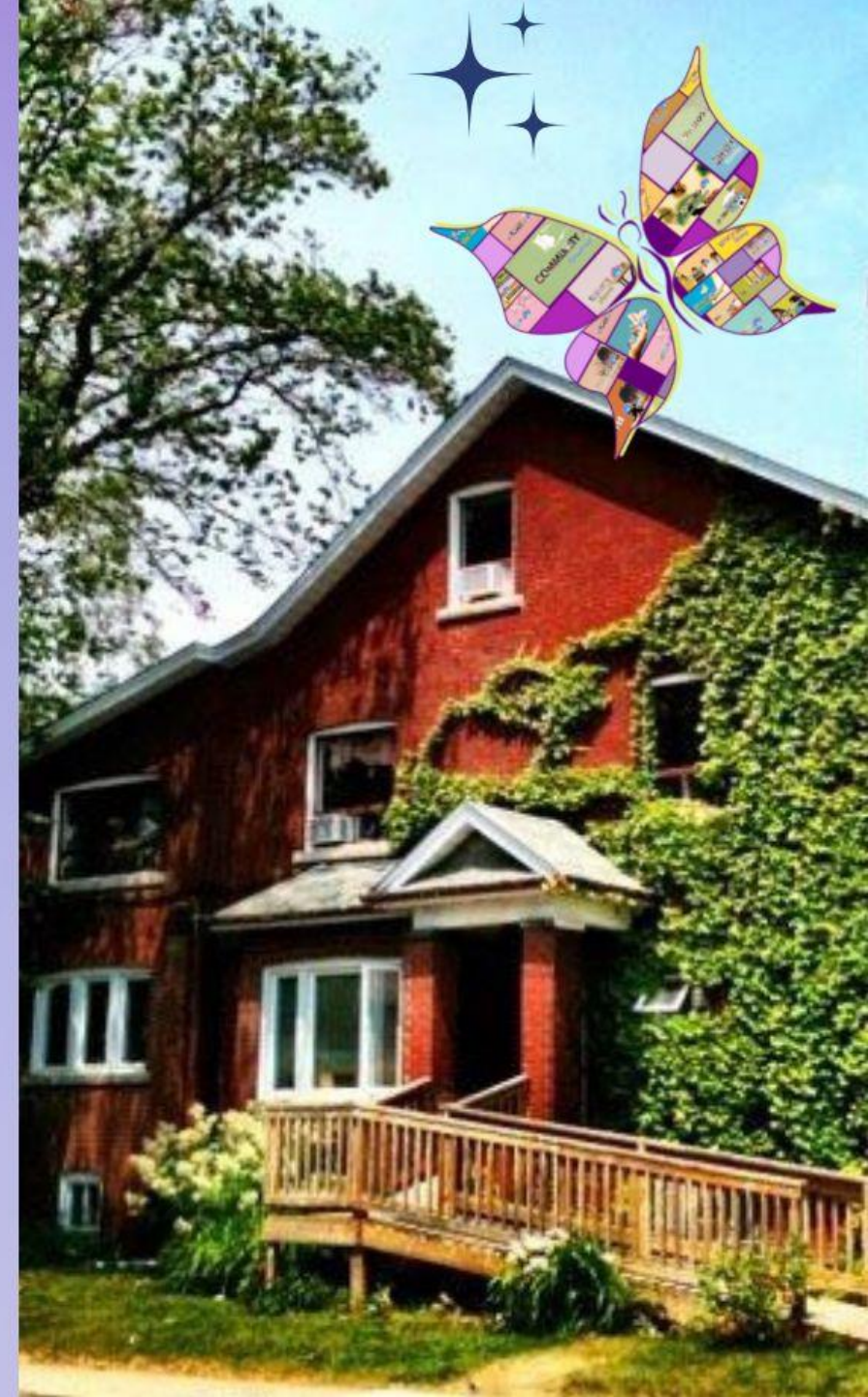




Refugee Hearing Preparation

Presented by:
Edgar Valderrama Medina
Immigration & Refugee Protection Manager

This presentation is thanks to the support of



LAND ACKNOWLEDGMENT

The land we are standing on 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 Treaty signed with multiple Mississaugas and Chippewa bands.

WHO WE ARE

- We are a non-profit organization which serves refugees and others at risk due to their immigration status
- We welcome anyone asking for advice, counsel and support regarding these issues.
- We address systemic issues that newly arrived refugee claimants and persons with precarious immigrations status face in Canada including lack of resources, marginalization, and discrimination.
- 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”.

