



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Working with Refugee Claimants — Resources for front-line workers



Revised September 2019

Introduction

This information is intended for front line workers who support refugee claimants and other vulnerable migrants. The information here comes initially from the 2017 CCR webinar “Supporting refugee claimants: practical steps” and input from our members working on the ground. Members can access the recording of this webinar here: ccrweb.ca/en/resources-supporting-refugee-claimants-practical-steps. (It should be noted, however, that there have been some changes to the system since that time.)

This document was last updated in September 2019.

Using the term “Refugee Claimant”

A “refugee claimant” is a person who has fled their country and is seeking Canada’s protection at our borders, or within the country. We do not know whether a claimant is a refugee or not until their case has been decided. CCR advocates continuing using the traditional Canadian term “refugee claimant” rather than “asylum seekers” or “asylum claimants.” For more information, see our comments on the usage of the term here: ccrweb.ca/en/refugee-claimants-comment-use-terms

The CCR opposes discrimination against claimants based on the place where they made their claim and is calling for reforms to the refugee determination system to make it fairer for all.

Resources:

- Glossary of terms – CCR: ccrweb.ca/en/glossary
- Glossary – Refugee Rights in Ontario, CLEO: <https://refugee.cleo.on.ca/en/glossary>

Refugee determination system overview

The refugee determination process is a complex multi-step process that will vary for each claimant according to factors such as:

- Where they made their claim
- Whether they are eligible to make a claim (more details under “eligibility”)

Resources:

- The refugee determination system – Community Legal Education Ontario (CLEO): refugee.cleo.on.ca/en/refugee-claim-flowchart

Illustration of the different steps in the refugee determination process.

- Claiming refugee protection in Canada – CLEO: refugee.cleo.on.ca/en/claiming-refugee-protection-canada

Practical Q&A intended for claimants themselves for questions regarding forms, delay, requirements and services.

- Claimant’s guide – Immigration and Refugee Board (IRB): www.irb-cisr.gc.ca/Eng/RefClaDem/Pages/ClaDemGuide.aspx

Guide covering all steps and provisions of the process of claiming refugee status in Canada.

- “An Introduction to Canada’s Refugee Determination System” – IRB: www.youtube.com/watch?v=gG52QiQr574 (current as of July 2017)

Video explaining the Refugee determination system of Canada.

Preliminary resources – Legal support

It is very important that refugee claimants seek legal counsel, as the process is complicated and the stakes are very high. Legal counsel can be found through legal aid offices when applicable or through other legal clinics and community resources.

Legal aid & community resources

Many claimants will need to seek legal aid to cover the costs of being represented by a lawyer. Legal aid is a provincial jurisdiction. Not all provinces provide legal aid coverage for refugee claims. When coverage is provided, the criteria and how to apply vary by province. For the listing of all legal aid offices per province please consult this link:

www.irb-cisr.gc.ca/Eng/RefClaDem/Pages/ClaDemGuideLegAidJur.aspx

Other legal resources available per provinces and/or territory (when applicable):

1. Alberta

- Legal Aid Alberta: 1-866-845-3425, www.legalaid.ab.ca – *Legal aid office*

a. Calgary

- Calgary Legal Guidance: (403) 234-9266, clg.ab.ca – *Free legal counsel for qualifying refugee claimants*

b. Edmonton

- Edmonton Community Legal Centre: (780) 702-1725, www.eclc.ca – *Free legal counsel for qualifying refugee claimants*

2. British Columbia

Legal Services Society: 1-888-601-6076, www.lss.bc.ca – *Legal aid office*

- Law Students' Legal Advice Program: (604) 822-5791, www.lslap.bc.ca – *Free legal counsel*
- Access Pro Bono Society, 1-877-762-6664, accessprobono.ca – *Free legal counsel*

3. New Brunswick

- New Brunswick Refugee Clinic: (506) 204-5781, nbrc-crnb.ca – *Free legal counsel specific for refugees*

