



Understanding the Safe Third Country Agreement (STCA) and Refugee Claimant Eligibility

WEBINAR

December 3, 2025

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Presentations

The PowerPoint presentations are attached below from co-presenters:

- **Katie Lay – Immigration and Refugee Legal Clinic (IRLC)**
- **Lisa Brunner, Policy Analyst Consultant from AMSSA and Research Associate at UBC Migration**

- NOTE: The information shared in this webinar reflects policies, regulations, and practices in place as of December 3, 2025. Immigration policies and legal processes may change over time. Viewers are encouraged to confirm current information and seek legal advice or updated guidance for the most up to date information.





Speakes

- **KATIE LAY**

- **LAWYER, IMMIGRATION AND
REFUGEE LEGAL CLINIC (IRLC)**

- **LISA BRUNNER**

- **POLICY ANALYST CONSULTANT,
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The Safe Third Country Agreement

Katie Lay

Staff Lawyer

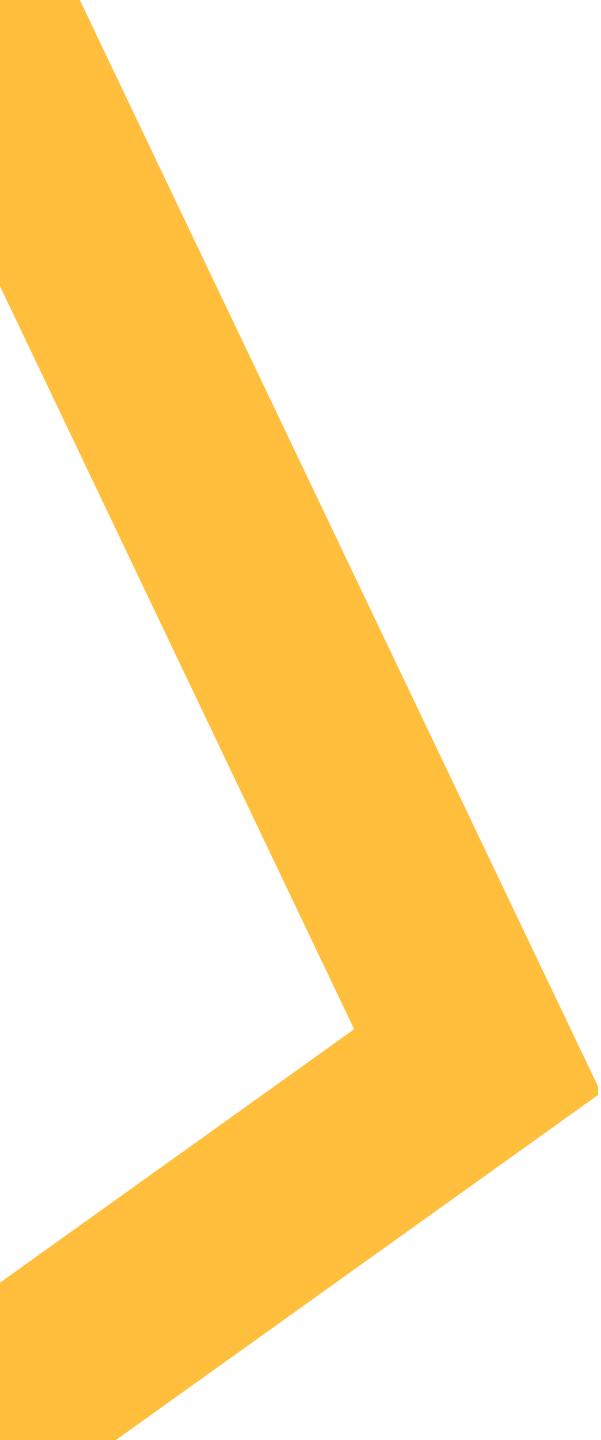
Territorial Acknowledgement



Disclaimer

This presentation contains legal information, not legal advice

This presentation is current to 3 December 2025



Today's Agenda

1. Overview of the STCA and the current refugee claims process
 - Regulations and processes regarding eligibility
 - Overview of STCA at official and irregular border crossings
 - Common documentation issues
 - Pre-Removal Risk Assessments – overview and availability
2. How to Help Clients
 - Where to look for resources, legal support and STCA updates

Safe Third Country Agreement (STCA)

The STCA requires refugee claimants to seek protection in the first “safe country” they arrive in

