



Changes to the Refugee Process: How Will Bill C-12 Affect You?

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This presentation is possible thanks to the support of:



Land Acknowledgement

We acknowledge that 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.



Disclaimer

Please note that this presentation is provided for general information purposes only and is not intended to be, and does not constitute, legal advice.

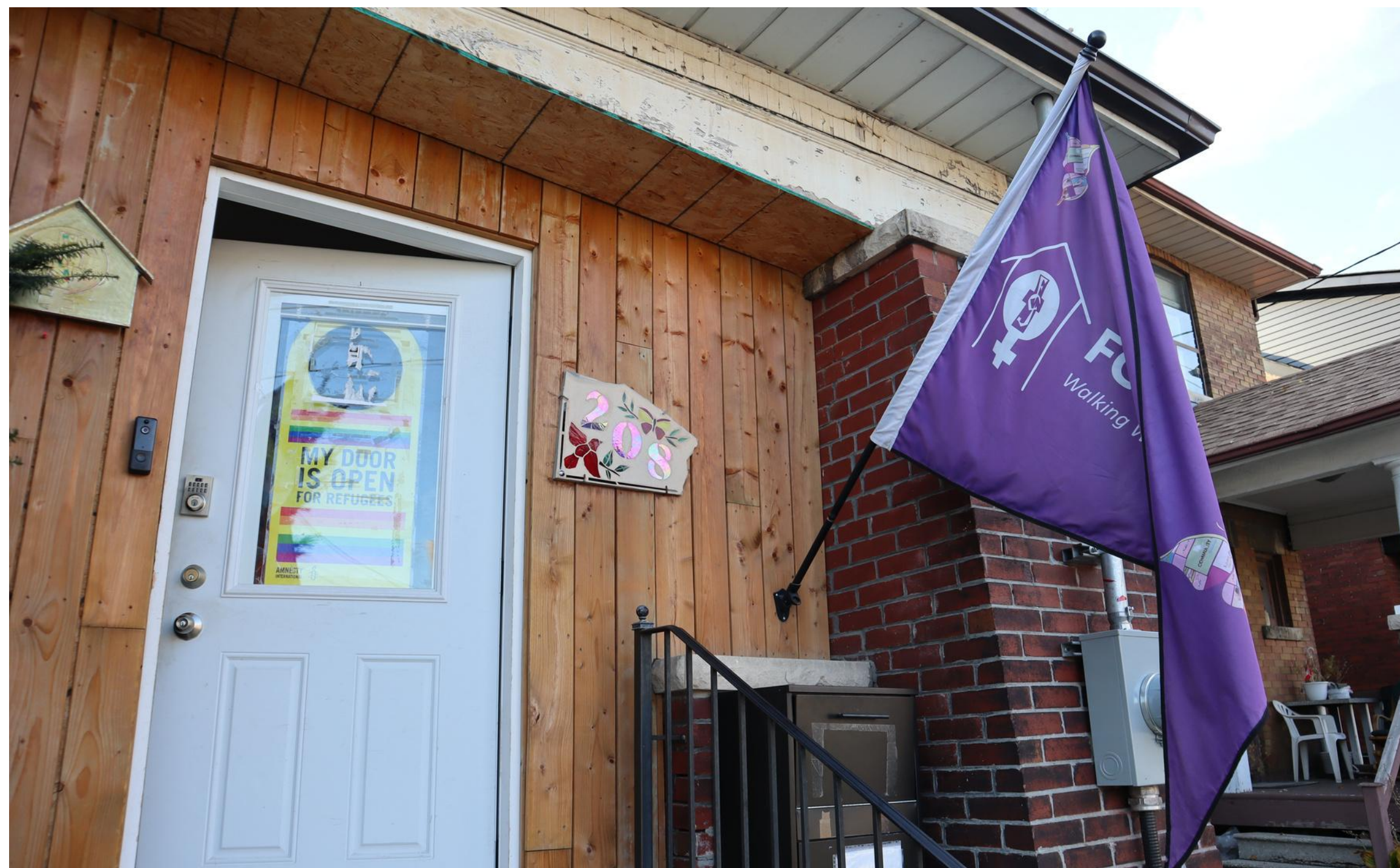


Who We Are


FCJ Refugee Centre serves refugees and other individuals and families at risk due to their immigration status.