4. Nova Scotia

- Halifax Refugee Clinic: (902) 422-6736, halifaxrefugeeclinic.org – *Free legal counsel specific for refugees*

5. Manitoba

- Legal Aid Manitoba: 1-800-261-2960, www.legalaid.mb.ca – *Free legal counsel for qualifying refugee claimants*
- Manitoba Interfaith Immigration Council Inc.: (204) 977-1000, legalthelpcentre.ca/manitoba-interfaith-immigration-council-inc-miic – *Free legal counsel specific for refugees including first steps of the refugee claim process*

6. Ontario

Refugee Law Offices, www.legalaid.on.ca – *Legal aid offices*

- Hamilton: (905) 528-0134
- Ottawa: (613) 569-7448
- Toronto: (416) 977-8111

7. Quebec

- Commission des services juridiques du Québec: (514) 849-3671, <http://www.csj.qc.ca> – *Legal aid office*

PRAIDA: (514) 284-0054, <https://www.ciusscentreouest.ca/programmes-et-services/habitudes-de-vie-et-prevention/praida-demandeurs-dasile/au-sujet-des-demandeurs-dasile-informations-generales/> – *Provides referral to legal counsel*

Step 1: Making a claim

A refugee claim can be made either at the border when arriving in Canada through an official Port of Entry (POE) which includes airports, land or seaports or once already in the country, as an Inland claim.

Making an Inland claim vs. a Port of Entry (POE) claim

POE	INLAND
Claimants complete claim forms to make a claim on site with the help of CBSA officers.	Claimants themselves complete claim forms and the Basis of Claim form (should be done with a lawyer). This can potentially take weeks or even months.
The CBSA officer determines eligibility , usually right away. If the claim is eligible, the claimant receives their Refugee Protection Claimant Document (RPCD).	Claimants request an appointment with a local IRCC office once they have all the forms and documents ready. Waiting times for appointments vary according to each region, but may be 2-3 weeks. The IRCC officer will usually determine eligibility at the interview. If the claim is eligible, the claimant receives their Refugee Protection Claimant Document (RPCD).
The claimant must file the Basis of Claim (BOC) form within 15 “calendar days” after the claim is found eligible (should be done with legal counsel).	The Basis of Claim (BOC) is submitted when the claim is made at a local IRCC office.

Acknowledgement of claim document

Usually eligibility is determined immediately, but in some cases this may not happen. If eligibility is not determined the same day that the claim is made, the officer issues an acknowledgement of claim document and registers the person for Interim Federal Health (IFH) coverage.

Resources:

- Apply – Refugee status from inside Canada – IRCC: www.cic.gc.ca/english/refugees/inside/apply-how.asp

Summary of the two ways to claim refugee protection in Canada.

- Applying for Refugee Protection from within Canada – IRCC: www.cic.gc.ca/english/information/applications/protection.asp

IRCC Applicant’s package: all forms and guidelines.

- IRCC offices in Canada – By appointment only – IRCC: www.cic.gc.ca/english/information/offices/help.asp

List of IRCC offices per province and territory.

- Acknowledgements of claim and upfront Interim Federal Health Program (IFHP) coverage for refugee claimants – IRCC: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/canada/coverage-refugee-claimants.html>

IRCC operational instructions for when eligibility cannot be determined on the same day that the claim is made.

Step 2: Eligibility

When a person makes a claim, officers will assess if the claim is eligible.

Grounds of ineligibility:

- The claimant entered (at a POE) from a **Safe Third Country** (i.e. the USA)
- The claimant has made a refugee claim in a country with which Canada has an information-sharing agreement: currently the United States, Australia, New Zealand and the United Kingdom. (This is a new ground of ineligibility that affects claims made since April 2019.)
- The claimant already has refugee protection in another country
- The claimant made a previous claim in Canada (including a claim that was found ineligible)
- The claimant is inadmissible on security or certain criminality grounds

If the claim is found eligible, the claim will be referred to the Immigration and Refugee Board (IRB) and the claimant will receive a Refugee Protection Claimant Document (RPCD).

