

FCJ REFUGEE CENTRE

Walking with uprooted people

REFUGEE HEARING
PREPARATION

by

Francisco Rico-Martinez





AGENDA

- 1. Resumption of refugee hearings: in person and video conference**
- 2. Refugee hearing tips during the COVID-19: Legal Aid, key issues and evidences**

After every section we will have a 5 minutes for questions

MAKING QUESTIONS :



Using your microphone:

- Let us know you want to ask a question clicking on the Hand icon
- Make sure you unmute your microphone

Typing your question

- Use the Question mark
- Write down your question in the box and click send

Questions

Webinar staff to everyone

Bienvenidos a la sesión informativa organizada por el centro de refugio FCJ Refugee Centre. A través de estas sesiones informativas queremos seguir ofreciendo nuestros servicios en estos momentos de crisis. Por favor siéntanse cómodos de preguntar y aprovechar este espacio informativo. Cualquier duda siempre nos pueden contactar a nuestro número telefónico [416-469-9754](tel:416-469-9754) o más información de las sesiones Carolina Teves cteves@fcjrefugeecentre.org

Hospital para ser atendida y no me van a cobrar? no me van a pedir tener tarjeta de salud o ID del País?

Exit Send



FCJ | **Refugee Centre**
Walking with uprooted people

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

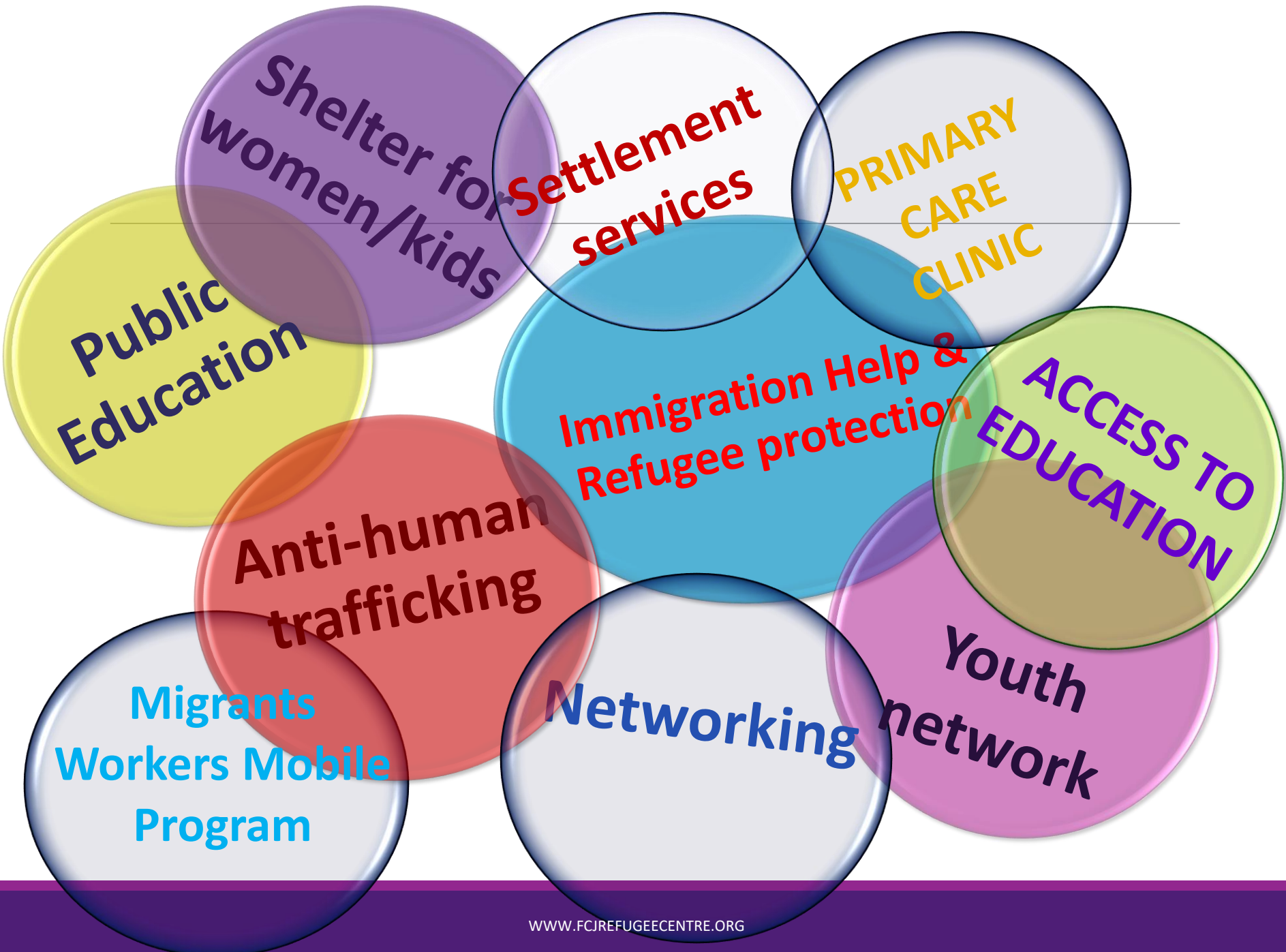
www.fcjrefugeecentre.org

WHO WE ARE...

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



WWW.FCJREFUGEECENTRE.ORG



RESUMPTIONS OF THE REFUGEE HEARING

FCJ Refugee Centre

Resuming in-person hearings

- ❖ July 20: The RPD and the Immigration Appeal Division IAD resuming in-person hearings in Vancouver
- ❖ August 3: resuming in-person hearings in Toronto and the other locations
- ❖ In preparation for this resumption, the RPD and the IAD will soon be reaching out to refugee claimants and immigration appellants or their counsel to re-schedule their hearings
- ❖ Hearings that were cancelled due to COVID-19 will be high priority for rescheduling
- ❖ Full 'in-person' reception services for the RPD and IAD will reopen only with the resumption of in-person hearings

Immigration and Refugee Board (IRB) in-Person Operations



- ❖ A package of information will be prepared with new safety protocols. They will be posted on the website and sent out to claimants and counsels once hearing date is set.