We welcome anyone asking for advice, counsel and support regarding their refugee claim or immigration process.

We address systemic issues that newly arrived refugee claimants face in Canada including lack of resources, marginalization, and discrimination.



Our Programs and Services



**SETTLEMENT &
INTEGRATION**

- Shelter for women & children
- Refugee Housing Hub
- Women's services
- Food distribution
- English Classes
- Clinic
- Youth
- Access to Education

**IMMIGRATION
SUPPORT**

- Refugee process
- Immigration orientation
- PRRA (risk assessment)
- Refugee appeal
- H&C (Humanitarian & Compassionate App.)
- Sponsorship
- Work permit
- Etc.

**ANTI-HUMAN
TRAFFICKING**

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

**PUBLIC
EDUCATION &
NETWORKING**

- Webinars & training sessions
- Borderless Voices podcast
- YouTube channel
- Resources
- Country research
- Newsletter & annual reports

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What is Bill C-12?

The Strengthening Canada's Immigration System and Borders Act, also known as Bill C-12, is a piece of legislation from the Parliament of Canada. It passed and received Royal Assent on March 26, 2026, officially becoming law. The legislation introduces major changes, including stricter asylum eligibility rules, a 14-day deadline for certain claims, and authorized sharing of migrant data.



Two Major Changes to the Refugee Process

1. One-year bar prohibiting claims refugee claims where all three of the following conditions are met:

- i. You arrived in Canada after June 24, 2020 (regardless of whether you have been to Canada before).
- ii. You waited more than a year to apply.

AND

iii. You submitted your claim for refugee protection on or after June 3, 2025.
2. Ending exemption to STCA* for individuals who arrived from US between official ports of entry and made a claim more than 14 days after entry (only if their claim was submitted on or after June 3, 2025).

** STCA: Safe Third Country Agreement (between Canada and the United States)*

1. Terms and Acronyms



Pre-Removal Risk Assessment (PRRA) – A PRRA is a written application to assess risk before a person is removed from Canada. In most cases, the PRRA uses the same legal test as a refugee hearing to consider a person’s risk. Learn more about the legal test. Unlike an eligible refugee claim, which is decided by an independent board member of the Immigration and Refugee Board, a PRRA is decided by an IRCC officer. This is normally offered when a claimant is found ineligible to continue a refugee claim and CBSA begins a removal process

Immigration, Refugees and Citizenship Canada (IRCC) – The federal government department that processes immigration applications and makes decisions on PRRAs.

Canada Border Services Agency (CBSA) – The federal agency responsible for immigration and border enforcement, detention, and removals from Canada. CBSA makes decisions about eligibility to make a refugee claim at the border.

Refugee Protection Division (RPD) – The division of the Immigration and Refugee Board that holds hearings and makes decisions about refugee claims.

Refugee Appeal Division (RAD) – The division of the Immigration and Refugee Board that processes written appeals for negative RPD decision and makes decisions about these appeals.

Judicial Reviews to the Federal Court (JRs) – These are applications to the Federal Court that can cover multiple different processes. They can review/contest a negative decision from the RAD, the RPD (in credibility issues), defer/stay removal orders, or contest a negative decision from a rejected Humanitarian and Compassionate Grounds Application.

Refugee Protection Identity Document (RPID) – An identity document issued to refugee claimants that includes a photo, confirms that they have made a refugee claim and indicates entitlement to IFH, federal health care coverage. It is issued to both claimants who are eligible to be referred to the RPD and claimants who are only entitled to a PRRA but it does not indicate this on the form.

Acknowledgement of Claim (AOC) – A document issued to confirm that a refugee claim has been made.

Administrative Deferral of Removal (ADR) – A temporary policy that stops removals to specific countries listed because conditions there make return unsafe. This list changes from time to time to reflect country conditions.