FCJ Refugee Centre serves refugees and others at risk due to their immigration status, and welcomes anyone asking for advice, counsel and support.



Settlement Program

Immigration Help & Refugee Protection

Anti- Human Trafficking Program

Popular Education

Networking

FCJ REFUGEE CENTRE SERVICES



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

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-  @FCJRefugeeCentre
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-  @RefugeeCentre
-  FCJ Refugee Centre

10 FIRST STEPS

if you are applying for Refuge in Canada



10 FIRST STEPS

if you are applying for Refuge in Canada



Key steps
for refugee claimants

<https://www.fcjrefugeecentre.org/10-first-steps-if-you-are-applying-for-refuge-in-canada/>

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.



The online application process is currently only available to people who do not own any property and either:

- receive income assistance such as Ontario Works and Ontario Disability Support Program payments
- do not have any income
- are new to Canada
- are living in a shelter
- are completing the application on behalf of someone who is incarcerated.

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



Immigration and Refugee Board of Canada / Commission de l'immigration et du statut de réfugié du Canada

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

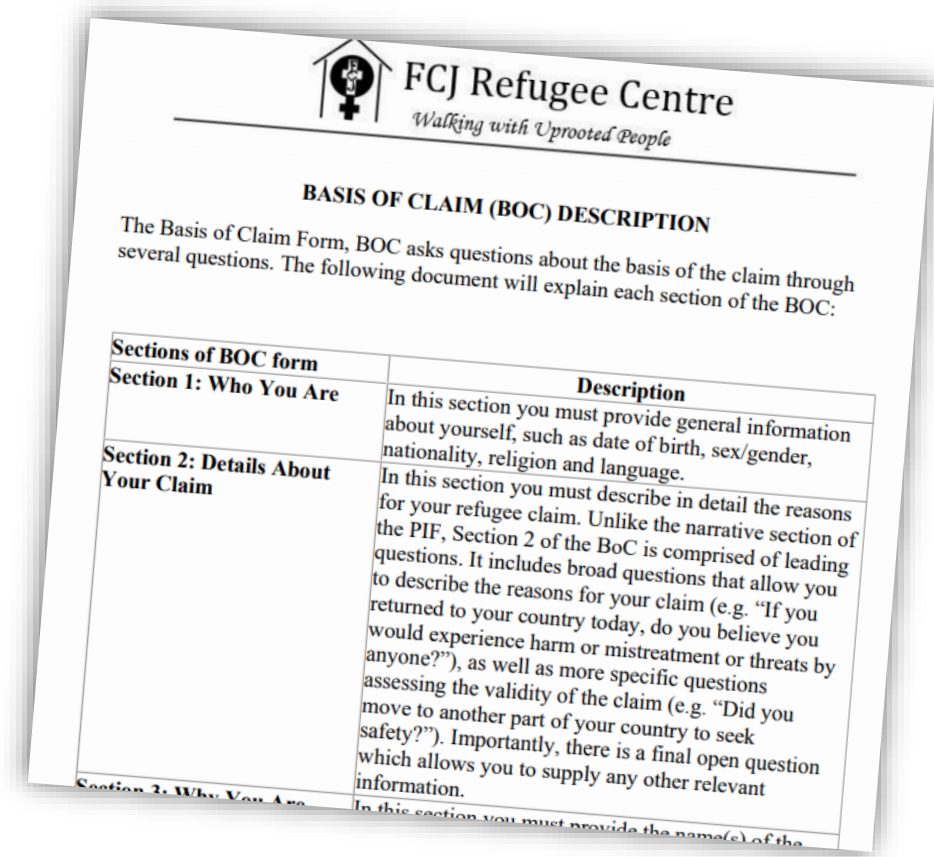
RPD.02.01 (November 2012)

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>

Refugee Protection Claim Documents

- Starting on August 8, Immigration, Refugees and Citizenship Canada has resumed the renewal of expired Refugee Protection Claimant Documents (RPCDs), starting with RPCDs that expired on or after January 1, 2020.
- Only after eligibility interview, work permit will be issued
- Work permit or study permit is requested by checking a box in the revised Schedule 12 and placing applicant's name



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

Webinar | How to do a Work Permit Online

<https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/refugees.html#rpcd>

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
PROTECTED WHEN COMPLETED / PROTÉGÉ UNE FOIS REMPLI - B

CANADA
EA021 050 072
D300

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: (yyyy/mm/dd)
Sex:
Country of Birth:
Country of Citizenship:
Date Issued: (yyyy/mm/dd)
Expiry Date: (yyyy/mm/dd)