- ❖ People will need to complete a questionnaire and screening test before entering building (no answer on how people who are not fluent in English or French will complete it).
- ❖ Appointments will be organized appropriately so people do not arrive at the same time. On arrival, claimant will be sent directly to the hearing room and there will be no waiting room. (It is important to make sure you arrive at the exact time of your hearing schedule)

RPD Practice Notice on the Resumption of In-Person Hearings. See <https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/rpd-pn-hearing-resumption.aspx>. The RPD is planning to create a FAQ to accompany the practice notice.

Immigration and Refugee Board (IRB) in Person Operations Continued...



- ❖ To practice social distancing, IRB will be using are videoconferencing within the building to conduct hearings (claimants in one room, member in the other and interpreter remote. Also, Minister's representative will participate remotely).
- ❖ IRB's intention are to reduce people at hearings. - Children under the age of 12 will not need to appear unless it is required.
- ❖ Claimants under 18 years of age do not need to appear unless it is required.
- ❖ Hearings that were cancelled due to COVID-19 will be high priority for rescheduling
- ❖ RPD is considering particularly vulnerable claimants

RPD Practice Notice on the Resumption of In-Person Hearings. See <https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/rpd-pn-hearing-resumption.aspx>. The RPD is planning to create a FAQ to accompany the practice notice.

Suggestions to The IRB



- IRB should consider potential problems for claimants with incompetent counsel and new BOC deadlines due to lawyers' offices being closed and may consider extending BOC deadlines again.
- The use of the term “in person refugee hearing” is very confusing because at the end of the day ‘in person’ actually translates to a video conference hosted at the IRB building.
- As soon as possible, translate all communications regarding in person/videoconferencing into the needed languages.
- To reactivate the Ready Tour in video conference form, taking into account these new and different ways of having the refugee hearing...
- IRB is looking into using Service Canada locations within Ontario... maybe some community organizations as well
- What about if any of the parties decline to go the IRB building ... Is the IRB going to offer the videoconferencing?