Temporary Suspension of Removal (TSR) – A formal suspension of removals to specific countries listed due to situations such as armed conflict or widespread human rights violations. This list also changes from time to time.

Interim Federal Health Program (IFHP) – A federal program that provides limited health care coverage to refugee claimants and certain other migrants who are not eligible for provincial health insurance.

Immigration Division (ID) – The division of the Immigration and Refugee Board that holds hearings and makes decisions about admissibility and release from detention.

2. The Standard RPD, RAD, and JR Process

Inland Claim

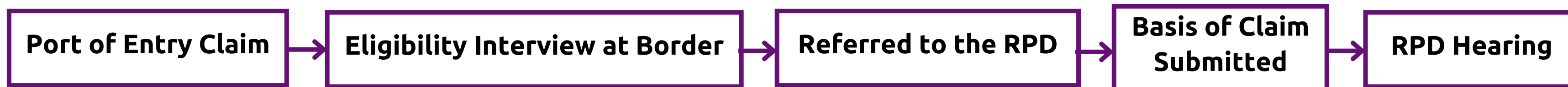


Option 1: Positive Decision → Apply for PR and Family Reunification

Option 2: Negative Decision → Apply to RAD ↓

- **Option 1: Positive RAD** → Apply for PR and Family Reunification
- **Option 2: Redetermination** → Go Back to RPD for another hearing
- **Option 3: Negative Decision** → Apply for JR to the Federal Court ↓
 - **Option 1: Positive Decision** and get sent back to RPD/RAD redetermination
 - **Option 2: Negative Decision** and await removal process

Port of Claim



Option 1: Positive Decision → Apply for PR and Family Reunification

Option 2: Negative Decision → Apply to RAD ↓

- **Option 1: Positive RAD** → Apply for PR and Family Reunification
- **Option 2: Redetermination** → Go Back to RPD for another hearing
- **Option 3: Negative Decision** → Apply for JR to the Federal Court ↓
 - **Option 1: Positive Decision** and get sent back to RPD/RAD redetermination
 - **Option 2: Negative Decision** and await removal process

During this process, if a claimant has submitted their RAD appeal or a JR on time they have an **automatic stay of removal**. This means that CBSA cannot begin the deportation process until there is a decision from the RAD or Federal Court.

- ⚠ One exception to the automatic stay is if a RPD decision states that the appellant has to go directly to the federal court.



3. What is an ineligible claim?



A person who asks for refugee protection in Canada may have their claim found **ineligible to be referred** to the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB).

Before Bill C-12 the primary reasons for ineligibility were:

- They previously made a refugee claim in Canada that was refused, withdrawn, abandoned, or found ineligible.
- They previously made a claim in one of the other “Five Eyes” countries (US, UK, Australia, New Zealand) and Canadian authorities have confirmed this through existing information sharing agreements.
- They are already recognized as a Convention Refugee in another country and can be sent back to that country.
- They are found inadmissible on grounds of security, human rights violations, serious criminality or organized criminality.

If a claim is found ineligible, it will not be referred to the Refugee Protection Division of the IRB. Instead, the person may be placed in **removal proceedings**.

When a claim is found ineligible to be referred to the Refugee Protection Division, the person is put in removal proceedings.

Before someone is removed from Canada, the **Pre-Removal Risk Assessment (PRRA)** is usually the process that is available to look at whether the person would be in danger if returned to their country of origin.

4. Bill C-12 New Ineligibility Rules



Since passing in late March 2026, Bill C-12 now places new ineligibility regulations that bar access to the RPD process for refugee claimants.

Claims will now be ineligible to be referred to the RPD **if the claim was submitted on or after June 3rd, 2025** and:

- **More than 1 year** has passed since the claimant's first entry into Canada **after June 24th, 2020** regardless if the person has since left and returned to Canada
- **More than 14 days** have passed since the claimant's entry to Canada without passing through an official port of entry

This is retroactive and claimants who submitted their refugee claim after **June 3rd, 2025** may find that their claim is now ineligible and may be referred to the PRRA.

