



# THE REFUGEE PROCESS UPDATES & RESOURCES



FCJ Refugee Centre  
*Walking with Uprooted People*



# AGENDA

- **Who is considered a precarious migrant?**
- **Barriers faced by precarious migrants are magnified by COVID-19**
- **COVID-19 and the new measures implemented on the refugee process**
- **Impact of COVID-19 on the immigration system and how it is affecting precarious populations**



**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](http://www.fcjrefugeecentre.org)

## WHO WE ARE...



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

## WHO WE SERVE...

**We welcome anyone asking for advice, counsel and support regarding these issues**

**More than 6,000 people contact the Centre every year seeking assistance.**

# SERVICES/PROGRAMS

## IMMIGRATION HELP AND REFUGEE PROTECTION

- Immigration and refugee orientation
- Refugee Process
- Refugee Hearing preparation
- PRRA
- Refugee Appeal
- H&C
- Sponsorships
- Work/Student permit
- Etc.

- Transitional shelter for women and kids
- Housing support
- Women's programs: art class, Entrepreneur Skills, etc.
- Food distribution program
- Virtual community cooking class
- English and Conversation
- Primary Care and Mental Health Clinic
- Youth Program

## SETTLEMENT AND INTEGRATION:

## ANTI-HUMAN TRAFFICKING PROGRAM

- Direct services to trafficked persons
- Supporting migrant workers through our Migrant Workers Mobile Program

- Webinars and training sessions
- Borderless voices podcast
- Youtube channel videos
- Resources: presentations & documents
- Country research
- Seasonal Newsletter and annual reports

## PUBLIC EDUCATION AND NETWORKING

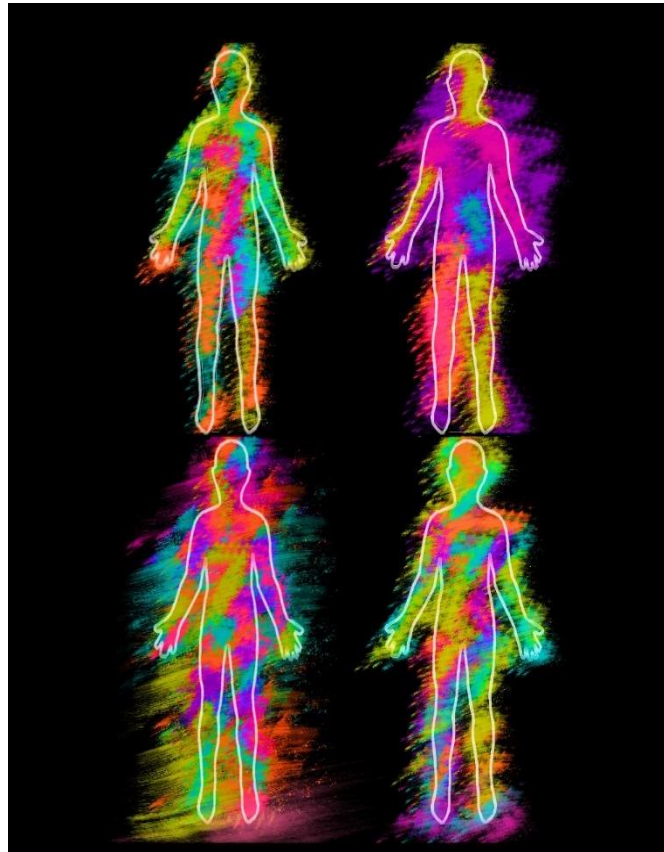
# WHO IS CONSIDERED A PRECARIOUS MIGRANT ?

- Refers to those populations that hold some form of uncertain migration status – often lack work authorization, the right to remain in the country permanently, social citizen rights, etc.
- Precarious migrants include: Refugee claimants, Refused refugee claimants, temporary foreign workers, students, visitors, or anyone else without official/permanent immigration status
- During the COVID-19 pandemic, we've seen how longstanding inequities have been disproportionately magnified and continue to affect and marginalize refugee claimants and other precarious populations.

