



## **Losing your right to remain in Canada: Cessation**

### **Information for persons with refugee status (even those who are also Permanent Residents)**

Recent changes to the law mean that people in Canada who have refugee (protected person) status can more easily lose their right to remain in Canada and face deportation.

#### **This may concern you if:**

- You have refugee status in Canada because you were accepted as a refugee after making a refugee claim in Canada, **or** because you were resettled to Canada from another country, and
- You are **not yet a Canadian citizen** (even if you are a Permanent Resident)

#### **What is new:**

- Due to a recent change in the law, you can lose both your refugee status and your Permanent Residence if the Immigration and Refugee Board (IRB) decides that you accepted the protection of your home country (known as “re-availment”) and therefore that your refugee status should be removed (known as “cessation” of refugee status).
- The Canada Border Services Agency (CBSA) is actively looking for cases in which they can argue that refugees have accepted the protection of their home country.

#### **Actions that may put you at risk**

CBSA may argue that you have accepted the protection of your home country if you:

- Travel to your home country (even for a short visit).
- Travel using the passport of your home country.
- Apply for a new passport from your home country.

CBSA may make these arguments against you even if you have lived in Canada for many years.

#### **What is the process?**

- CBSA submits an application for “cessation” (removal of refugee status) to the IRB.
- The IRB holds a hearing at which you can argue why you should not lose status. **It is very important to have a lawyer as these are complex legal questions and the potential consequences are very serious (including deportation from Canada).**
- The IRB either allows you to keep your refugee status or removes it. If your refugee status is removed you automatically lose your Permanent Residence as well. You will have no status in Canada and could face deportation.
- If the IRB removes your refugee status, the opportunities for appeal are limited and uncertain, so it is important to present **your strongest possible case** to the IRB.

#### **Points to note:**

- If you apply for Canadian citizenship and your application shows that you travelled to your home country, this information may be passed to CBSA which might apply for cessation.
- You should ask for advice from someone knowledgeable about refugee law before travelling to your home country or contacting its government (including its embassy in Canada).
- This change in the law is recent. We don’t know how the IRB or the courts will deal with these cases. For this reason, **it is important for anyone facing an application to be represented by a lawyer who is well-informed about this issue.**