Immigration and Refugee Board
Refugee Protection Division
Suite 400, 74 Victoria Street
Toronto, ON M5C 3C7
Fax: 416 954-1165

July 8, 2020

Diana Gallego
FCJ Refugee Centre
208 Oakwood Ave
Toronto, Ontario M6E 2V4
Tel: 416-469-9754 - Fax: 416-469-2670

RPD File: [redacted]
UCI: [redacted]

Pilot Project: Remote Hearing (Video-conferencing)



Subject: [redacted] : Remote Hearings Pilot Project for
Refugee Protection Claims

The Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB) is beginning a small-scale pilot project to hear refugee protection claims remotely by videoconference during the current pandemic. Participants in this remote hearing pilot project will be able to use their own computers, tablets, or cell phones to connect to the videoconference from their own homes and offices.

You are receiving this letter because you have expressed interest in potentially participating in the pilot project. We have determined that your claim may be appropriate for a videoconference hearing. Accordingly, we are contacting you to provide more information about this pilot project and to seek your written consent if you are able and willing to participate. You are encouraged to speak to your counsel about possibly participating in this pilot project. Your participation in this pilot project is completely voluntary and you are free to wait for a hearing to be scheduled in person when it is safe to attend the IRB premises again.

How will the videoconference hearings be held?

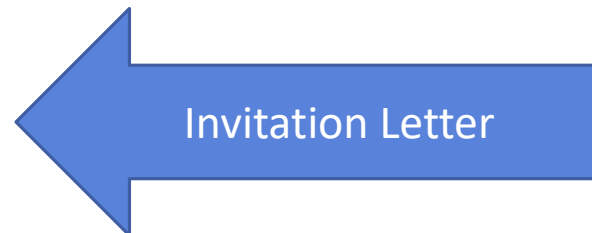
Videoconference hearings will be held using the Microsoft Teams videoconference application being run on the Government of Canada's secured computer network. The participants, including the claimant, counsel, interpreter and witnesses (if any) will connect to the videoconference from their own homes or offices using their own personal computers, tablets, or cell phones. The audio and video of the hearing will be recorded and all of the data will be stored in Canada on servers secured by the Government of Canada.

What do claimants and counsel require in order to participate in the pilot project?

If you would like to participate in the pilot project, you will need to have appropriate technology and an appropriate environment from which to connect to the videoconference. In particular, you should have the following:

- A home or office where you can participate privately
- A computer, tablet, or phone with a webcam

- If you are involved in this pilot project, you already have received a invitation letter to participate in a **Remote Hearing Pilot Project for Refugee Protection Claims**.



Remote Hearings Pilot Project Consent Form

Re: File TB9-09111

I am consenting to participating in the Remote Hearings Pilot Project and to having my claim heard by videoconference using the Microsoft Teams platform. I understand that participants in the project will use their own computers, tablets, or cell phones to connect to the videoconference from their own homes and offices. I have had the opportunity to speak with legal counsel about participating in this pilot project, including the risk of disclosure of my information in the event that a personal device's security is compromised. I understand that the RPD is not responsible for the security of personal devices used to participate in this hearing and I agree that the IRB will not be liable for any privacy or civil damages arising from a participant not having taken reasonable steps to safeguard and protect a personal device used at my remote hearing. I certify that:

- I have a home or office from which I can participate privately
- I have a computer, tablet, or phone with a camera (webcam) and access to high speed internet sufficient to reliably videoconference
- My home/office technology setup is secure and private and I will take the appropriate steps listed in the Government of Canada "Cyber Safe" recommendations
- I will have access to a telephone throughout the hearing
- I have counsel who has informed me that they can communicate with the RPD by fax, email or epost™ and that they will forward me all new documents that the RPD provides

Name (Please print) _____ Signature _____ Date _____

Interpreter Declaration (if applicable)

I, _____ (print full name clearly), declare that I have accurately interpreted the entire content of this letter and consent form into _____ (language) on this date _____. I am proficient in English and this other language and was able to communicate effectively with the claimant(s). Each claimant has assured me that they understand the entire content of this letter and consent form as interpreted by me.

Signature: _____

This form may be signed either by the claimant(s) themselves or by counsel acting on their behalf. Please attach additional sheets of paper, as necessary. If you do not wish to participate in a Remote Hearing, we would appreciate hearing why, so that we can improve our processes.

