

FCJ REFUGEE CENTRE

Walking with uprooted people

REFUGEE HEARING PREPARATION

by

Diana Gallego





Exit

Questions

The microphone symbol will be silenced for the public during the webinar session.

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

116 469 8754 o por correo electrónico de las sesiones Carolina Teves cteves@fcjrefugeecentre.org

This symbol will be used for the questions part of our presentation.

Hospital para ser atendida y no me

Here you can type your QUESTION and press SEND when finished

Send



AGENDA

1. Updates:

a) Temporary pathway to permanent residency

b) Virtual refugee hearing

c) CBSA: resuming deportation

1. Refugee Hearing Preparation: gathering evidences

2. Refugee Hearing Day



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

**Shelter for
women/kids**

**Settlement
services**

**PRIMARY
CARE
CLINIC**

**Public
Education**

**Immigration Help &
Refugee protection**

**ACCESS TO
EDUCATION**

**Anti-human
trafficking**

**Migrants
Workers Mobile
Program**

Networking

**Youth
network**

UPDATES: temporary pathway to permanent residency

1. On August 2020, the federal government announced a temporary pathway to permanent residency for refugee claimants working in the health-care sector during the COVID-19 pandemic.
2. More details were announced this week
3. On December 14, 2020, Immigration, Refugees and Citizenship Canada (IRCC) will begin accepting applications for permanent residence from refugee claimants who work in Canada's health-care sector and provide direct care to patients.

UPDATES: temporary pathway to permanent residency

The announce was extended to:

1. Refugee claimants who contracted COVID-19 and subsequently passed away, spouses and common-law partners of these individuals who are in Canada and arrived before August 14, 2020.
2. In addition, applicants' internship experience (both paid and unpaid) will be considered, as long as it is an essential part of a post-secondary study program or vocational training program in one of the designated occupations. An internship performed as part of a professional order requirement in one of the designated occupations will also be considered.

UPDATES: temporary pathway to permanent residency

- Applications will be accepted from December 14, 2020, until August 31, 2021. In-Canada family members of the principal applicant can be included on the application.
- All applicants will be required to meet existing admissibility requirements, including those related to criminality, security and health.

UPDATES: Canada Border Services Agency (CBSA)

- CBSA resume removal operations for all inadmissible foreign nationals in Canada starting on November 30
- CBSA regions had resumed on November some PRRA activities following safety measures : The Greater Toronto Area Region is exploring the use of video conference as a means to deliver PRRA decisions.

UPDATES: Scheduling virtual hearings at the Refugee Protection Division

- The RPD is scheduling virtual hearings, while providing the option to proceed at an IRB office.
- Claimants who prefer to have their hearing from an IRB office can advise the RPD of this when their claim is scheduled and the RPD will book an on-site hearing for them.
- If a party wishes to convert an already scheduled hearing from in-person to virtual, or vice versa, they should write to the RPD as soon as possible before the hearing date.

UPDATES: Scheduling virtual hearings at the Refugee Protection Division

- All parties who have a virtual hearing scheduled are sent a Notice to Appear which contains the date and time of the hearing, along with information on how to connect and the privacy and technical requirements to participate.
- The RPD recognizes that not all claimants who want a virtual hearing have access to the necessary technology and/or private space. The RPD will make a room available at an IRB office for claimants to use which contains the equipment necessary to connect to a virtual hearing. (Make the request at the time that hearing is scheduled.)

UPDATES:RAD

1. Starting on November 2 : The Refugee Appeal Division has issued a practice notice stating that it will now schedule all hearings virtually
2. Appellants or their representatives will be asked to confirm their availability for the proposed hearing date and can request an in-person hearing if they have specific concerns with holding the hearing virtually

UPDATES: REFUGEE CLAIM

- Individuals who are in Canada and wish to make a refugee claim are directed to make their refugee claim by email at IRCC.RefugeeClaim-Demandedasile.IRCC@cic.gc.ca.
- Once their request has been received, an Acknowledgement Of Claim letter will be sent to them by email.
- There may not be an interview date on this document due to the closure of the offices to the public.
- Claimants will be contacted for their interview date once regular service resumes.

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.