# LIFE OF A REFUGEE AND OTHER PRECARIOUS MIGRANTS

## HOME COUNTRY

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



INTERSECTIONALITY

## IN CANADA

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

❖ May differ between individuals

# REFUGEE HEARING RESOURCES

## CLEO: Refugee Protection Hearing:

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



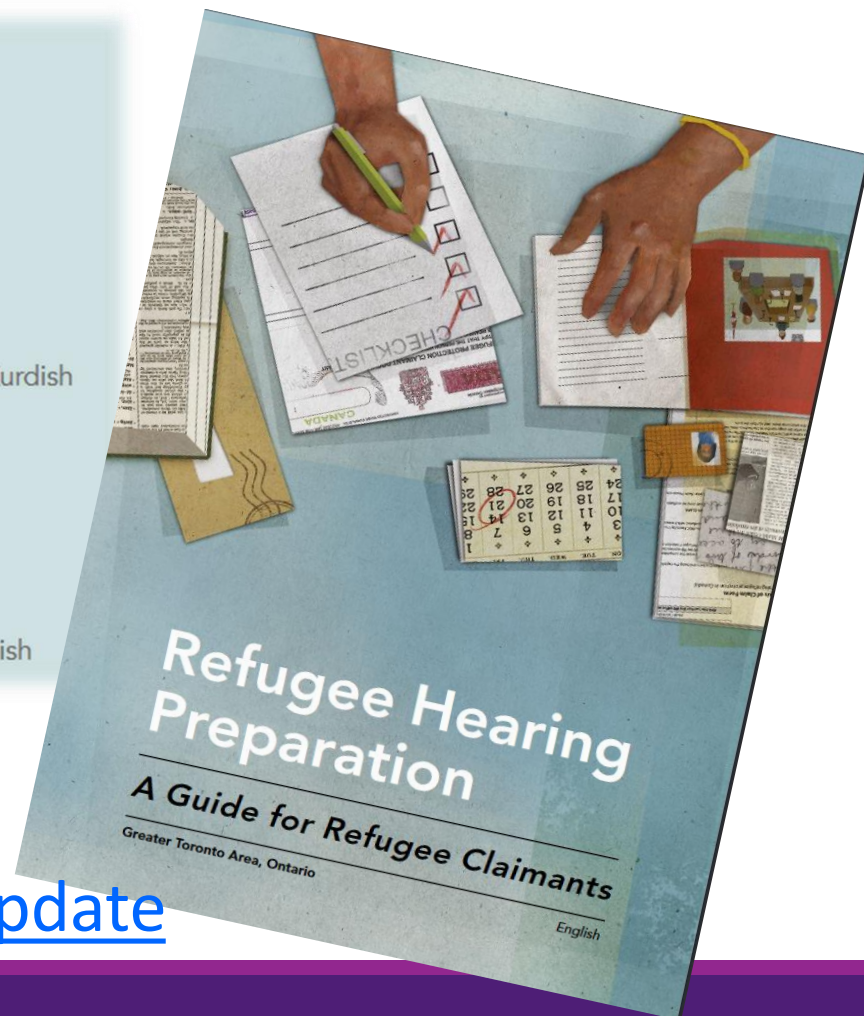
# REFUGEE HEARING RESOURCES

## Kinbrace: Preparation for the Refugee Hearing (different languages)

### Available Regions & Languages:

The Immigration and Refugee Board of Canada – Refugee Protection Division (IRB-RPD) holds refugee hearings in six locations across Canada. The Preparation Guide is uniquely adapted to each location, and available in the following languages:

- **Montreal** – English, French, Spanish, Sorani Kurdish
- **Toronto** – English, French, Spanish, Chinese, Arabic, Farsi, Urdu, Sorani Kurdish
- **Winnipeg** – English, French, Spanish, Somali
- **Calgary** – English, French, Spanish, Arabic, Urdu, Mongolian
- **Edmonton** – English, French, Spanish, Somali, Tigrigna
- **Vancouver** – English, French, Spanish, Chinese, Arabic, Farsi, Sorani Kurdish



[www.kinbrace.ca/rhp-guide/update](http://www.kinbrace.ca/rhp-guide/update)



# REFUGEE HEARING PROGRAM

It is a free program that allow refugee claimants to participate in a simulated hearing.

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Volunteers including lawyers, law students, retired IRB members, and experienced community members serve in the role of “adjudicators” during a 2-3 hour simulated hearing, allowing claimants to tell their story.

The logo is a blue square containing the text 'THE MATTHEW HOUSE' in orange, 'REFUGEE' in white, 'HEARING' in white, and 'PROGRAM' in white.