If you do not make your claim in the first “safe country” you will be removed to that country to make your claim

Works both ways – can be removed from the US to Canada

Legal Grounding of the STCA

The application of STCA is set out in s.101(1)(e) of *IRPA*

(e) The claimant came directly or indirectly to Canada from a country designated by the regulations, other than a country of their nationality or their former habitual residence

Regulation 159.3 of *IRPR* designates the US as a country that falls within the scope of s.101(1)(e)

159.3 The United States is designated under paragraph 102(1)(a) of the Act as a country that complies with Article 33 of the Refugee Convention and Article 3 of the Convention Against Torture, and is a designated country for the purpose of the application of paragraph 101(1)(e) of the Act.

Exceptions to the STCA

1. Family Member

- If you have a close family member in Canada they can be an “anchor” for you
- Family member must be a Canadian citizen, permanent resident, protected person, eligible refugee claimant, or have a valid work or study permit
- Cannot be a refused or ineligible refugee claimant or a child refugee claimant
- “Close” family member is objective

2. Unaccompanied Minors

- Applies if you are under 18 years old and do not have a parent or legal guardian in either Canada or the US

Exceptions to the STCA

3. Valid Document Holder

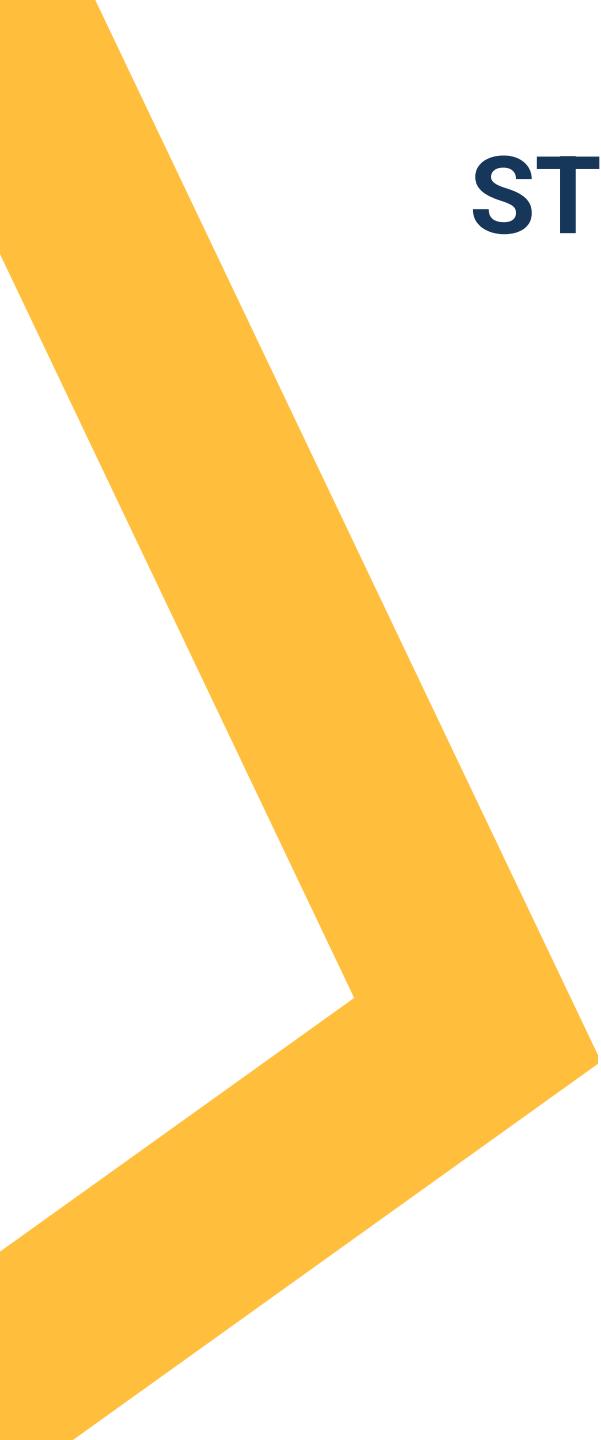
- If you have a valid temporary or permanent resident visa, TRP, or travel document you may meet this exemption (eTA does NOT meet the exemption)
- Also applies if you are from a country that requires a visa to enter the US but not Canada

4. Public interest exceptions

- Possible exemption for people who have been charged with/convicted of an offence that would subject them to the death penalty in the US or another country