If the claim is found not eligible, the person may still receive a Refugee Protection Claimant Document (RPCD) if they are eligible to apply for a Pre-Removal Risk Assessment (PRRA).

Resources:

- Find out if you're eligible – Refugee status from inside Canada – IRCC:
www.cic.gc.ca/english/refugees/inside/apply-who.asp

List of eligibility criteria. (As of August 2019, this list had not been updated to include the new ineligibility ground added in 2019)

- Refugee Protection Claimant Document (RPCD) - IRCC:
<http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1477>

Safe Third Country Agreement (STCA)

Under the STCA, in force since December 2004, Canada and the US designate each other as “safe” for refugees and establish the principle that refugee claimants should generally seek protection in the first of the two countries that they reach.

Because of the STCA, claimants arriving from the US at any official Canadian land border will be found ineligible to make a claim, unless they meet an exception. People found ineligible under the STCA are almost always immediately returned to the US. The STCA does not apply to people who enter Canada in between official border points: therefore, claimants in the US who are in need of protection cross the border irregularly in order to make a claim once in Canada.

Exceptions to the STCA:

The STCA exempts the person from being returned to the US if the person:

- Has qualifying family members physically present in Canada
- Is an unaccompanied minor and neither parent (or legal guardian) is in either USA or Canada
- Has a valid Canadian visa
- Is a national of a country where visas are not required to enter Canada but are to enter the USA (e.g. Mexican nationals)
- Is subject to the death penalty

The CCR has been calling for a suspension of the agreement, and is **currently challenging** the STCA in court.

Resources:

- Safe Third Country Agreement – CCR: ccrweb.ca/en/safe-third-country

Includes a sharable infographic, a FAQ and practical information on the STCA.

- Information on the STCA for those considering making a claim in Canada entering from the USA – CCR: ccrweb.ca/en/refugee-claimants-entering-usa-practical-information

Offers practical information (in English, French and Spanish) on implications of the STCA depending on type of entry and details regarding exceptions and other important information.

- Canada-U.S. Safe Third Country Agreement - IRCC: www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html

Application and implications of STCA and explanations regarding all exceptions.

Ineligible claim: previous claim in USA, Australia, New Zealand or the UK

People who made a refugee claim since 8 April 2019 are ineligible to make a refugee claim if they previously made a refugee claim in the USA, Australia, New Zealand or the UK, and the information about the claim appears in the data shared by the other country.

Many of these ineligible claimants will instead be invited to apply for a Pre-Removal Risk Assessment (PRRA). Their PRRA process will be slightly different because this category of PRRA applicant is entitled in all cases to a hearing with the PRRA officer. This hearing will likely usually take place by videoconference.

Ineligible claimants from countries subject to a stay of removals will not be able to apply for PRRA as long as the stay remains in place.

Claimants from a Designated Country of Origin (DCO)

The law has several different rules for claimants from a Designated Country of Origin. However, in May 2019, the government removed all countries from the list. Therefore the different rules are no longer being applied.

Resources:

- Designated Countries of Origin policy – IRCC (archived): www.cic.gc.ca/english/refugees/reform-safe.asp

List of all official countries that were previously designated DCO.

Refugee Protection Claimant Document (RPCD)

The RPCD is a document that identifies individuals as refugee claimants and gives them access to provincial and federal services. The RPCD is issued to claimants when a claim is found eligible and the claim is referred to the IRB.

With the RPCD claimants can:

- Apply for Social Assistance
- Access refugee shelters (depends on provincial system)
- Apply for a Work Permit (certain conditions apply)
- Possibly access to English or French language classes (in very few cases open to claimants)
- In the case of minors, access education up to high school

Resources:

- CCR Member Organizations – CCR: ccrweb.ca/en/members

Listing of all member organizations working with refugees and vulnerable migrants. If you are connected as a member, each organization's profile lists the services they provide.

