation Package (NDP).

<https://irb-cisr.gc.ca/en/countryinformation/ndp/Pages/index.aspx>

# Personal evidences

1. Proof of Identity and Relationship: Birth certificates (birth, death, marriage, etc) ID, etc.
2. Proof of membership in group: (political, religious, ethnic etc.):Membership card, notarized letters or affidavits from officials, etc.
3. Documents that prove the incidents in your narrative: Medical/police reports, notarized letters or affidavits from witnesses or people in your same situation, warrants, etc. All this evidence could be supported by pictures

## Personal Evidence... cont'd...

- **Evidence regarding current mental state:**

Medical reports (psychologists/psychiatrist) confirming:

a) That you needed/are in need of treatment

b) Issues that will impact your ability to testify. Reports could be obtained from your home country or in Canada.

c) This can be especially important for survivors of major trauma such as rape and torture.

d) The reports should state:

- Credentials of the person writing the report
- Conditions affecting you or that you are experiencing
- How it impacts your life and ability to testify

## Submission of Evidence

All documents not in English or French must be translated into one of those languages and accompanied by a declaration from the translator.

The translator can use the following certification:

I, \_\_\_\_\_ of the City of Toronto, declare that I am competent to translate from Spanish to English, and that the above documents have been faithfully and accurately translated from Spanish into English.  
Declared on Toronto, \_\_\_\_\_, 2022

# REFUGEE HEARING DAY DURING COVID -19

# Remote Hearing (Video-conferencing)

- Refugee hearings are held using the **Microsoft Teams** videoconference application, run by the Government of Canada's secured computer network.
- Claimant will be able to use their own computers, tablets, or cell phones to the videoconference from their homes or offices.
- The claimant, counsel, interpreter and witnesses (if any) will connect to videoconference from their own homes or offices using their own personal electronic of choice.
- The audio and video of the hearing will be recorded and data will be saved on the IRB's secured facilities+

# Remote Hearing

## What is required?

- An appropriate and private environment to connect to videoconference (public spaces/networks such as cafes should not be used)
- Appropriate technology: computer, tablet, or phone with a webcam.
- You need access to internet connection that is stable and fast (minimum of 1.5 Mbps).
- Technology must be set up to be secure and private. Including a legally licenced operating system with up-to-date security patches, as well as anti-virus and anti-spy software.
- Access to a telephone throughout your hearing.
- Claimant must have counsel who can forward documents.
- Counsel must be able to send and receive documents when communicating with the RPD.

# Attending your hearing

## At the start of the hearing:

- If there is an interpreter, make sure to understand the interpreter
- Inform the RPD member of any relevant considerations:
  - If you are nervous... if you are feeling ill...
  - If you will need to take medicine...
  - If you just noticed a mistake in your story or any other part of your BOC
  - Be aware that you can request a break.

# Attending your refugee hearing

## At the start of the hearing:

- Go over the evidence with the RPD member.
- Make sure:
  - they have everything you submitted
  - that you have everything the IRB submitted

If you don't have everything ask for a copy.

# Attending your hearing

## The golden rule of answering questions:

- Do not attempt to answer a question unless you understand the question.
- If you don't know the answer... say I don't know
- Before you answer, get them to clarify until you understand or say that you don't know the answer.
- You will be asked similar questions in different wording... answer same way
- For 'when,' 'where,' or 'who', provide short answers.
- For questions asking 'explain,' 'tell me about,' or 'describe' provide a longer answer.

# What happens After the refugee hearing?

# At the end of your Refugee Hearing

At the end of your hearing, the RPD member may:

- give you a decision and reasons either positive/negative right there or,
- They may say that they need more time to arrive to their decision
- If IRB does not give you a decision, you can make an application to submit evidence after your hearing until they have made a decision.
- The RPD Refugee Process finishes the day the IRB signed the decision.