Exceptions to the STCA

- If a claimant falls within one of the four exemptions, they will need to provide evidence, for example:
 - Proof that they have an eligible close family member in Canada
 - A copy of their valid Canadian travel document
 - If they are an unaccompanied minor, CBSA will take steps to confirm that their parents are not in Canada or the US



STCA at Official Border Crossings

The STCA applies to people who enter Canada:

- At Canada–US land border crossings
- By train
- At airports, **ONLY** if the claimant has been refused refugee status in the US and is in transit through Canada after being deported from the US
 - If a claimant entered Canada from the US by plane under other circumstances, they may still be eligible to make a refugee claim

STCA at Irregular Border Crossings

- The STCA applies at irregular crossings if the claim is made less than 14 days after entering Canada
- If a claimant intends to use the 14-day exception, they will need to prove the date they entered Canada
- If you cross irregularly and do not meet any of the exemptions to the STCA, you will be turned back to the US unless you wait the 14 days

Common Documentation Issues

- When a claimant makes a claim at a port of entry, they will be assessed for eligibility
- The claimant will need to provide identification
 - For example, their passport, birth certificate, government-issued ID
- If the claimant falls within an exemption, they will need to bring evidence to support this – as much as possible

Pre-Removal Risk Assessments (PRRA)

- If a prospective claimant is ineligible for refugee protection in Canada due to the STCA, they will not be eligible for a PRRA because they will be sent back to the US
 - The prospective claimant will be given an exclusion order and will have to leave Canada
 - A PRRA assesses risk in an applicant's home country – since the prospective claimant is being returned to a designated "safe" country, there is a presumption that they will face no risk
- There are situations where a prospective claimant may be eligible for a PRRA, for instance if they re-enter Canada irregularly after being excluded under the STCA
 - In this case, the prospective claimant will be issued a deportation order and removed to their country of citizenship rather than the US

Claimant Resources

Legal Support:

- Canada-US Border Rights Clinic:
<https://canadaborderclinic.org/>
- Immigration and Refugee Legal Clinic (BC only):
<https://www.irlc.ca/>

Updates:

- Canadian Council for Refugees:
<https://www.ccrweb.ca/en>



THANK YOU!

For more information contact us:

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Understanding the STCA and Refugee Claimant Eligibility, Part Two: Contextualizing Bill C-12

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Public Policy Consultant, AMSSA

December 3, 2025

Letter to prospective immigrants to what is known as Canada



Questions

- How is the government trying to **restrict access to hearings before the Immigration and Refugee Board** (IRB) with Bill C-12?
- Why these changes? Why now?
- What are the potential implications?

What is the government trying to achieve with Bill C-12?



Framing of Bill C-2: “The Strong Borders Act”

The Bill will **strengthen our laws** and **keep Canadians safe** by ensuring law enforcement has the right tools to:

- **keep our borders secure**
- combat transnational organized crime
- stop the flow of illegal fentanyl
- crack down on money laundering

It will:

- bolster our response to increasingly sophisticated criminal networks
- **enhance the integrity and fairness of our immigration system**

Bill C-2's proposed amendments

SECURING THE BORDER

- *Oceans Act*
- *Sex Offender Information Registration Act*
- *Immigration and Refugee Protection Act*
- *Department of Citizenship and Immigration Act*

COMBATTING TRANSNATIONAL ORGANIZED CRIME AND ILLEGAL FENTANYL

- *Controlled Drugs and Substances Act*
- *Criminal Code*
- *Customs Act*
- *Mutual Legal Assistance in Criminal Matters Act*
- *Canadian Security Intelligence Service Act*
- *Canada Post Corporation Act*
- Plus introduce the *Supporting Authorized Access to Information Act*

DISRUPTING ILLICIT FINANCING

- *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*
- *Office of the Superintendent of Financial Institutions Act*

Bill C-12's proposed amendments (*Strengthening Canada's Immigration System and Borders Act*)

SECURING THE BORDER

- *Oceans Act*
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- Plus introduce the *Supporting Authorized Access to Information Act*
- *Cannabis Act*

DISRUPTING ILLICIT FINANCING

- *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*
- *Office of the Superintendent of Financial Institutions Act*
- *Retail Payment Activities Act*

Key immigration changes in Bill C-12

1. Expand government **information-sharing** authority
2. Expand government powers to **manage / cancel**
immigration applications and documents
3. **Refugee claim** system overhaul