British Columbia

- AMSSA Members – Affiliation of Multicultural Societies and Services Agencies of B.C. (AMSSA): www.amssa.org/membership/members

Provides a list of member organizations and societies serving refugees and immigrants in B.C.

- BC Refugee Hub bcrefugeehub.ca

Offers a comprehensive listing of all different services available for refugees (including refugee claimants) in British Columbia, along with guides and toolkits related to those services.

Alberta

- Current Members – Alberta Association of Immigrant Serving Agencies (AAISA): aaisa.ca/membership/current-members

Provides a list of member agencies serving refugees and immigrants in Alberta.

Saskatchewan

- SAISIA Members – Saskatchewan Association of Immigrant Settlement and Integration Agencies (SAISIA): <https://www.saisia.ca/directory.html>

Provides a list of member agencies serving refugees and immigrants in Saskatchewan.

Manitoba

- Members – Manitoba Association of Newcomers Serving Organizations (MANSO): mansomanitoba.ca/members

Provides a list of member agencies serving refugees and immigrants in Manitoba.

Ontario

- OCASI Members – Ontario Council of Agencies Serving Immigrants (OCASI): <http://www.ocasi.org/ocasi-members>

Provides a list of member organizations and agencies serving refugees and immigrants in Ontario.

- Settlement.Org – Information Newcomers Can Trust – OCASI: settlement.org

Covers a wide range of information concerning services accessible to refugees and vulnerable migrants in Ontario.

- Ontario Works: Overview – Ontario Ministry of Community and Social Services: www.mcsc.gov.on.ca/en/mcsc/programs/social/ow

Gives more information on the “emergency assistance” that is accessible to inland claimants prior to the issuance of the RPCD up to a maximum of three months or six 16-day instalments. Lists all local offices to reach out to in order to apply.

- Refugee Rights in Ontario: information for front-line workers – CLEO: refugee.cleo.on.ca/en/refugee-rights-ontario

FAQ format - look at specific benefits and services under “Access to services and benefits”.

Quebec

- Membres – Table de Concertation des organismes au service des personnes réfugiées et immigrantes (TCRI) : tcri.qc.ca/membres

In French - Provides a list of member organizations serving refugees and immigrants in Quebec.

- Immigrants and Refugees: Access to Social Benefits and Programs in Quebec – Community Legal services of Point St-Charles and Little-Burgundy (2017): www.servicesjuridiques.org/wp-content/uploads/Guide.2017.ENG_.web_.pdf

Offers a detailed explanation of all social benefits and programs for refugee claimants in Quebec.

- Guide for asylum seekers in Quebec wishing to obtain Quebec government services – Quebec Ministry of Immigration, Diversity and Inclusion: www.immigration-quebec.gouv.qc.ca/publications/en/divers/Guide-asylum-seekers.pdf

Listing of the resources available to refugee claimants in Quebec.

New Brunswick

- Members – New Brunswick Multicultural Council (NBMC): www.nb-mc.ca/members

Provides a list of member organizations serving refugees and immigrants in New Brunswick.

Nova Scotia, P.E.I., Newfoundland and Labrador

- ARAISA members – Atlantic Region Association of Immigrant Serving Agencies (ARAISA): www.araisa.ca/content/page/membership_list

Provides a list of member organizations serving refugees and immigrants in the Atlantic provinces.

Interim Federal Health Program (IFHP)

When refugee claimants receive the RCPD, they also have access to the Interim Federal Health Program (IFHP), as the RCPD serves as health card. Note that all refugee claimants need to do a medical examination by an IRCC accredited medical provider within 30 days after the RCPD is issued.

People who have made a refugee claim and are waiting for an eligibility decision should also be covered by IFHP.

Refugee claimants continue to be eligible to the IFHP after their refugee claim is rejected. Ineligible claimants that are or will be eligible for a Pre-Removal Risk Assessment (PRRA) are also covered by IFHP.

Resources:

- Find a Panel Physician – IRCC: www.cic.gc.ca/pp-md/pp-list.aspx

Listing of all approved physician for medical examination.