5. How the PRRA process works

As stated before, when a claim is found ineligible to be referred to the RPD, the person is put in removal proceedings.

However, before someone is removed from Canada, the PRRA is usually the process that is offered to evaluate if a person would be in danger if they were returned to their country of origin.

 Please note: YOU CAN ONLY BEGIN A PRRA IF YOU ARE **INVITED** BY CBSA and THEY DETERMINE THAT THERE IS AN **ENFORCEABLE REMOVAL ORDER**.

Significantly, PRRA applicants cannot be anchor relatives for anyone seeking an exemption to the Safe Third Country Agreement.

Timeline



Scenario 1: Removal Order is Enforceable → CBSA appointment and applicant is given PRRA Application → 15 day deadline for Application Forms and 15 more days for Submissions and Evidence → Wait for appointment with CBSA to receive decision ↓

- **Option 1: Positive Decision** → Apply for PR and Family Reunification
- **Option 2: Negative Decision** → Apply a JR to Federal Court to appeal negative decision, along with a motion to stay removal (once a DTR has been served)

Scenario 2: A Removal Order is not Enforceable → Will be Protected from Deportation → Limbo of not receiving PRRA application

- Please Seek Legal Information regarding Humanitarian and Compassionate Grounds Application
- For official list of countries: <https://www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html>

 **Important:** A JR appealing a negative PRRA decision **does not have an automatic stay of removal.**

CBSA can and will try to remove an applicant that is submitting a JR to the federal court. Applicants will need to also need to bring a motion to stay removal at the federal court in order to prevent deportation while they await the results of their JR. However, the stay motion can only be brought once a Direction to Report is served on the applicant.

PRRAs have extremely tight deadlines that cannot be missed. There is no abandonment hearing process as there is in the IRB and it is extremely difficult to receive extensions on submission dates.

6. What is a PRRA application and how is it different than a refugee claim?

- A PRRA is a written application to assess risk before a person is removed from Canada.
- In most cases, the PRRA uses the same legal test as a refugee hearing to consider a person's risk. Learn more about the legal test.
- Unlike an eligible refugee claim, which is decided by an independent board member of the Immigration and Refugee Board, a PRRA is decided by an IRCC officer.
- A PRRA must be submitted within 15 calendar days of receiving the application from CBSA. This is an important deadline. If the PRRA is submitted after the 15th day, CBSA can try to remove the person from Canada before a decision is made on their PRRA.
- Additional evidence must be submitted within 30 calendar days of receiving the application from CBSA.
- Applicants may continue submitting supporting evidence until a decision is made.

7. PRRA Hearings

Some PRRA applicants will have a hearing with an IRCC decision-maker. Hearings may be held virtually (Microsoft Teams) or in person.

A hearing is required when:

- The claim was found ineligible to be referred to the RPD due to a previous claim in a Five Eyes country (for example, the United States). This is known as an “Enhanced PRRA.” A hearing is usually held. An officer may issue a positive decision without hearing but cannot issue a negative decision without one.
- In PRRA applications that don’t involve Five Eyes ineligibility, the decision is usually made based on paper submissions and evidence. In rare cases, the IRCC officer may decide they need to interview the applicant because they have questions about their credibility.

8. Work permits for people with ineligible claims

People with ineligible claims do not receive work permits automatically. CBSA or IRCC may not explain to them that they need to apply for it separately.

- If you have a work permit issued during a refugee claim that was found ineligible due to Bill C-12 you can continue using this work permit.
- They may apply for an open work permit after receiving their RPID.
- Fees total \$255 (\$155 application fee + \$100 open work permit holder fee).
- Processing times can be very long. See IRCC website for current processing times.
- Some PRRA applicants receive a PRRA decision before their work permit is issued, which can be especially difficult for people without access to legal aid.
- Applying for a work permit can be difficult without help. This is especially true for people from moratorium countries, which can delay the processing of their work permit application, or result in a refusal if biometrics can't be completed without the RPID.
- A person who has submitted their PRRA application after the 15-day deadline is not entitled to work in Canada and CBSA can take steps to remove them before a decision is made.