# Positive decision

- If a claim is accepted... that person is granted protected person status in Canada.
- Protected persons can apply for Landing (Permanent Residence) and family reunification ( take in consideration the backlog increased with the COVID-19 emergency)
- When eligible, permanent residents can apply for Canadian Citizenship

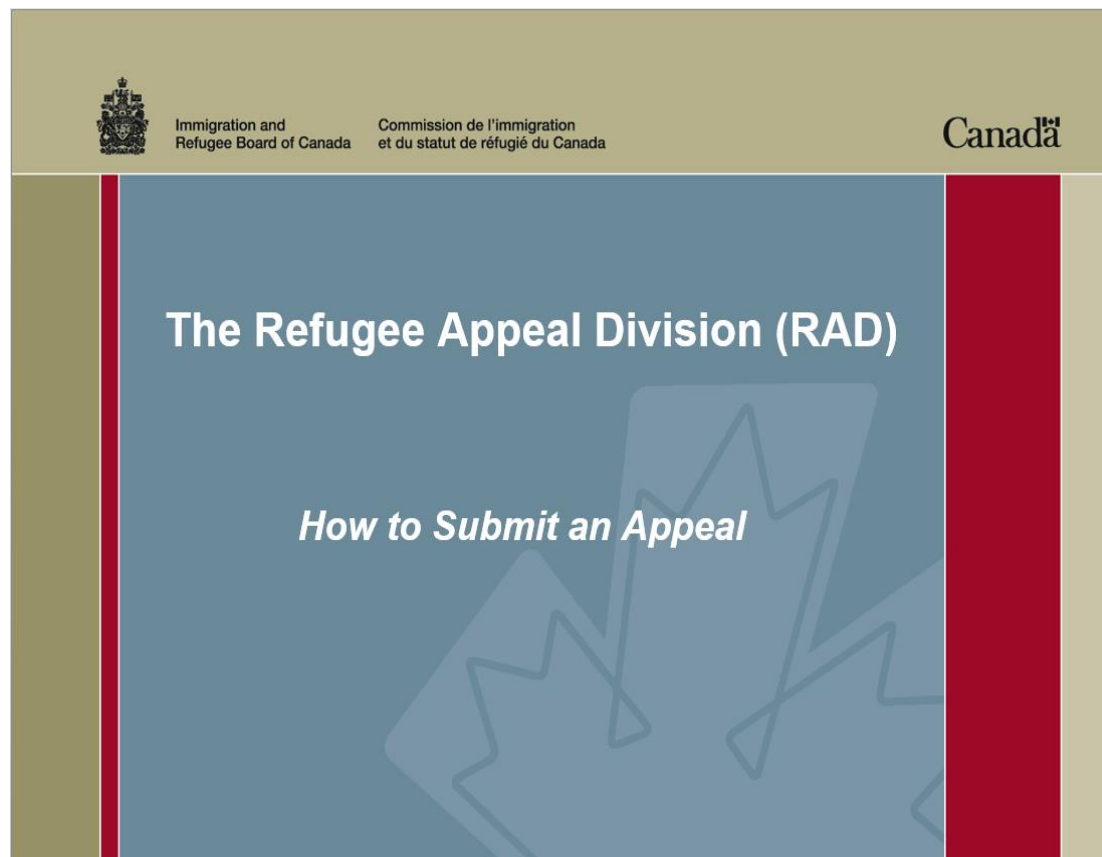
# Refugee Family Reunification

Refugees in Canada seeking to reunite with immediate family members overseas face very long processing delays.

They seek reunification through:

- Dependents of refugees (DR2s) category (for people who were accepted as refugees in Canada OR

# VENUES FOR REJECTED REFUGEES



- The Refugee Appeal Division (RAD) is the tribunal to which most (there are some exceptions) refugee claimants can appeal if the Refugee Protection Division (RPD) rejects their claim for refugee protection
- Exceptions: claim was withdrawn or abandoned; decision says that your claim has no credible basis or is manifestly unfounded or claim was made at a land border
- Refused claimants will be able to appeal a negative decision to the Refugee Appeal Division. In addition to arguing that the first decision was wrong, claimants can submit new evidence at the appeal (but only evidence not available at initial hearing).
- In most cases, submissions will be entirely in writing. The Minister can also appeal a positive refugee determination.