- Interim Federal Health Program: Summary of coverage – IRCC: www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-within-canada/health-care/interim-federal-health-program/coverage-summary.html

Information on the inclusions and exclusions of IFHP.

Step 3: Work Permit

Why is it important?

A work permit is not only necessary in order to work, but it is also required to get a Social Insurance Number (SIN). The SIN is later useful to file taxes and to apply for the Canada Child Benefit (only available after the parent is accepted as a refugee). Even if the claimant does not intend to work, having the work permit is useful until they obtain the permanent residence. Claimants are encouraged to keep renewing the work permit (no limit of renewal) up until they get the permanent residence. Because of long processing times, the renewal process needs to be initiated early on.

Who can apply?

- Claimants whose claim has been found eligible
- Rejected refugee claimants
- Individuals who have:
 - A positive judicial review
 - A positive Refugee Appeal Division decision
 - A positive decision on Pre-Removal Risk Assessment (PRRA)
 - An unenforceable removal order, including people whose claims are found ineligible but who can apply for PRRA
 - Been accepted under Humanitarian & Compassionate grounds

How can one apply?

Since October 2018, new refugee claimants can apply for a work permit or study permit by checking a box in the application form when they first make a refugee claim. The question is in the Schedule 12. Once the immigration medical examination has been completed, IRCC automatically generates a work (or study) permit application (if the box is checked).

Refugee claimants who did not check the box or who need to renew a work permit can apply online or by mail.

What is the cost and who needs to pay?

Refugee claimants with a claim in process and those found to be refugees do not pay a fee for the work permit. This also applies to those who have received a positive decision on a Pre-Removal Risk Assessment.

However, rejected refugee claimants must pay the fees (\$155) even if:

- There is a pending appeal;
- A decision has been made in Federal Court that refers them back to IRB
- They have been accepted on Humanitarian & Compassionate grounds

Resources:

- In-Canada claim – Work and Study Permit Fees Chart – IRCC: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/fees/immigration/canada-claim-work-study-permit-chart.html

Chart with all fees and exemptions according to the person's status or situation.

- Automatic work permit applications for refugee claimants – CCR: <https://ccrweb.ca/en/faq/automatic-work-permit-applications-refugee-claimants> (available to CCR members only)

Applying online vs on paper

It is possible to apply for a work permit online or to mail an application. In general, online applications are processed faster. However, the online application can be challenging for claimants, mostly due to the payment requirements:

- The person must create an account on the IRCC website.
- Refused refugee claimants must pay \$155 fee for their work permit. The online application also requires an additional \$100 open permit fee even though they are exempted from this fee. When paid upfront through the online process, the fee is eventually reimbursed (a few months later).

Resources:

- Work Permit Online Application Instruction Guide – Romero House: <https://ccrweb.ca/en/faq/work-permit-online-application-guide> (available to CCR members only)

Practical guide to make a work permit application online.

- Create an account or sign in – IRCC: www.canada.ca/en/immigration-refugees-citizenship/services/application/account.html

For online applications, home page to create an account.

- Check application processing times – IRCC: www.cic.gc.ca/english/information/times/index.asp

Notice explaining the delays for processing times.

Step 4: Preparing for the hearing

The hearing with IRB is a very crucial step. Claimants should ensure they have proper legal counsel throughout the process (starting with preparing the BOC form).

The IRB has strict rules when it comes to how and when evidence can be submitted. Evidence is needed to demonstrate the situation in the country of origin of the claimant as well as to document the specifics of the claimant's case. For all evidence gathered, documents need to be translated into French or English and (ideally) reviewed by a lawyer. The deadline to submit all documents is 10 days before the hearing.

For those who have hearings outside of their location, it is important to prepare in advance and have logistics around accommodation, childcare, travel and food sorted out.

Some refugee claimants may receive a positive decision from the IRB through a “file review” process. This means that they never have a hearing on their refugee claim.