9. Social services for people with ineligible claims

- **Health care:** People with ineligible claims have access to the Interim Federal Health Program (IFHP) until removal. Proof of coverage is provided through the AOC or RPID. IFHP is generally responsive to coverage errors.
- **Social assistance:** Access varies by province. Some provinces provide assistance to people with unenforceable removal orders. Caseworkers may be unfamiliar with ineligible claims, and advocacy is often required to ensure receipt.

10. Identity documents for people with ineligible claims

- **Refugee Protection Identity Document (RPID):** Issued at the eligibility examination. It does not show whether a claim is eligible or ineligible for referral to the RPD, as this document is issued to people in both circumstances. Issued by CBSA (port of entry claims) or IRCC (inland claims).
- **Acknowledgement of Claim (AOC):** Issued electronically for inland claims made through the IRCC portal, usually within 5–10 business days. Issued by CBSA at the land border in some cases if eligibility can't be determined right away. It provides access to IFHP and some services.

If inland eligibility interviews are significantly delayed, service providers may advocate with local IRCC offices. Issues can also be raised at ircc.asylumtechsupport-supporttechasile.ircc@cic.gc.ca

11. How to Find Out If Someone's Claim is Ineligible

- The person should receive a letter stating that their claim is “not eligible to be referred to the Refugee Protection Division.” It should include under what provision of the Immigration and Refugee Protection Act they were found ineligible. For port of entry claims, CBSA should provide this letter at the eligibility examination. For inland claims, IRCC may provide this letter through the online portal after the eligibility examination.
- Claimants affected by Bill C-12 will receive a procedural fairness letter by IRCC informing them that their claim has been found ineligible due to the new law and will offer a chance to respond.
- The Refugee Protection Identity Document (RPID) does not indicate whether a claim has been found eligible or ineligible. Some clients may still possess the old Refugee Protection Claim Document which does indicate eligibility.
- CBSA and IRCC vary in how clearly they explain ineligibility. Many claimants leave their eligibility interviews confused about their status and what process applies to them.

- The person should receive a document called an “Acknowledgement of Conditions” at the eligibility interview. The second page usually includes details for an appointment at an inland CBSA office in the region where the person lives or plans to live. The person may not understand why this appointment has been scheduled.
- In some cases, the only reference to the PRRA in eligibility-examination documents may be found in the Minister’s Delegate’s notes, which may state that the person is eligible for a PRRA or the notes may refer the case to a CBSA removals officer to determine whether the person is eligible to be given a PRRA application to start the PRRA process.
- If they don’t have any of the above information, you can make an Access to Information and Privacy (ATIP) request for a copy of their file.

12. How to Prepare for a PRRA

- Once the PRRA process officially starts, applicants will have an extremely limited window to seek legal support to complete their forms, organize their evidence, and send their submissions to the IRCC officer.
 - Remember, it's only **15 days** to submit the forms after receiving the official invitation and an additional 15 days to send evidence and submissions
 - This is only **30 days** to organize an entire claim.
 - You cannot miss these deadlines because there is a risk the officer will make a decision without seeing your evidence.
- We strongly recommend that, if you suspect that your claim is ineligible and that you may be on the PRRA process, that you seek legal support and begin working on obtaining your evidence as soon as possible.
- Please update IRCC if you change your address as soon as possible. If you miss the CBSA appointment to receive the PRRA invitation there is a risk that you will lose the opportunity to present your claim and there is a high risk that CBSA will try to remove the applicant.

13. Some practical examples

How to know if someone is impacted by the new ineligibility provisions – One Year Bar

- Did they file a claim for refugee protection on or after June 3, 2025?
- If no (i.e. they filed before June 3, 2025), they are not impacted. If yes then:
 - Did they enter Canada after June 24th, 2020 (regardless of whether they have been to Canada before)?
 - If no (i.e. they entered for the first time on or before June 24th 2020) they are not impacted. If yes:
 - Has more than one year passed between the first date they entered Canada after June 24th, 2020, and the date they filed their refugee claim?
 - If no (i.e. they filed within a year of arrival), they are not impacted. If yes, they are impacted by bill C12 and will be found ineligible to make a refugee claim and redirected towards a PRRA.
- In other words, if you entered Canada after June 24, 2020, waited more than a year before filing a refugee claim, and submitted your claim on or after June 3, 2025, the claim will be deemed ineligible for referral to the RPD and you will instead be given a PRRA.