UPDATES: 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**

UPDATES: WORK PERMIT

- allows the applicant to continue working using their previous work permit, until a decision is made on their application

Date: October 28, 2020

Please quote this reference number when referring to this application.

Dear [REDACTED]

This confirms that your application has been received by Immigration, Refugees and Citizenship Canada (IRCC) on October 28, 2020 (yyyy/mm/dd).

Please attach this letter to your present work permit Number [REDACTED] as proof that you are authorized to continue working with the same conditions (ie. employer and occupation) until February 25, 2021 or until a decision is made on your application, whichever is first. This extended period of work is authorized as per subsection 186(u) of the Immigration and Refugee Protection Regulations. If you leave Canada before a decision is made on your application, you will no longer be authorized to continue working.

When will IRCC contact me?

You are expected to provide a COPY of your passport with your electronic application. If IRCC needs your physical passport, IRCC will request that you submit it to our office. IRCC will also contact you if we require additional information, documents or an interview. For general guidance on what to expect, you can visit <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/after-apply-next-steps.html>, or consult the "What Happens Next" section of the instruction guide associated with the application form you used.

Please do not send to IRCC any documentation related to this online application by mail, courier or fax. Any mail received, other than what is received in your account, will NOT be considered.

How long will it take to process my application?

Processing times vary. Please refer to the following page for processing times related to your application: <http://www.cic.gc.ca/english/information/times/index.asp>.

CAUTION: Do not submit multiple applications for the same service in an effort to speed up your application. Doing this may result in both applications being processed and delay the finalization of your application. IRCC does not refund processed applications.

Unless your application has exceeded normal processing times, please limit your correspondence to notifying us of changes in your application.

For additional information, consult the IRCC website at www.cic.gc.ca.

This is an automated message.

This message has been submitted to your account.

By submitting your application electronically, you agreed to receive correspondence electronically. IRCC will not be forwarding you paper notification.

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



- Types of Housing
- Sharing a Budget
- Where and How to search
- Viewing the apartment
- Rental applications

The video of the Housing Needs is available at our website

BREAK

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NEXT SECTION: Preparing for your refugee hearing

PREPARING FOR YOUR REFUGEE HEARING

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

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 INMIGRACIÓN Y
REFUGIO (IRB)

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

¿Quién puede
apelar?

A dónde 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

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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



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-cir.gc.ca>
Basis of Claim Form
Page 1 of 10

RPD.02.01 (November 2012)



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

Share this:



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

FCJ Refugee Centre
Walking with Uprooted People

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
Section 1: Who You Are	In this section you must provide general information about yourself, such as date of birth, sex/gender, nationality, religion and language.
Section 2: Details About Your Claim	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.
Section 3: Why You Are	In this section you must provide the name(s) of the

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**

Gathering Evidence

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

It is important:

- that you obtain evidence or try to ASAP

Keep a written diary of:

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

While waiting, please gather evidence

There are two types of documents/evidence:

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

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

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

Personal evidences

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

Personal Evidence... cont'd...

- **Evidence regarding current mental state:**

Medical reports (psychologists/psychiatrist) confirming:

- a) That you needed/are in need of treatment
- b) Issues that will impact your ability to testify. Reports could be obtained from your home country or in Canada.
- c) This can be especially important for survivors of major trauma such as rape and torture.

d) The reports should state:

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

Submission of Evidence

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

The translator can use the following certification:

I, _____ of the City of Toronto, declare that I am competent to translate from Spanish to English, and that the above documents have been faithfully and accurately translated from Spanish into English.
Declared on Toronto, _____, 2018



Registration

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

BREAK

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NEXT SECTION: YOUR REFUGEE HEARING DAY

REFUGEE HEARING DAY DURING COVID -19

When you arrive for your hearing

- You must arrive 30 minutes before the hearing start time indicated on your Notice to Appear.
- When you arrive, physical distancing measures will be in place:
 1. Non-medical masks are required in all public spaces and will be available upon request.
 2. Always keep a 2 metre (6 feet) physical distance between yourself and other occupants.
 3. Follow directional floor markings, wall signs.
 4. All public spaces will be sanitized frequently throughout the day.

