



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Canada

The Refugee Appeal Division (RAD)

How to Submit an Appeal

Central Region, October 2021



Today you will Learn

- What is the RAD?
- What is an appeal to the RAD?
- Who are the participants in the appeal?
- What are the 2 steps in an appeal?





What is the RAD?

- The Refugee Appeal Division (RAD) is the tribunal to which most (there are some exceptions) refugee claimants can appeal if the Refugee Protection Division (RPD) rejects their claim for refugee protection;
- The RAD and the RPD are separate divisions of the Immigration and Refugee Board of Canada (IRB); the RAD is independent of the RPD.



What is an Appeal to the RAD?

- Statutory Right to Appeal – *Immigration and Refugee Protection Act*, Section 110(1)
- An Appeal can be made to show errors in the decision made by the Refugee Protection Division. (*But it is not a second opportunity to make a claim.*)
- An Appeal can result in one of three decisions.



Who are the Participants in the Appeal?

Appellant

- Refugee claimant(s) who wishes to appeal a negative decision from the RPD.
- In some cases, the Minister may appeal a positive RPD decision. Thus, the Minister is the Appellant.

Respondent / Intervener

- When the Minister is the Appellant, the claimant becomes the Respondent.
- If the Minister decides to participate in your appeal, the Minister is the Intervener.
- In most cases, the Minister does not participate in RAD proceedings.

RAD Member (Panel / Decision Maker)

- Reviews the arguments and decides the appeal.



What are the Steps in an Appeal ?

- **Step 1:** Submit a *Notice of Appeal Form*
- **Step 2:** Submit an *Appellant's Record*

A thumbnail image of a 'Notice of Appeal Form' from the Immigration and Refugee Board of Canada. The form is a grid with various sections for providing personal information, details of the appeal, and a declaration. It includes fields for name, address, and dates, as well as a section for the appellant's signature and date.



Step 1: Filing a Notice of Appeal

- Complete (fill in) the *Notice of Appeal* form.
(Include the names of all the appellants.)

- File (submit) the *Notice of Appeal* form:
 - Submit the completed *Notice of Appeal* by mail, e-post, courier, fax, portal or email.

 - Submit the *Notice of Appeal* **within 15 days** from the date you receive **(in hand)** the written *RPD Reasons and Decision*.



RPD File: TB9-XXXXX

NOTICE OF DECISION

[Immigration and Refugee Protection Act, subsection 107(1)]
[Refugee Protection Division Rules, rule 67]

Sample of a
RPD Notice of
Decision

Member Name
Member

In the claim for refugee protection of:	Date of birth:	UCI:
John DOE	XXX 22, 19XX	XXXXXXXXXX

The claim was heard on September XX, XXXX.

The Refugee Protection Division (RPD) determines that the claimant **is not a Convention refugee and is not a person in need of protection. Therefore, the RPD rejects the claim.**

The reasons for the decision are attached.

Month Day Year

Name Name
For the Registrar
Tel: 1-866-790-0581



You may appeal this decision to the Refugee Appeal Division of the Immigration and Refugee Board of Canada. There are time limits for making an appeal.



Notice of Appeal form

Front

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

For office use
Received on: _____

Notice of Appeal from a Refugee Protection Division Decision
Subsection 110(1) of the *Immigration and Refugee Protection Act*

TIME LIMIT: Provide the Refugee Appeal Division three copies of this notice of appeal no later than 15 days after you receive the written reasons for the Refugee Protection Division decision.

I am / We are appealing a decision of the Refugee Protection Division: _____
Date of the notice of decision (year/month/day) _____ Date Refugee Protection Division reasons received (year/month/day) _____

Appellant information
Use additional sheets of paper the same size as this form if needed.