THE MATTHEW HOUSE  
REFUGEE  
HEARING  
PROGRAM

<https://www.matthewhouserhp.com>

For more details contact: 416-203-7396 or [rhp@matthewhouse.ca](mailto:rhp@matthewhouse.ca)



Refugee claims ▾

Refugee appeals ▾

Imm

[Home](#) → [Refugee Claims](#) → [Claimant's Guide \(Print version\)](#)

## Claimant's Guide (Print version)

### Table of contents

[About this guide](#)

[An introduction to refugee protection in Canada](#)

[Definitions](#)

[Claiming Refugee Protection](#)

[How do I make a claim for refugee protection?](#)

[At a port of entry](#)

[At an inland office](#)

[What are my responsibilities?](#)

[Getting a truthful and completed BOC Form submitted on time](#)

[Responsibilities regarding documents and hearing](#)

[Keeping your contact information and your counsel's contact information up to date](#)

[Once you have a scheduled hearing date](#)

[Which language will the RPD use with me?](#)

[When can the RPD declare that my claim has been abandoned?](#)

[Can I withdraw my refugee protection claim?](#)

[Basis of Claim Form and Paperwork](#)

[What is a Basis of Claim Form \(BOC Form\)?](#)

[How long do I have to complete my BOC Form?](#)

[If you made your claim at a port of entry](#)

# REFUGEE CLAIM RESOURCES

Claimant's Guide:

<https://irb-cisr.gc.ca/en/refugee-claims/Pages/ClaDemGuide.aspx#port>



## HEARING PREPARATION KIT

THE UNIVERSITY OF OTTAWA REFUGEE ASSISTANCE PROJECT

This Kit is produced by the University of Ottawa Refugee Assistance Project (UORAP), an access to justice initiative funded by the Law Foundation of Ontario. UORAP aims to assist unrepresented refugee claimants in Canada as they prepare for the refugee hearing.

For more information please visit [www.uorap.ca](http://www.uorap.ca).

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*This Kit and its contents are intended as general legal information to assist refugee claimants and those assisting them to prepare for their refugee hearing without compensation.*

La Trousse de préparation à une audience est également disponible en Français à [www.paruo.ca](http://www.paruo.ca).



The Law Foundation of Ontario  
Building a better foundation for justice in Ontario

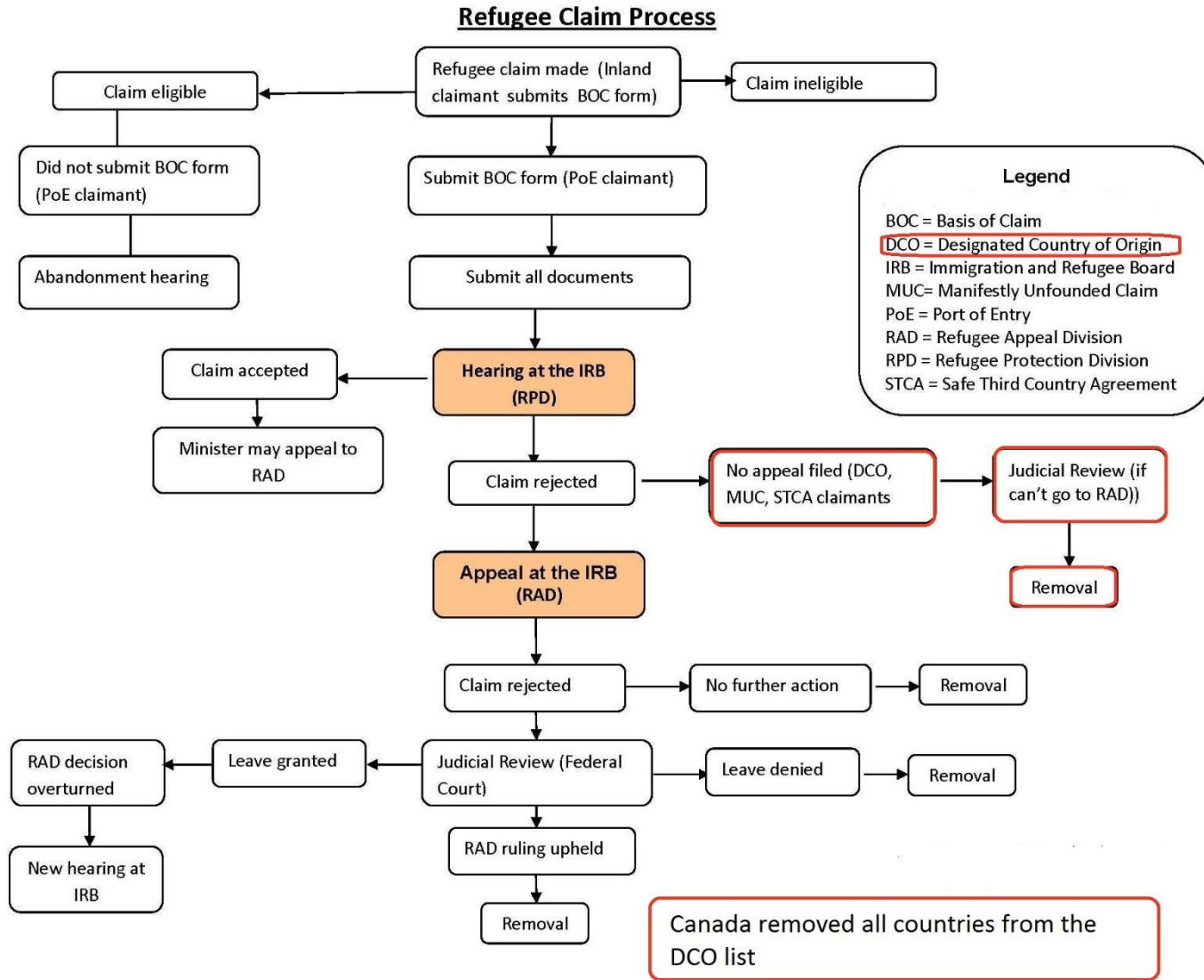
UORAP is funded by the Law Foundation of Ontario