When you arrive for your hearing


All visitors will be asked to complete a self-assessment questionnaire upon arrival:

<https://irb-cisr.gc.ca/en/stay-connected/Pages/covid-19-self-assessment-questionnaire.aspx>

The COVID-19 health and safety measures are available at the IRB website in different languages :

<https://irb-cisr.gc.ca/en/stay-connected/Pages/covid-health-safety-measures.aspx?fbclid=IwAR3agpgZRxeTiT3nrgMB2gh8WVkg55fkclSVS8aq35CyHje3OqqGLkLFKiA>

COVID-19 self-assessment questionnaire

 This page is available in the following languages:

- [French](#) | [Arabic](#) | [Haitian Creole](#) | [Farsi](#) | [Hungarian](#) | [Mandarin](#) | [Punjabi](#) | [Somali](#) | [Spanish](#) | [Tigrinya](#) | [Turkish](#) | [Urdu](#)

When you arrive for your hearing

When you arrive:

- You will be required to line up and present your identification
- You will be asked by the security guard to sanitize your hands
- Complete the health questionnaire
- Body temperature may also be monitored
- If you don't meet the minimal security screening requirements your hearing will be rescheduled
- A security guard may escort you or provide you with directions to the registration desk and/or hearing room
- You will be ask to follow the directional floor markings and maintain physical distancing.

The day of your hearing

- You must present yourself at the IRB on the time indicated on your **NOTICE TO APPEAR**
- If you fail, you will have to attend a special hearing in 5 days and explain why you did not attend (bring proof)
- If you fail the second time, your claim would be declared “abandoned”
- Removal procedures starts

Attending your hearing

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.

IRB Member (Decision Maker) Expectations

The IRB members make decisions on refugee claims before the Refugee Protection Division . The BOARD MEMBER will expect you to answer a number of important questions, such as:

- What do you fear will happen to you if you return to your country of origin?
- Do you think you will be harmed if you return to your country of origin?
- Did you seek help from authorities, including police or any other organizations, in your country?
- Did you try to move to another part of your country?

PARTICIPANTS AT THE REFUGEE HEARING

- A member of the IRB: BOARD MEMBER
- Yourself, as well as any family members claiming refugee status (members of the family under 18 years old do not have to attend the refugee hearing)

Other people who ***may*** be present at the hearing:

- Interpreter, (specific language, dialect), if needed.
- Your legal counsel, if there is one.
- Minister's representative, if requested by the IRCC (particular occasions)

Due the COVID 19 emergency the number of participants are restricted

Hearing Day

- IRB is resuming in-person hearings with members and interpreters in the same hearing room as counsel and claimants.
- Inside the hearing room distancing measures are in place.
- Plexiglass barriers have been installed in all hearing rooms.
- Audio devices in hearing rooms have been reconfigured to allow for better recording.
- Speak clearly and loudly so the decision-maker is able to hear you through the screens.
- The presiding member may ask you to remove your mask temporarily to clarify an audio issue.
- Sanitize your hands when entering and leaving the hearing room. Hand sanitizer dispensers will be available at the entrances and on the table.
- Once the hearing is completed, the security guard will ask you to exit the hearing room and leave the building as soon as possible

What happens After the refugee hearing?

At the end of your Refugee Hearing

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

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

Positive decision

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

Refugee Family Reunification

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

They seek reunification through:

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

Negative decision

- You can appeal to RAD-IRB
- Or can make an application to the Federal Court for Judicial Review
- You may decide to make a Humanitarian and Compassionate Application after 12 months of the decision
- You are exempted from this 12 months under best interest of the child exception and health issues

Pre-Removal Risk Assessment, PRRA

This is an evaluation done by IRCC to determine your risk of being removed from Canada to your country of origin, called a Pre-Removal Risk Assessment or PRRA.

The PRRA is for people:

- who are subject to a removal order that is in force or “removal ready.”
- Who are over the 12 months bar from the day the last IRB decision is received.

**REFUGEE HEARING
ORIENTATIONS
WEBINARS
EVERY OTHER
WEEK.**

QUESTIONS

Connect with us



416- 469 9754



437-217 3786



647-971 2153 Migrant Workers



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<https://www.fcjrefugeecentre.org/2020/10/refugeehearing/>

THANK YOU



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