Appellant - last name, first name	Appellant - date of birth (year/month/day)	Appellant - country of nationality/country of citizenship	Refugee Protection Division file number	Client ID number	Signature of appellant/ designated representative and date signed (year/month/day)	Language chosen for appeal	Representative designated by Refugee Protection Division	Refugee Appeal Division file number (for office use)
						<input type="checkbox"/> English <input type="checkbox"/> French	<input type="checkbox"/> None <input type="checkbox"/> Yes, Provide information on page 2.	
						<input type="checkbox"/> English <input type="checkbox"/> French	<input type="checkbox"/> None <input type="checkbox"/> Yes, Provide information on page 2.	
						<input type="checkbox"/> English <input type="checkbox"/> French	<input type="checkbox"/> None <input type="checkbox"/> Yes, Provide information on page 2.	
						<input type="checkbox"/> English <input type="checkbox"/> French	<input type="checkbox"/> None <input type="checkbox"/> Yes, Provide information on page 2.	

Disponible en français / Immigration and Refugee Board of Canada
http://www.irb-cir.gc.ca
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Address of appellant

Number and street	Apartment	City	Province	Postal code
Home telephone	Work telephone	Home fax	Work fax	

Counsel contact information

Name (Mr./Ms)	Law firm or company			
Number and street	Apartment	City	Province	Postal code
Telephone number	Fax number	Electronic mail address	Membership number	

Lawyer / Paralegal / Notary: Select province or territory _____

Immigration Consultants of Canada Regulatory Council

Family member or other person helping with this appeal: (Please complete the *Notice of representation without a fee or other consideration* and provide it to the Refugee Appeal Division with these documents.)

Limitation on retainer: _____

Note: The *Immigration and Refugee Protection Act* makes it an offence for any person not authorized under the Act to knowingly, directly or indirectly, represent or advise a person for consideration—or offer to do so—in connection with a proceeding under this Act. (Consideration includes money, or any other form of compensation or reward.)

I have been retained to represent the appellant(s) named above for their appeal before the Refugee Appeal Division.

Signature of counsel: _____ Date (year/month/day) _____

Designated representative information (if one was designated by the Refugee Protection Division)

Name (Mr./Ms)	Relationship (if applicable)	Organization or company (if applicable)		
Number and street	Apartment	City	Province	Postal code
Telephone number	Fax number	Electronic mail address		

Interpreter's declaration

I (print full name clearly) _____ hereby declare that I have accurately interpreted the entire content of this form to the appellant(s) from the English to the _____ language (state dialect if applicable).

I am proficient in both these languages (and dialect, if any) and was able to communicate fully with the appellant(s). The appellant(s) indicated that he/she/they fully understand(s) the entire content of this form as interpreted by me.

Signature of interpreter: _____ Date (year/month/day) _____

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http://www.irb-cir.gc.ca
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Notice of Appeal

Starts the Appeal process

Form contains:

- RPD File Number
- Date of Notice of Decision
- Date RPD Notice of Decision received (*in hand*)
- Legal Names of all persons appealing
- Current Mailing address
- Counsel Information *if applicable*
- Designated Representative *if applicable*
- Interpreter information etc.
- Entire form must be completed and signed.



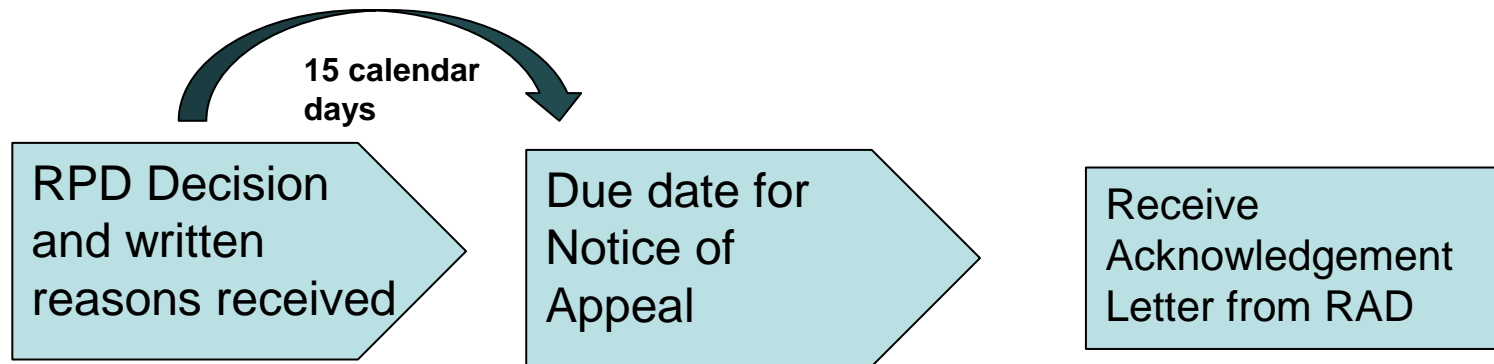


15 Calendar Days to file Notice of Appeal

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Date of RPD Notice of Decision	2	3	4	5
6	7	8 Date RPD Decision and reasons received	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23 Date Notice of Appeal Due	24	25	26
27	28	29	30	Nov 1	2	3
4	5	6	7	8	9	10