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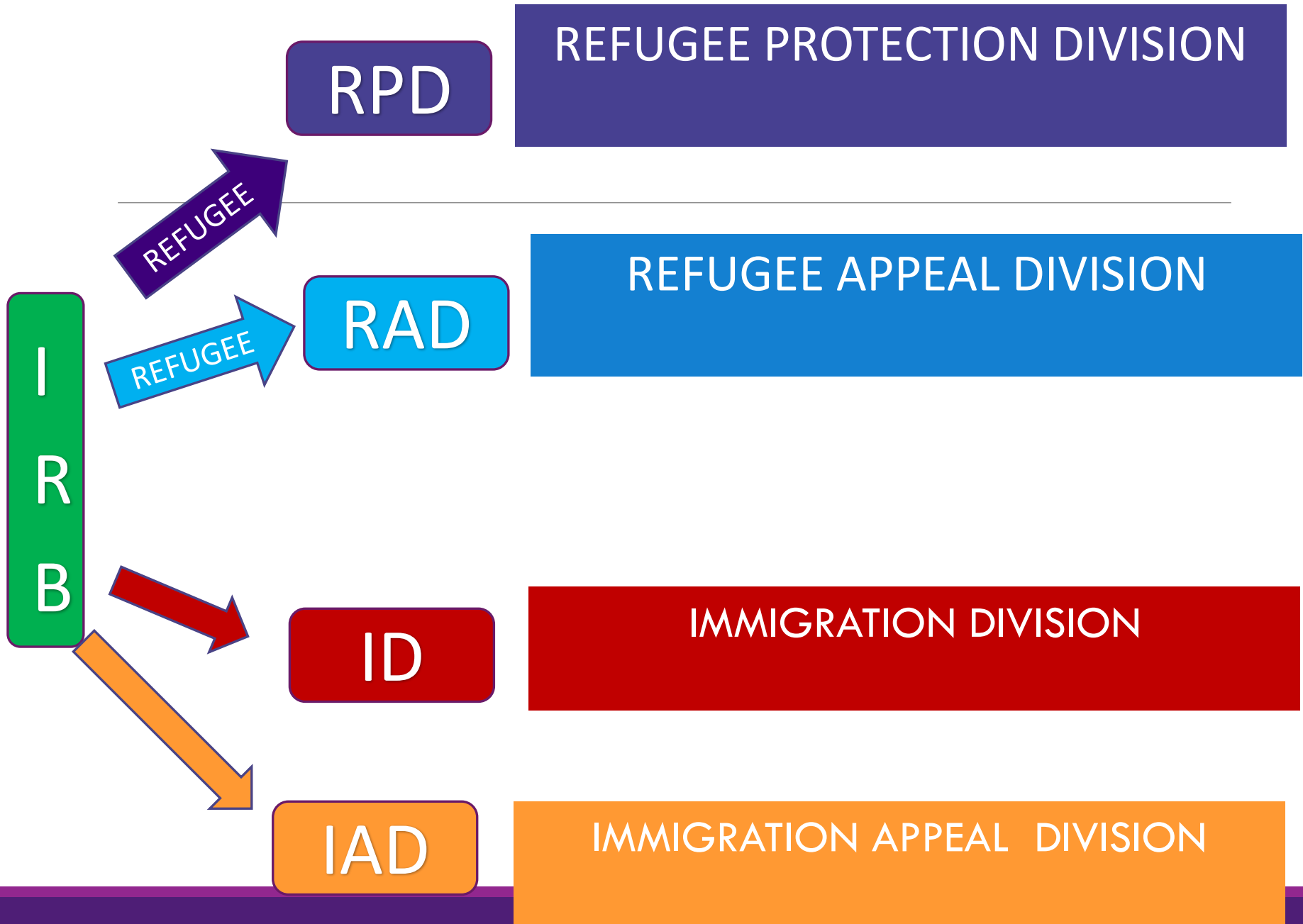
<b>Guide 1: Understanding the Refugee Claim</b> .....	
<b>HPF: Part A</b> The Summary of the Claim .....	
<b>Guide 2: Getting Evidence for your Hearing</b> .....	
<b>HPF: Part B</b> Documents as Evidence .....	
Documents about your identity and your refugee story.....	
Documents about conditions in your country of nationality .....	
<b>HPF: Part C</b> Witnesses as Evidence .....	
Types of witnesses .....	
Deciding between live testimony and sworn declarations.....	
Who is a good witness? .....	
<b>Guide 3: Preparing Evidence for your Hearing</b> .....	
Preparing and Submitting your Documents .....	
Preparing your Witnesses .....	
Documents from the Board or the Minister's Counsel .....	
<b>Guide 4: The Refugee Hearing</b> .....	
Who will be at my Hearing? .....	
How will my Hearing Proceed? .....	
How to Answer Questions .....	
How to Ask Questions to your Witnesses .....	
How to Seek an Adjournment .....	
Oral Representations .....	
The Board Member's Decision.....	
<b>Appendix A: Hearing Preparation Form</b>	
<b>Appendix B: Your To Do List</b>	
<b>Appendix C: List of Acronyms and Short Forms</b>	