Resources:

- Your Refugee Hearing – CLEO: refugeehearing.cleo.on.ca

Directs to all tools and resources to get ready for the hearing, for the day of the hearing and after the hearing.

- Training resource and tools – UORAP: refugee.cleo.on.ca/en/uorap

Starting from a case scenario, the resource takes you through the process of making a claim, with videos explaining each step. Provides hearing preparation checklists, a to-do list to gather evidence and a guide for community workers to support claimants.

- Get ready for your refugee hearing – Kinbrace: refugeeclaim.ca

This website gives you access to all Kinbrace resources (preparation guides and Ready Tours) as well as information updates for refugee claimants preparing for their hearings.

- Refugee hearing preparation guide – Kinbrace: refugeeclaim.ca/preparation-guide

This guide is addressed to claimants themselves and available in 11 languages (varies according to the region selected).

- Ready Tours – Kinbrace Community Society: refugeeclaim.ca/ready-tours/

Free tours offered in partnership between IRB and NGOs. Offered in Vancouver, Calgary, Edmonton, Winnipeg, Toronto and Montreal to support claimants to prepare for their refugee hearing by visiting the hearing rooms, meeting IRB staff, and getting familiarized with what will happen during the hearing.

- “An Introduction to Canada’s Refugee Determination System” – IRB: www.youtube.com/watch?v=gG52QiQr574 (current as of July 2017)

Video explaining the refugee determination system of Canada and showing you what hearings look like.

- Attending your hearing – IRB: <https://irb-cisr.gc.ca/en/applying-refugee-protection/Pages/index4.aspx>

Step 5: Post-Hearing

Decision

The Refugee Protection Division (RPD) will mail a “Notice of Decision” saying whether the claim was accepted or rejected. It is thus crucial to ensure the RPD has the claimant’s current address.

The “Notice of Decision” will:

- If positive: be included in the Permanent Residence application
- If negative: determine the timeline for recourses (upon reception date)

*Note that the “Notice of Decision” is the ONLY document that claimants have to prove their status as protected persons. It is crucial to keep the original, except when applying for a “verification of status”.

1. Positive decision

The claimant is now recognized as a Refugee (Protected Person) and is entitled to more services and to apply for Permanent Residence (PR), in which they can include their spouse and dependent children in or outside Canada (under 22 years old when the claim was made) and thus start the process of family reunification.

Permanent Residence (PR) application

Many of the documents used to make the claim are used again for the PR application, so ensure the claimant keeps copies of all documents.

Fees:

- Principal applicant: \$550
- Spouse/Partner: \$550
- Dependent Child: \$150 per child

Fees can only be paid online and a copy of the receipt must be submitted with the PR application. Unfortunately online payments for fees are often a challenge for applicants. Note that in the case of an unaccompanied minor, as principal applicant each child must pay the principal applicant fee of \$550.

*Note: Make sure the application is completed and mailed by courier & tracked.

Resources:

- Application for Permanent Residence in Canada – Protected Persons and Convention Refugees – IRCC: www.cic.gc.ca/english/information/applications/refugee.asp

List of all forms to fill out in order to apply for Permanent Residence.

- Age of dependants – CCR: ccrweb.ca/en/age-dependants

A practical resource with updates on the age of dependants and information on which children can be included.

Refugee family reunification: Practical Guide – CCR: <https://ccrweb.ca/en/refugee-family-reunification-practical-guide> A practical guide that covers the major barriers facing families trying to reunite.

Other services

With a positive decision from the Refugee Protection Division (RPD), a protected person can now also apply for:

- Provincial health card
- Post-secondary education (with a study permit until they have their PR)
- ESL/FSL/Language Instruction for Newcomers to Canada (LINC) classes, or *francisation* (in Quebec)
- Services provided by IRCC funded settlement agencies (outside Quebec)
- Canada Child Benefit
- Refugee Travel Document

Resources:

- Refugee protection claimants and studying in Canada – IRCC: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/refugees-protected-persons.html

Information on study permits for protected persons.