(July 3 2020) / en français

Information Form

The information form is a other document you have to fill out specifying the location from which each claimant and counsel will connect, email address and telephone where participants can be contacted during the hearing



Once you agreed to participate you have fill out a consent form where you declare you qualify for the project and have access to the technology . It includes a interpreter declaration in case English is not your first language



Immigration and Refugee Board of Canada / Refuge Protection Division

Commission de l'immigration et du statut de réfugié du Canada / Section de la protection des réfugiés

Remote Hearings Pilot Project Information Form

Re: File TB9-09111

Please specify the location(s) from which each claimant and counsel will connect to the hearing (e.g. counsel's office, a specified home address, etc.):

Email address for counsel:

Telephone numbers at which each participant will be reachable during the hearing:

How to return these forms

If you would like to be considered for participation in this pilot project, please complete and return these forms by July 22, 2020. Please send these documents to the RPD by Canada Post epost™, by email or by fax. Emails may be sent to TFSIcentral.GTIScentrale@irb-cisr.gc.ca. Faxes to the RPD Registry can be sent to 416-954-0467. Additional RPD contact information can be found at <https://irb-cisr.gc.ca/en/contact/Pages/contact5.aspx>.

Pilot Project: Remote Hearing (Video-conferencing)

- Videoconferences will be held using the Microsoft Teams videoconference application run by the Government of Canada's secured computer network.
- If at any point **before your hearing date** you decide you do not want to participate, you can advise your lawyer and your hearing will be rescheduled.
- 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.



Pilot Project: Remote Hearing (Video-conferencing)

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 by fax or ePost when communicating with the RPD.



Suggestion to the IRB

- How the IRB is planning to check the technical capacity and/or the required privacy requested in the letter of invitation,
- Is the IRB aware of the shared living arrangement and lack of privacy where the refugee claimants are staying or living?
- We are suggesting to the IRB that they consider holding hearings at NGOs as :
 - More comfortable for vulnerable claimants
 - Could address the need for bigger meeting space where parties can sit together while distant.

RPD Practice Notice on the Resumption of In-Person Hearings. See <https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/rpd-pn-hearing-resumption.aspx>. The RPD is planning to create a FAQ to accompany the practice notice.



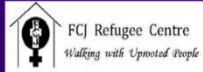
Count on us...
WE ARE OPEN

Please contact us
416- 469 9754
or WhatsApp #
437-217 3786

QUESTIONS

For more information
contact us:

Francisco Rico-Martinez:
franciscorico@fcjrefugeecentre.org
416- 469 9754 ext. 227



Connect with us

- 416- 469 9754
- 437-217 3786
- 647-971 2153 Migrant Workers
- info@fcjrefugeecentre.org
- www.fcjrefugeecentre.org
- fcjrefugeecentre
- @FCJRefugeeCentre
- @RefugeeCentre

BORDERLESS VOICES PODCAST

EPISODE #2

**HOW TO APPLY
FOR LEGAL AID**



BORDERLESS VOICES PODCAST

Episode #4
Part 1

**GETTING
READY FOR YOUR
REFUGEE HEARING**

BORDERLESS VOICES PODCAST

EPISODE #6

**HOW TO APPLY FOR
SIN# AND SOCIAL
ASSISTANCE**

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5 minutes to
answer some
questions
related to the
measures

**BORDERLESS VOICES
PODCAST**

EPISODE #1

**Inland refugee
claims under
COVID 19**

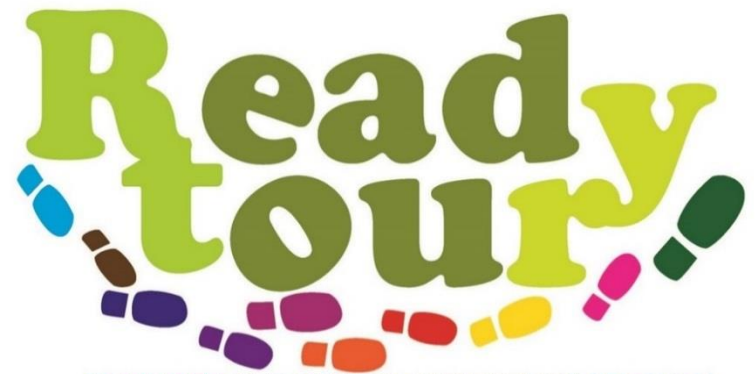


PREPARING FOR YOUR REFUGEE HEARING

A photograph of a hearing room. In the foreground, there are several wooden desks arranged in a U-shape. Each desk has a microphone on it. There are also boxes of tissues and some papers on the desks. In the background, there are blue office chairs and a green door. On the wall, there are some signs, including one that says "Immigration Refugee of".