[https://www.fcjrefugeecentre.org/wp-content/uploads/2020/09/hearing\\_preparation\\_kit.pdf](https://www.fcjrefugeecentre.org/wp-content/uploads/2020/09/hearing_preparation_kit.pdf)

# Navigating the Refugee System



<https://www.fcjrefugeecentre.org/our-programs/immigration-and-refugee-protection/canadas-refugee-process/process-chart/>



# Refugee rights

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

These services will help you settle and adjust to your new life in Canada.

Services include

- Interpretation and translation of documents, or help to arrange these services
- Help filling out forms and applications
- English classes/ Language assessment (YMCA)
- Help finding a job or training
- Information about other community services, schools and health care
- Applying to Ontario Works

ACCESS TO

**Social Assistance**

**Legal Support (Legal Aid)**

**English Class**

**Shelter**

**Schooling up to High School**

**Interim Federal Health**

**SIN (after getting the WP)**

# Settlement Resources

- Toronto Central Family Intake Shelter Line 416-338-4766
- Financial assistance: 416-338-8888
- [www.mcass.gov.on.ca/en/mcass/programs/social/ow/index.aspx](http://www.mcass.gov.on.ca/en/mcass/programs/social/ow/index.aspx)
- 211 Toronto. Find services by topic <https://www.211toronto.ca/>
- Settlement information: <https://settlement.org/>
- YMCA: <https://ymcagta.org> : Language as
- COSTI: <http://www.costi.org/>

# Access to IFHP coverage

- The IFHP provides limited, temporary coverage of health-care benefits to people in the following groups who aren't eligible for provincial or territorial (PT) health insurance: protected persons, including resettled refugees; refugee claimants; and certain other groups
- Basic coverage (similar to health-care coverage from provincial or territorial health insurance plans)
- Supplemental coverage (similar to the coverage given to social assistance recipients by provincial and territorial governments)



# 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. You will receive 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 also can find this information in our Migration section at our website o through our our BORDERLESS VOICES PODCAST**

# 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)
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# Resources how to fill out the BOC:

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

## TRANSLATION OF REFUGEE FORMS

[Canada's Refugee Process Main Page »](#)  
[Immigration Main Page »](#)