- Application to study in Canada, Study Permits – IRCC: www.cic.gc.ca/EnGLISH/information/applications/student.asp

Practical information on how to apply for a study permit in Canada.

- Child Tax Benefit : Practical FAQs – CCR: ccrweb.ca/en/faq/child-tax-benefit

Members' only CCR FAQs on the Child Tax Benefit.

- Permanent resident travel documents – IRCC: www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/pr-travel-document.html

Practical information on how to apply for a travel document to travel without fear of losing the right to remain in Canada.

- Cessation: Basic information – CCR: ccrweb.ca/en/cessation-basic-information

Practical information on why it is crucial that refugees do not apply for or use a passport from their country of origin, because it might cause them to lose their right to remain in Canada.

2. Negative decision

Unfortunately, claimants are often faced with a negative decision. When this is the case, we recommend seeking legal counsel to help with the next steps according to the options available to the claimant.

Possible recourses:

a) Refugee Appeal Division (RAD)

When faced with a negative decision, rejected refugee claimants need to see if they can apply to the RAD to appeal the decision on their case.

Deadline: 15 days after written decision is received. Not all claimants can apply.

b) Judicial Review

If claimants are not eligible to appeal to the RAD, they can ask the Federal Court of Canada to review the decision. Lawyers need to apply on behalf of rejected refugee claimants.

Deadline: 15 days after written decision is received. No automatic stay of removal, which means a claimant might be removed before decision.

c) Pre-removal Risk Assessment (PRRA)

The PRRA is a paper-based application filed by people facing removal of Canada in order to request protection based on assessment of the risks they would face if removed.

In most cases, the PRRA is only available after 12 months have passed since the negative refugee decision.

The PRRA cannot be self-initiated. The Canada Border Service Agency (CBSA) assesses the claimant's eligibility for PRRA.

d) Humanitarian and Compassionate application (H&C)

H&C is an application for permanent residence (PR) on Humanitarian and Compassionate grounds. Officers considering H&C applications will look at a) establishment in Canada, b) best interests of any affected children, and c) hardship the applicants would face if they had to leave Canada. It is a discretionary decision.

In most cases, rejected claimants may only apply after 12 months have passed since the negative refugee decision. However, there are exceptions for cases involving the best interests of the child or serious health risks for which there is no available treatment in the country of origin.

There is no automatic stay of removal while an H&C application is pending. This means a claimant might be removed before a decision is made.

Resources:

- Refugee claims in Canada – Options for refused applicants – IRCC: www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options.html

This page explains and links to specific information regarding all four options above.

- The refugee determination system – CLEO: refugee.cleo.on.ca/sites/default/files/docs/Refugee%20Claim%20Flowchart2014jan.pdf

This chart shows the different timelines and path once a claim is refused.

- Humanitarian and compassionate grounds – CLEO: refugee.cleo.on.ca/en/humanitarian-and-compassionate-grounds

This publication explains in detail what is the H&C, who can apply, and how to do so.

- Applying for Humanitarian and Compassionate considerations – CCR: <https://ccrweb.ca/en/resources-applying-humanitarian-compassionate-considerations>

Webinar recording and resources available to CCR members.

Refused claimants who cannot be removed from Canada

Some claimants cannot be removed from Canada due to a Temporary Suspension of Removals (TSR) or an Administrative Deferral of Removal (ADR). TSRs and ADRs are applied by the Canadian government to countries (or parts of countries) where there is a situation of generalized insecurity.

Note that the TSR or ADR does not apply to persons who are inadmissible on grounds of criminality, international human rights violations, organized crime or security.

For people who cannot be removed due to TSR or ADR, it is possible to apply for:

- Work permit
- Study permit
- Interim Federal Health Program ([see eligibility](#))

Resources:

- Removal from Canada – CBSA: www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html

Explains how to appeal a removal order and why it might be delayed. Includes list of countries subject to TSR or ADR.