New ineligibility ground for refugee claims (#1)

Refugee claimants no longer eligible for an IRB hearing if they claim
more than one year after their first entry into Canada

- one year calculation applied **retroactively** to June 24, 2020
- leaving Canada and re-entering would **not** reset the clock
- rule applies to claims made on or after **June 3, 2025**

Target: potential refugee claims made by temporary residents
already **in Canada**

New ineligibility ground for refugee claims (#2)

- Refugee claimants no longer eligible for IRB hearing if they enter Canada irregularly (e.g., between official ports of entry) from the U.S. and do not make a refugee claim within 14 days
- Combined with the Safe Third Country Agreement, the 14-day limit **eliminates access to an IRB hearing for most entering via the U.S.**

Target: potential refugee claims made by temporary residents **in the U.S.**

Enter Canada
from the US
between
'ports of
entry'



**Safe Third Country
Agreement applies;
no pre-removal risk
assessment (PRRA)**

**14 days
after
entry**

Currently: Can make a claim

**Proposed by Bill C-2: Claims
not referred to the Immigration
and Refugee Board (IRB);
PRRA may be possible**

Port of Entry claim

Make a claim at a border (airport, land border, or marine port)

Inland claim

Make a claim through online portal, including the Basis of Claim form, if claimant is inside Canada

Decision on eligibility

Eligible

Claim is referred to the Immigration and Refugee Board (IRB)
Submit Basis of Claim form to IRB (if Port of Entry claim)
Determination of claim at the IRB

Not eligible

- Removals process begins.
- If ineligible under Safe Third Country Agreement, removal to the US is usually immediate.
- If ineligible under other grounds, Canada Border Services Agency may invite the person to apply for a Pre-Removal Risk Assessment.
- If the person is from a country to which Canada does not generally remove (for example, Afghanistan, DRC, Haiti), removals process is suspended and the person is not offered a Pre-Removal Risk Assessment.

Decision of the Immigration and Refugee Board

Positive

Negative

- Person is now a Protected Person
- Can apply for permanent residence and family reunification

- May be able to appeal the decision to the Refugee Appeal Division, or to Federal Court
- Removals process begins, but removal will generally be postponed while appeal is heard

People who can be removed: PRRA

Most will be offered to apply for a **Pre-Removal Risk**

Assessment:

- no right to appeal (other than judicial review at federal court)
- usually no oral hearing
- decision maker = IRCC employee (as opposed to IRB, an independent tribunal)
- low approval rates
- if applicant leaves Canada, application is abandoned

Applying for a Pre-Removal Risk Assessment

Many persons facing removal from Canada are given the opportunity to apply for a Pre-Removal Risk Assessment (PRRA). You may not apply for a PRRA unless the Canada Border Services Agency (CBSA) has notified you that you may do so, and given you a *Notification Regarding a Pre-Removal Risk Assessment*. If eligible and you wish to apply, you must submit your application form and written submissions (if any) to the Immigration, Refugees and Citizenship Canada (IRCC) Humanitarian Migration office either online through Canada Post's Connect or by mail at the address listed in your *Notification*. Read all of the information in this application kit carefully. It will explain the PRRA program, and assist you in completing your application.

People who cannot be removed: limbo

- **Administrative deferral of removals** (ADR) → reviewed monthly
 - Regions in Somalia (Middle Shabelle, Afgoye, and Mogadishu), the Gaza Strip, Ukraine, Syria, Mali, the Central African Republic, South Sudan, Libya, Yemen, Venezuela, Haiti, Iran, Sudan
- **Temporary suspension of removals** (TSR) → reviewed yearly
 - Afghanistan, the Democratic Republic of Congo, Iraq

Why these changes? Why now?