- Basis of Claim (BOC) Form – Spanish (Español)
- Additional dependants IMM0008 in Spanish
- Generic Application Form for Canada Spanish
- Schedule 12 Spanish
- Schedule A Spanish
- Work Permit in Spanish
- BOC Amharic
- BOC Czech
- BOC Slovakian
- Schedule 12 Czech
- Schedule 12 Slovakian

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Translation of refugee forms: Spanish, Portuguese, Amharic, Slovakian, Czech

<https://www.fcjrefugeecentre.org/our-programs/immigration-and-refugee-protection/canadas-refugee-process/translation-of-refugee-forms/>

### • HEARING PREPARATION KIT

THE UNIVERSITY OF OTTAWA REFUGEE ASSISTANCE PROJECT is available at FCJ Refugee Centre website immigration section

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**BASIS OF CLAIM (BOC) DESCRIPTION**

The Basis of Claim Form, BOC asks questions about the basis of the claim through several questions. The following document will explain each section of the BOC:

Sections of BOC form	Description
<b>Section 1: Who You Are</b>	In this section you must provide general information about yourself, such as date of birth, sex/gender, nationality, religion and language.
<b>Section 2: Details About Your Claim</b>	In this section you must describe in detail the reasons for your refugee claim. Unlike the narrative section of the PIF, Section 2 of the BoC is comprised of leading questions. It includes broad questions that allow you to describe the reasons for your claim (e.g. "If you returned to your country today, do you believe you would experience harm or mistreatment or threats by anyone?"), as well as more specific questions assessing the validity of the claim (e.g. "Did you move to another part of your country to seek safety?"). Importantly, there is a final open question which allows you to supply any other relevant information.
<b>Section 3: Why You Are</b>	In this section you must provide the name(s) of the

# UPDATES: REFUGEE PROTECTION CLAIMANT DOCUMENT

- IRCC has announced that they are 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.



# COVID -19 AND MEASURES

New temporary public policy will allow visitors to apply for a work permit without having to leave Canada:

Visitors who are currently in Canada and have a valid job offer will be able to apply for an employer-specific work permit and, if approved, receive the permit without having to leave the country

# COVID-19 AND MEASURES IN THE REFUGEE PROCESS

- New temporary measures have been implemented to provide permanent residency to asylum claimants working in Canada's health-care sector during the pandemic. To qualify, you must meet **all** of the following criteria
  1. have claimed asylum before March 13, 2020
  2. were issued a work permit
  3. have worked in the health-care sector
  4. have worked in a designated occupation for no less than 120 hours between March 13, 2020 and August 14, 2020. The designated occupations that are included in this special measure are orderlies, nurses, nurses' aides, patient service associates, assistant orderlies, and certain home support workers.
  5. demonstrate 6 months of experience in the designated occupation before being granted permanent residence. Applicants will have until August 31, 2021 to acquire this experience.
  6. have a Certificat de sélection du Québec (CSQ), if applicants wish to reside in Quebec
  7. meet existing admissibility requirements, including those related to criminality, security and health

# COVID-19 AND MEASURES IN THE REFUGEE PROCESS

- On September 14<sup>th</sup>, the IRB started its transition to its pre-COVID model for refugee hearings with all parties in the same hearing room.
- This include members, interpreters, and Minister's counsel, with some exceptions that existed before the pandemic.
- Claimants under 18 years of age do not need to appear unless it is required.

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



- ✓ **Through the file review process the IRB is planning to be flexible and find a way 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



# Impact of COVID-19 and inadmissibility

- Inadmissibility due to COVID-related criminal offences: an immigrant can be found inadmissible, removed from Canada and banned from entering for 1 year
- The penalties for not following a quarantine plan once you're in the country can include a fine of up to \$750,000, 6 months of jail time, and being found inadmissible, removed from Canada and banned from entering for 1 year

# Impact of COVID -19 and STCA

- Canada announced that its southern border will remain closed until at least October 21, 2020
- Claims for refugee protections made at official ports of entry continue to be processed in accordance with the Canada-US Safe Third Country Agreement. If the claimant meets an exception under the STCA (e.g. family member in Canada) the claimant will be allowed to make a refugee claim (but will need to comply with 14 days of isolation requirement)
- Those entering through irregular border crossings are returned to the U.S.
- There is an increased demand for Humanitarian and Compassionate Applications

# Impact of COVID-19 and family reunification

- Delays in Family Reunification: COVID-19 has delayed spousal sponsorship applications
- Processing times are 12 months but many of these cases exceed that amount of time
- Extended periods of separation may cause severe emotional distress, anxiety, and depression

THANK YOU



## CONNECT WITH US



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