Step 1: Process (Notice of Appeal)





Notice of Appeal Acknowledgement Letter

- Confirms the receipt of your appeal
- Shows your RAD Registry Office and contact information
- Shows the timeline for filing of your Appellant's Record
- Explains procedures

Immigration and Refugee Board
Refugee Appeal Division
Suite 400, 74 Victoria Street
Toronto, ON M5C 3C7
Tel: 416-954-1000 - Fax: 416-954-1511

Date

John Doe
Address
City, Province

RAD File: TBX-XXXXX
RPD File: TBX-XXXXX
UCI: XXXXXXXXXXX

Subject: Acknowledgement of receipt of your notice of appeal

The Refugee Appeal Division (RAD) has received your notice of appeal on October 23, 2020.

Refugee Appeal Division file number

Please include your RAD file number whenever you contact the RAD. All of your communications regarding your file must be made to this RAD registry office located at the address provided above.

Perfecting your appeal

Your appellant's record must be received by the RAD **within 45 days** after the day on which you received the written reasons for the Refugee Protection Division's (RPD) decision you are appealing. As the RPD written reasons are considered to be received 7 days after the day on which they were mailed to you, your appellant's record must be received by the **RAD on Month Day Year**. **You must provide two copies of your appellant's record if submitting by paper, or one copy only if you send it electronically.** The RAD will provide the appellant's record to the Minister.

The RAD also removes (waives) the requirement in the rules for signatures on documents and RAD forms submitted in support of an appeal.

For more information, please refer to the [Practice Notice extending time limit for perfecting an appeal](https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/practice-notice-extending-time-perfecting-appeal.aspx) (<https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/practice-notice-extending-time-perfecting-appeal.aspx>).

If either your appellant's record OR an application for an extension of time to perfect the appeal is not provided to the RAD, your appeal may be dismissed. Please consult the [appellant's record](#) form and instructions on the website of the Immigration and Refugee Board of Canada (IRB).



Step 2: Filing an Appellant's Record

File (submit) the *Appellant's Record*:

- Submit the *Appellant's Record* by mail, e-post, courier, fax (fax limit: less than 20 pages), portal or email;
- Submit the *Appellant's Record* no later than **45 calendar days** after you have received (in hand) the *RPD Reasons and Decision*.

Note: For assistance with Filing the Appellant's Record register with FCJ to attend a detailed RAD Information Session.