Issue #1: (Attempt to) appease the U.S. government

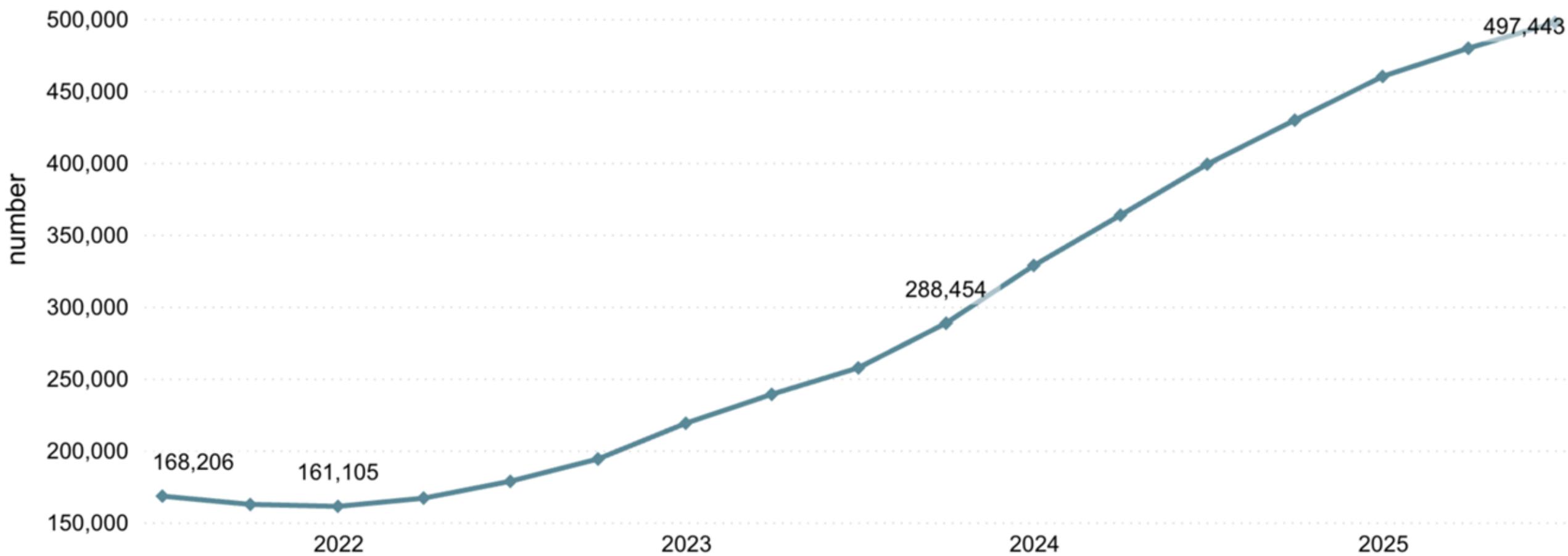


Issue #2: (Political and economic) fear of escalating refugee claims

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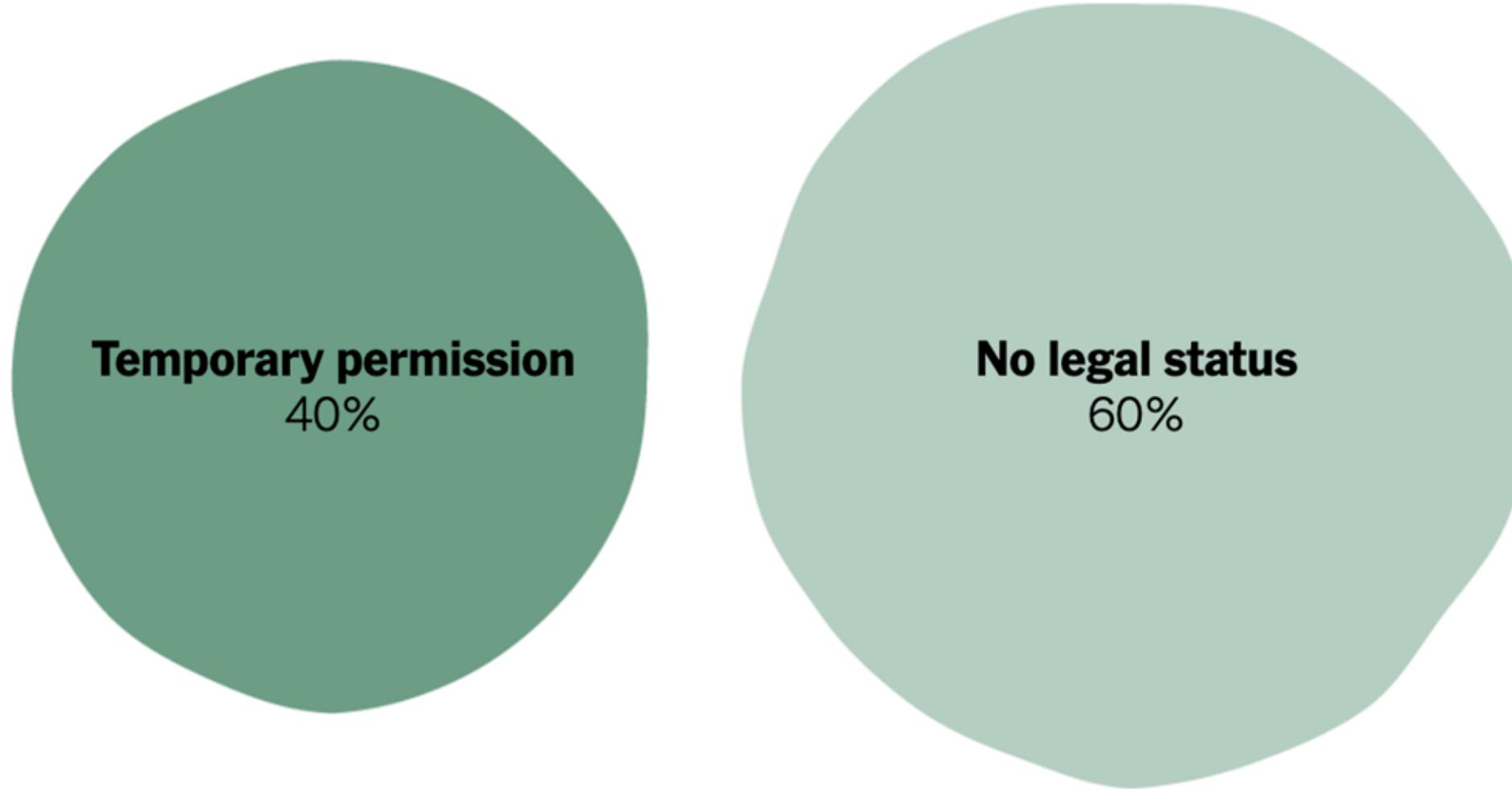
**Number of non-permanent residents, total, asylum claimants, protected persons and related groups,
Canada, July 1, 2021 to July 1, 2025**