Example Scenarios – One Year Bar

Sam entered Canada on June 25th, 2020 and made a claim for refugee protection on June 2nd, 2025. Is Sam's claim eligible for referral to the RPD? Yes, because the claim was made before June 3, 2025.

Issouf entered Canada on June 24th 2020 and made a claim for refugee protection on June 3rd, 2025. Is Issouf's claim eligible? Yes, because he entered Canada on or before June 24th, 2020.

Joan entered Canada on June 25th 2020 and made a claim for refugee protection on June 3rd, 2025. Is Joan's claim eligible? No, because she entered Canada after June 24th 2020, filed on or after June 3rd, 2025, and waited more than a year after entering before filing.

Yusneidy entered Canada on June 4th, 2024 and made a claim for refugee protection on June 3rd, 2025. Is Yusneidy's claim eligible? Yes! Because less than a year has passed since her most recent entry to Canada.

Hector entered Canada on June 23, 2019 and made a claim for refugee protection on June 3rd, 2025. Is his claim eligible? Yes, because his most recent entry to Canada was on or before June 24th, 2020.

Peter entered Canada on June 23, 2019, left Canada, and returned on June 25th, 2020. He submitted a refugee claim on June 3rd, 2025. Is his claim eligible? No, because he entered Canada after June 24th, 2020, filed after June 3rd, 2025, and waited more than a year before filing.

How to know whether someone is impacted by the new ineligibility provisions - Cancellation of STCA exemption

- Did you make a claim on or after June 3, 2025?
- If no, (i.e. you made a claim before June 3, 2025), you are not impacted by C-12. If yes, then:
 - Did you enter Canada irregularly/between official POEs and wait 14 days before filing a claim?
 - If no, you are not impacted by C12 (unless the one-year bar applies). If yes, you are impacted by Bill C-12. Your Claim will likely be found ineligible and you will be redirected to the PRRA process.

Example of Procedural Letter from IRCC



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

Date: March [REDACTED], 2026

UCI: [REDACTED]

Application: L [REDACTED]

[REDACTED]
Etobicoke Ontario
Canada

SUBJECT : Redetermination – Ineligibility under A 101(1)(b.1) [A104]

[REDACTED]

This is in response to your application for refugee protection in Canada. I have reviewed your application and, pursuant to section A104 and subsection 101(1)(b.1) of the *Immigration and Refugee Protection Act (IRPA)*, I have determined that your claim for refugee protection may be ineligible to be referred to the Refugee Protection Division of the Immigration Refugee Board of Canada (IRB).

Under subsections 101(1)(b.1) and 101(1.1) of the IRPA, a refugee claim is ineligible to be referred to the IRB if the claimant entered Canada after June 24, 2020 and made their claim more than one year after that entry; if the claimant entered Canada multiple times after that date, the one-year period is calculated from the day after their first entry.

According to our records, you entered Canada on June 29, 2023 at Toronto Pearson International Airport. Our records also indicate that your refugee claim was submitted on September 21, 2025.

If you have additional information or evidence regarding the circumstances of your entry to Canada, as noted above, please submit it through the portal **by April 20, 2026**. Only information or evidence pertaining to the circumstances of your entry to Canada, as it relates to the applicability of subsection 101(1)(b.1) of the IRPA, will be considered.

If we do not receive your submission by this date, a decision will be made based on the information we have on file. If the decision is that your claim is ineligible for referral to the Refugee Protection Division, you will face removal from Canada.

Sincerely,

[REDACTED]
Case Processing Officer
Immigration, Refugees and Citizenship Canada



THANK YOU!

QUESTIONS?

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