# Refugee Appeal Division, RAD: 2 steps

## 1) Filing the notice of appeal form:

Submit the completed Notice of Appeal by mail, e-post, courier, fax, portal or email.


Submit the Notice of Appeal within 15 days from the date you receive (in hand) the written RPD Reasons and Decision.

## 2) Filing the appellant's record

Submit the Appellant's Record by mail, e-post, courier, fax (fax limit: less than 20 pages), portal or email;

Submit the Appellant's Record no later than 45 calendar days after you have received (in hand) the RPD Reasons and Decision.

**\*It is important to make a new legal aid application and find help as soon as you receive the decision (deadlines are short)**



Immigration and  
Refugee Board of Canada  
**Refugee Appeal  
Division**

Commission de l'immigration  
et du statut de réfugié du Canada  
**Section d'appel  
des réfugiés**

For office use only

Received on:

**Notice of Appeal from a Refugee Protection Division Decision**  
Subsection 110(1) of the *Immigration and Refugee Protection Act*

**TIME LIMIT:** Provide the Refugee Appeal Division (RAD) one copy of this notice of appeal no later than 15 days after you receive the written reasons for the Refugee Protection Division (RPD) decision.

The RAD is temporarily not requiring signatures on documents and RAD forms submitted in support of an appeal in order to expand the use of electronic communication with the RAD and promote physical distancing.

I am / We are appealing an RPD decision: \_\_\_\_\_  
Date of the notice of decision (yyyy/mm/dd)      Date RPD reasons received (yyyy/mm/dd)

*Use additional sheets of paper the same size as this form if needed.*

Appellant	RPD file no.	Signature of appellant/ designated representative	Language chosen for appeal	Representative designated by RPD	RAD file no. (for office use)
_____ <small>Last name, middle name, first name</small> _____ <small>Date of birth</small> _____ <small>Country of nationality/Country of citizenship</small>	Client ID no.	Date signed (yyyy/mm/dd)	<input type="checkbox"/> English  <input type="checkbox"/> French	<input type="checkbox"/> None  <input type="checkbox"/> Yes. Provide information on page 2.	
_____ <small>Last name, middle name, first name</small> _____ <small>Date of birth</small> _____ <small>Country of nationality/Country of citizenship</small>	Client ID no.	Date signed (yyyy/mm/dd)	<input type="checkbox"/> English  <input type="checkbox"/> French	<input type="checkbox"/> None  <input type="checkbox"/> Yes. Provide information on page 2.	

# Refugee Appeal Division, RAD

If there is no appeal to the RAD, after receiving a negative decision from the IRB, the rejected refugee claimant has 30 days to leave Canada voluntarily and cover the cost of the airline ticket... in theory the rejected claimant does not face restrictions to come back to Canada.

If the rejected refugee claimant does not leave during that 30 days, even if they cover the cost of the airline ticket... the Canadian Law considered this forced removal... the person is ban to come back to Canada for life.

**RAD Info- Session** is an opportunity to learn in detail about the Refugee Appeal process.

This informative session is facilitated by officers from the Refugee Appeal Division. You will learn what steps to follow after receiving a negative decision from your refugee hearing.

Service providers are welcome to join the session: for registration contact Carolina Teves at [cteves@fcjrefugeecentre.org](mailto:cteves@fcjrefugeecentre.org)

## RAD INFO SESSIONS

**A FREE PROGRAM FOR REJECTED  
REFUGEE CLAIMANTS**

*Every other Thursday, 2:30 PM to 3:00 PM*



Rejected refugees have an opportunity to learn about the refugee appeal process before the Refugee Appeal Division (RAD) through sessions facilitated by RAD officers.