◆ Canada



Source: Statistics Canada

Of the ~14 million people in the U.S. the Trump administration wants to deport (as of 2024)...



Source: New York Times

Of the portion
with temporary
permission...



Determining the validity period

For multiple-entry visas, officers may decide to issue the visa with a validity period shorter than the maximum (10 years or the expiry of either the passport or biometrics, whichever comes first).

- Some factors to consider:
 - Is there a short-term purpose for the visit, for example, a business visitor providing after-sales support as part of a warranty or sales agreement?
 - What is the applicant's status in their current country of residence? Will their ties to their country of residence and to Canada change over time?
 - Are economic or political conditions in the applicant's home country unstable?

Date modified: 2024-11-06

Issue #3:

“Broken” refugee determination system?



Claims by Country of Alleged Persecution – January to September 2025

		Finalized						Pending (as of 2025/09/30)
		Referred	Accepted	Rejected	Abandoned	Withdrawn and Other	Total	
Total		83,311	37,323	10,521	6,220	5,002	59,066	295,819

Claims by Country of Alleged Persecution – January to September 2025

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Total		83,311	37,323	10,521	6,220	5,002	59,066	295,819

Intake Finalizations Pending

Year	Month	Intake		Finalizations		Pending
		Completed	Pending	Completed	Pending	
2024	January	13,575		5,134		165,458
	February	15,350		6,115		174,695
	March	17,982		5,748		186,930
	April	15,918		6,018		196,831
	May	16,795		6,068		207,558
	June	18,103		6,451		219,211
	July	19,809		6,297		232,724
	August	13,232		5,877		240,085
	September	16,403		6,168		250,321
	October	17,382		7,775		259,932
	November	13,661		6,838		266,744
	December	12,274		6,258		272,760
2025	January	11,862		6,415		278,207
	February	9,021		7,835		279,394
	March	8,697		6,703		281,388
	April	9,949		6,581		284,758
	May	7,574		6,502		285,831
	June	8,182		5,737		288,276
	July	11,175		7,473		291,980
	August	8,785		6,341		294,424
	September	8,248		6,366		296,307
	October	9,608		7,338		298,588

Source: IRB

Issue #4:

5% temporary resident population target

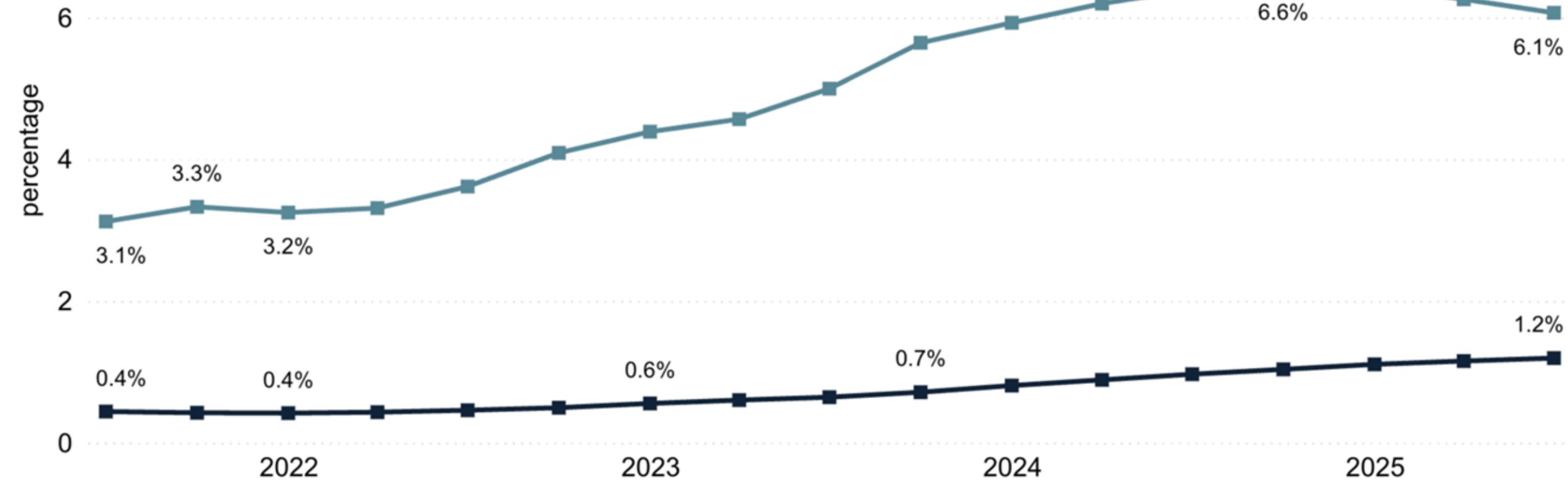


Net Change in Newcomers to Canada

	2024	2025	2026	2027
Non-permanent Residents (NPR):				
<i>NPR outflows</i>	588,409	1,262,801	1,104,658	875,129
<i>NPR inflows</i>	887,625	816,900	659,036	892,568
<i>of which:</i>				
<i>Inflows subject to targets set for students and workers</i>		673,650	516,600	543,600
<i>Inflows for contingency reserve</i>		143,250	142,436	348,968
Net Change in Non-permanent Residents	299,216	- 445,901	- 445,622	17,439
New Permanent Residents	485,000	395,000	380,000	365,000
Total New PR and NPR in Canada	784,216	- 50,901	- 65,622	382,439
Population of Non-permanent Residents	2,961,000	2,515,099	2,069,477	2,086,916
NPRs as % of Canadian Population	7.1%	6.1%	5.0%	5.0%

Proportion of non-permanent residents in the population, asylum claimants+ and permit holders and their family members, Canada, July 1, 2021 to July 1, 2025

■ Total, asylum claimants+ ■ Total, permit holders and their family members



Source: Statistics Canada

Issue #5:

Lowered Canadian public support for immigration persists

What are the potential implications if Bill C-12 passes?

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Implication #1: Shifting backlogs

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Shifting backlogs

- IRCC
 - PRRA = transfer of backlogs from IRB to IRCC
- CBSA
 - Removal orders
- Federal court
 - Likely influx of applications for stays of removal

Implication #2: Shifting statuses



Shifting statuses

Increased number of clients with precarious and irregular status,
e.g.:

- PRRA applicants
- Temporary Suspension of Removals and Administrative Deferral of Removals
- Irregular status (e.g., increased incentive to cross and remain undetected)

Implication #3: Shifting newcomer needs

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Shifting newcomer needs

- Increased need for access to legal aid
- Increased stress and anxiety, as well as erosion of trust in immigration processes, due to increased uncertainty
- Privacy and safety concerns related to information-sharing and data confidentiality; could deter:
 - service access
 - sharing information with service providers
- Increased need for policy advocacy

Thank you!

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