**Some tips during the COVID 19
emergency: Legal Aid, key issues
and evidences**

Sign in and visit a
refugee hearing room:
FCJ REFUGEE CENTRE WEBSITE
WWW.FCJREFUGEECENTRE.ORG



REFUGEE HEARING ORIENTATION SESSION

A free program for refugee claimants



Sign in at FCJ Refugee Centre website

WWW.FCJREFUGEECENTRE.ORG



ORIENTACION GRATUITA APELAR UNA DECISION
NEGATIVA ANTE LA DIVISION DE APELACIONES DE
REFUGIO (RAD) DEL CONSEJO DE INMIGRACION Y
REFUGIO (IRB)

Recibí una decisión
negativa en mi
audiencia, ¿Qué
puedo hacer?

¿Quién puede
apelar?

A donde debo
de ir si quiero
apelar?

¿Quién puede
ayudarme a preparar
mi apelación?

RAD Info-session

RAD sesión informativa

Las sesiones informativas del RAD tienen como objetivo proporcionar a solicitantes de refugio la oportunidad de estar mejor preparados e informados para la preparación de su apelación ante el RAD:

- ¿Qué necesitas para poder apelar una decisión negativa?
- ¿Qué documentos se necesitan para apelar?
- ¿Qué es lo que sucede durante la apelación?

Inscripción

www.fcjrefugeecentre.org

E-mail: Carolina Teves

cteves@fcjrefugeecentre.org

First tip: 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.

How to apply for legal aid

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.

**You can find this information in our Migration
section o through our our BORDERLESS
VOICES PODCAST**

Second tip: 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**

Third tip: while waiting please gather evidence

There are two types of documents:

1.- Country conditions evidence:

- 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/country-information/ndp/Pages/index.aspx>

◦ 2.- Personal Evidences

- Proof of Identity and or Relationship..
- Proof of membership in group.
- Documents that prove incidents in your narrative.
- Medical and/or Psychological reports.

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

WEBINAR

AUGUST 6TH
10:30 AM

Humanitarian & Compassionate Application

REGISTRATION

https://www.fcjrefugeecentre.org/2020/07/hc_webinar/

Humanitarian & Compassionate Application

 Citoyenneté et Immigration Canada / Citizenship and Immigration Canada

IMMIGRATION Canada

Applying for Permanent Residence from Within Canada

Humanitarian and Compassionate Considerations



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Appendices:

- Appendix A: Dependent Children
- Appendix B: Police certificates
- Appendix C: Sponsor's Instructions

Forms:

- Application for Permanent Residence from Within Canada – Humanitarian and Compassionate Considerations (IMM 5001)
- Supplementary Information – Humanitarian and Compassionate Considerations (IMM 5283)
- Instructions – Use of a Representative (IMM 5561)
- Use of a Representative (IMM 5476)
- Authority to Release Personal Information to a Designated Individual (IMM 5475)
- Document Checklist – Humanitarian and Compassionate Considerations (IMM 5280)
- Receipt (IMM 5401)

Sponsorship Forms:

- Application to Sponsor and Undertaking (IMM 1344A)
- Document Checklist – Sponsor (IMM 5287)

This application is made available free by Citizenship and Immigration Canada and is not to be sold to applicants.

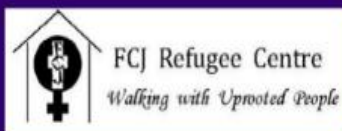
Cette trousse est également disponible en français

IMM 5291E (01-2010)

Canada

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Please contact us
416- 469 9754
or WhatsApp #
437-217 3786



Connect with us

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-  647-971 2153 Migrant Workers
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-  [fcjrefugeecentre](https://www.instagram.com/fcjrefugeecentre)
-  [@FCJRefugeeCentre](https://www.facebook.com/FCJRefugeeCentre)
-  [@RefugeeCentre](https://twitter.com/RefugeeCentre)

QUESTIONS

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EPISODE #6

**HOW TO APPLY FOR
SIN# AND SOCIAL
ASSISTANCE**

THANK YOU



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416-469-9754



info@fcjrefugeecentre.org