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 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
FEB 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 1642B (1-2019)
Canada

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

PREPARING FOR YOUR REFUGEE HEARING

**Legal Aid, key issues and
evidences**

VIRTUAL REFUGEE HEARING

- The IRB is expanding on-site options available to those who have hearings before the Board.
- If refugee claimants do not have a suitable place or the right technology to participate in your virtual hearing, the IRB can help.
- As of Monday, June 6, 2022, the IRB is offering access to additional hearing rooms and technology to those who do not have a suitable location or device to participate in their hearings. Please note that the presiding member and any assigned interpreter will still participate virtually. They will not be physically present in the hearing room.
- To request access to an IRB hearing room for a virtual hearing, contact the appropriate registry. The contact information is included in your Notice to Appear. The IRB requires at least 5 days' notice to make a hearing room available.
- The Refugee Protection Division (RPD) occasionally has hearing slots that become available on short notice. If you have a claim that is ready to be heard, you can volunteer the claim to be added to the RPD's short-notice hearings list.

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



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

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

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



- **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

VIRTUAL HEARING



- 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?

- You will need to be in an appropriate and private environment to connect to videoconference (public spaces/networks such as cafes should not be used)
- You will need the 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.
- You need 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.



At the start of the hearing:

- If you have an interpreter, make sure you 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 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



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

REFUGEE APPEAL DIVISION



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

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 comeback 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 comeback to Canada for life.

OTHER OPTIONS:

- Make an application to the Federal Court for Judicial Review
- Pre-Removal Risk Assessment or PRRA
- H&C

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 rejected refugees that want to learn how to appeal their negative decision.

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



VIRTUAL Ready TOUR

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>

REFUGEE HEARING ORIENTATIONS

A free program for refugee claimants

A great opportunity to meet IRB/RPD officers who will explain the refugee hearing process

Learn:

- What a virtual refugee hearing is
- How to be prepared
- What to expect
- Who participates

What is going to happen during my refugee hearing?

Every other Thursday, 1:00 PM to 3:00 PM

REFUGEE APPEAL ORIENTATIONS

A free program for rejected refugee claimants

Learn about the refugee appeal process before the Refugee Appeal Division (RAD) through sessions facilitated by RAD officers

How can I be prepared for the the refugee appeal process?

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

Including:

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

OCT 6
OCT 20

NOV 3
NOV 17

DEC 1
DEC 15



OCT 13
OCT 27

NOV 10
NOV 24

DEC 8



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>

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

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)

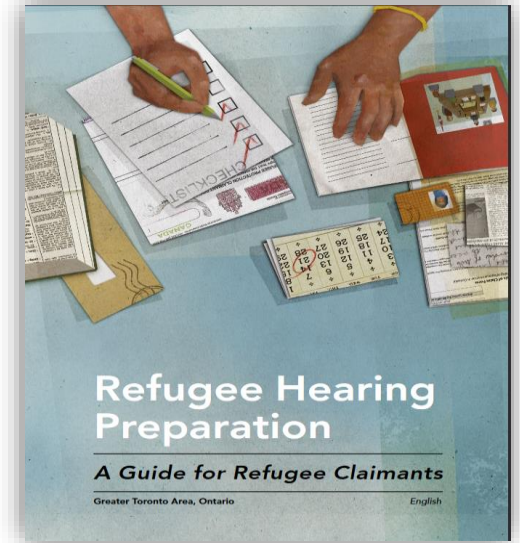
ACCESS TO



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



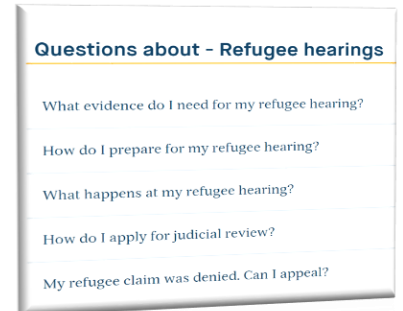
<https://refugeehouses.ca/>



<https://myrefugeeclaim.ca/en/>



<https://meetgary.ca/>



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>



Webinar | Navigating the Refugee Process, Hearing, Preparation and Resources



Webinar | Conociendo el Proceso de Refugio: Qué hacer y qué esperar



Webinar | Sponsorship Changes 2022



Webinar | International Women's Day Conversation: Art Therapy to Heal



Webinar | Library Resources for Refugee Claimants & Non-Status People

<https://www.fcjrefugeecentre.org/our-programs/settlement-programs/workshops/>

THANK YOU



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