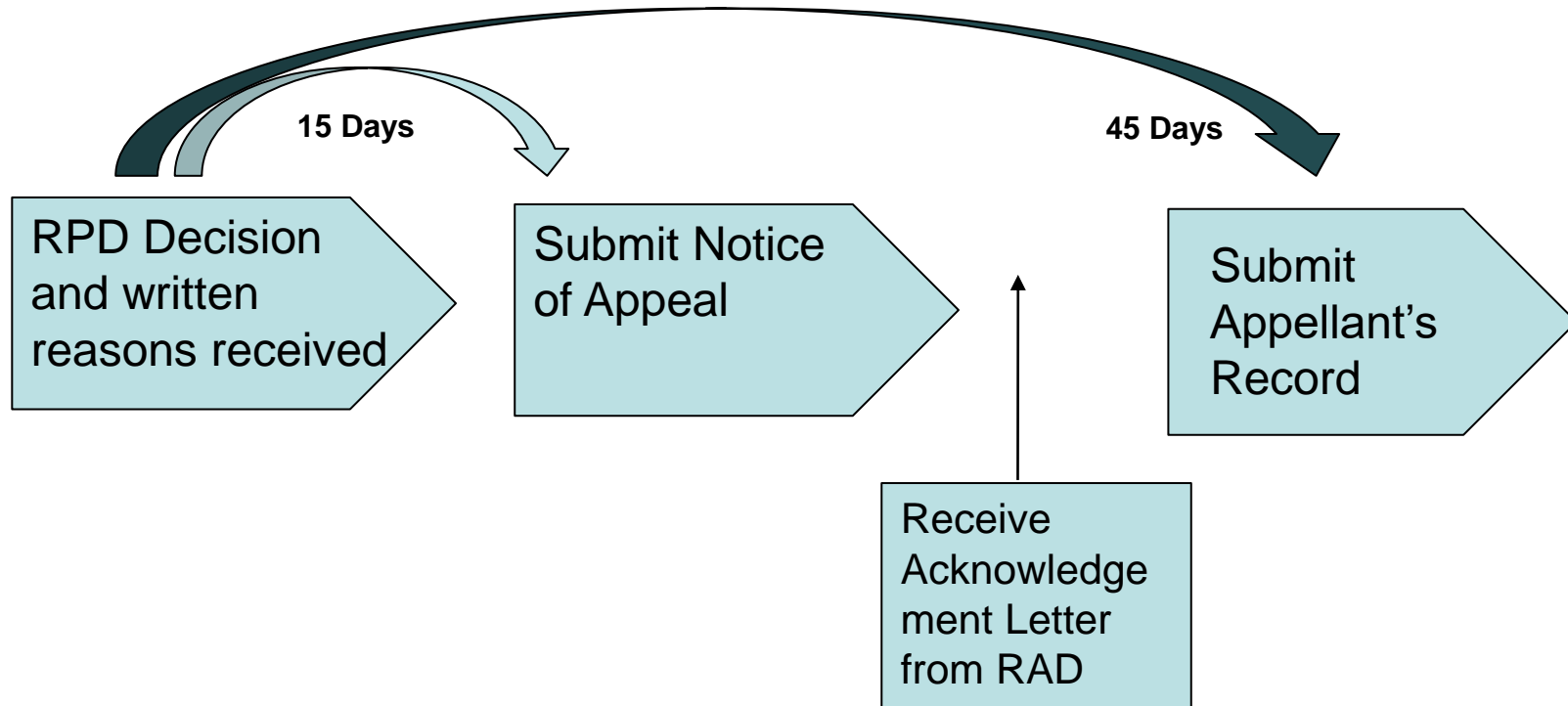


45 Calendar Days to file Appellant's Record

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Date of RPD Notice of Decision	2	3	4	5
6	7	8 Date RPD Decision and reasons received	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23 Date Notice of Appeal Due	24	25	26
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23 Appellant's Record Due	24



Process Flow (Appellant's Record)





After filing the Appellant's Record

- Once you have filed the Appellant's Record, your appeal will be considered by a Member of the Refugee Appeal Division.
- Because there are many cases before the RAD, this can take many months and at times more than a year.
- Most RAD cases do not involve a hearing.
- When a Member has considered your appeal, a decision will be sent to you.



The RAD decision

111 (1) After considering the appeal, the RAD shall make one of the following decisions:

- (a) confirm the determination of the RPD;
- (b) Set aside the determination and substitute a determination...
- (c) Refer the matter to RPD for re-determination...



If you require assistance with your RAD appeal

OPTIONS:

- Legal counsel (lawyer)
- Consultant - member of the Immigration Consultants of Canada Regulatory Council (ICCRC)
- Representative (without a fee)

- In your province, you may be eligible for free legal support with your RAD appeal.
- In Ontario, contact the Legal Aid office (LAO) at:
<https://www.legalaid.on.ca/> or Toll free number - 1 800 668 8258

- The list of legal aid offices is found on the IRB's website:
Appellant's Kit : <http://www.irb-cisr.gc.ca/en/refugee-appeals/RefAppKitTro.aspx>



IRB resources at your disposal

- If you are appealing your RPD decision to the RAD, please refer to the [Appellant's Guide](#) found on the IRB website

at

<https://irb-cisr.gc.ca/en/refugee-appeals/Pages/RefAppGuide.aspx>



Questions