### Learn:

- Who can file an appeal
- How to file an appeal
- What is needed to perfect an appeal

### REGISTRATION:

<https://www.fcjrefugeecentre.org/event/categories/refugee-appeal-orientations/>

*Refugee Appeal Info-Sessions  
facilitated by RAD officers*

- If you are not eligible to appeal you can initiate a Judicial Review before the Federal Court:

- A lawyer must apply for judicial

- The application has to be

- submitted 15 days after the IRB decision was issued

- The Pre-Removal Risk Assessment (PRRA) is an evaluation done by IRCC to determine the risk of being removed from Canada to the country of origin. The PRRA is for people:

- Who are subject to a removal

- order that is in force or “removal ready”

- Who are over the 12 months bar

- from the day the last IRB decision is received

## Who cannot apply for a PRRA

Outlined below are persons who cannot apply for PRRA. The exceptions generally relate to persons who are not in need of protection or have other means of seeking protection.

- Protected persons and Convention refugees
- People subject to an authority to proceed under the *Extradition Act*
- Claimants coming from a safe third country.
- Certain refugee claimants and previous PRRA applicants

# Refugee rights /Resources

Refugee claimants, Convention refugees and persons in need of protection have certain rights and have access to settlement services

**Social Assistance**

**Legal Support (Legal Aid)**

**English Class**

**Shelter**

**Schooling up to High School**

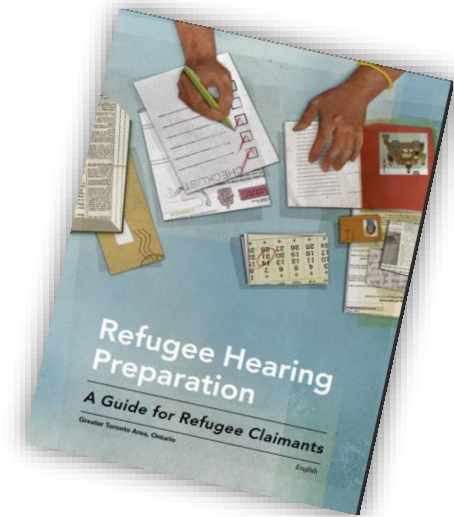
**Interim Federal Health**

**SIN (after getting the WP)**

**ACCESS TO**



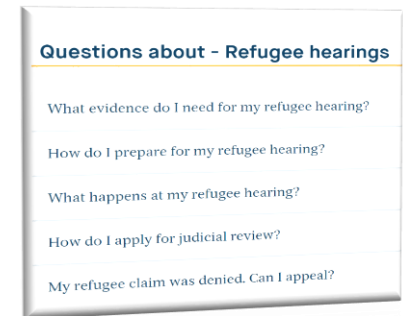
<https://www.fcjrefugeecentre.org/ready-tour-registration/>



<https://refugeclaim.ca/en/preparation-guide/>



<https://meetgary.ca/>



[refugee.cleo.on.ca/en/refugee-protection-hearing](http://refugee.cleo.on.ca/en/refugee-protection-hearing)

<https://ymcagta.org/immigrant-services-new/language-assessment-and-referral-services-new>

<https://www.ontario.ca/page/social-assistance>

<https://www.legalaid.on.ca/>

<https://211ontario.ca>

<https://settlement.org/>

<https://torontolip.com/>

<http://www.costi.org/programs/refugees.php>

## LATEST WEBINARS AND PRESENTATIONS

# Other Resources



Webinar | Ayuda de emergencia para aislamiento temporal por COVID-19



Webinar | Resources for people that does not have access to financial assistance



Webinar | What you need to know about the COVID-19 vaccines



Webinar | A path for regularization: Humanitarian and Compassionate Application



Webinar | Refugee Process during COVID-19 Updates: Virtual Ready Tours

## LATEST PODCAST EPISODES



Turkish – Episode #1: Youth Network



Afrikaans – Episode #1: Youth Network



Episode #25: Youth Network



Portuguese – Episode #6: Programa de distribuição de alimentos

