



# Working with Refugee Claimants

• December 2023

## Guide for front-line workers

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## 1. Introduction

This practical guide is intended for front line workers who support refugee claimants and other vulnerable migrants.

### 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 heard and a determination has been made. 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](http://ccrweb.ca/en/refugee-claimants-comment-use-terms)

### For more information

- CCR, Glossary of terms: [ccrweb.ca/en/glossary](http://ccrweb.ca/en/glossary)

### Terms you may need to know

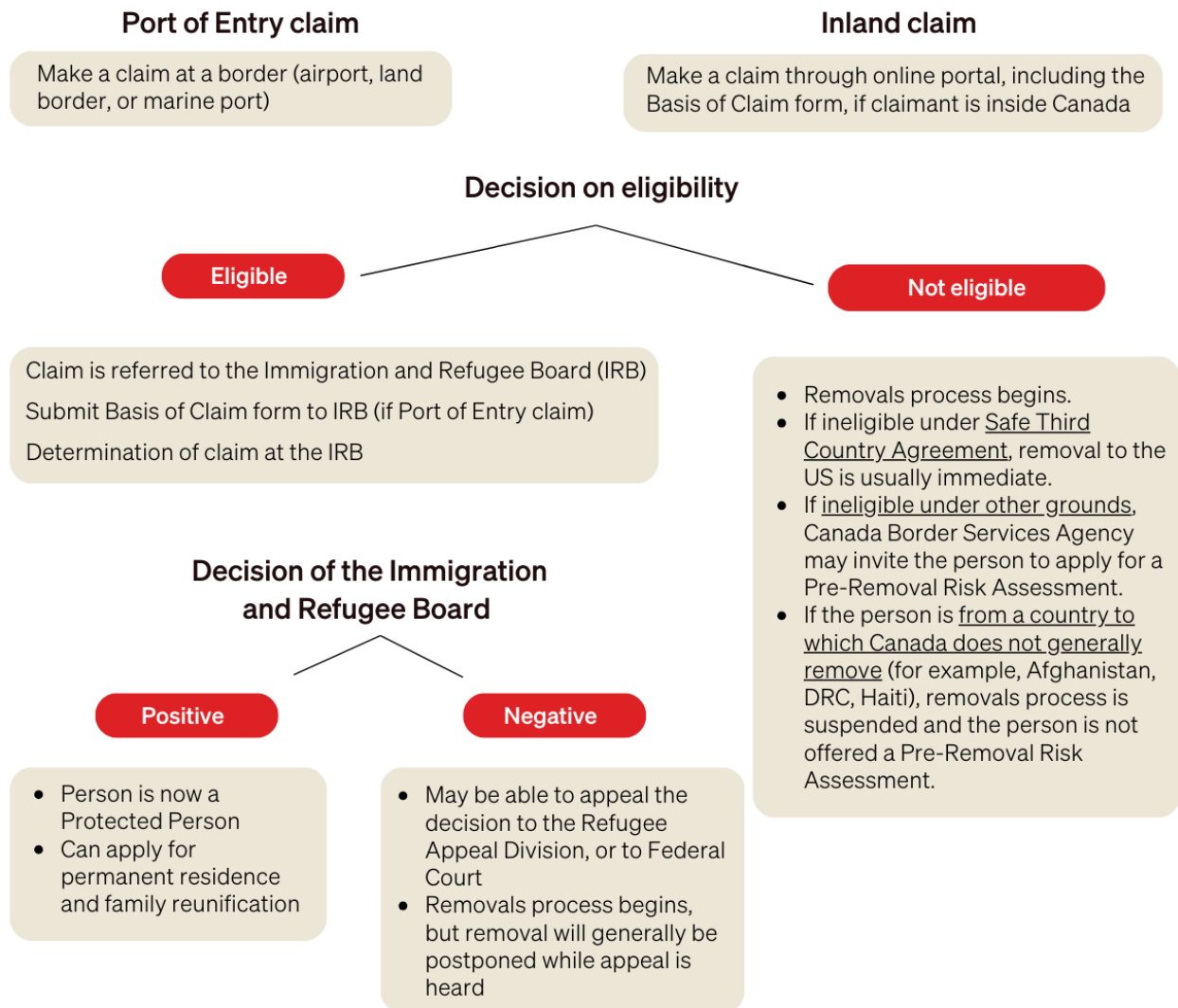
Immigration, Refugees and Citizenship Canada	IRCC	Canada’s immigration department. Responsibilities include receiving inland refugee claims, issuing work permits and granting permanent residence.
Canada Border Services Agency	CBSA	Canada’s enforcement agency. Responsibilities include receiving claims at Ports of Entry, immigration detention and removals.
Immigration and Refugee Board	IRB	Canada’s tribunal responsible for decisions on refugee claims, as well as some immigration matters, including detention.
Basis of Claim form	BOC	Form that refugee claimants must complete and submit to the IRB. The form asks the claimant to explain why they need protection in Canada.
Pre-Removal Risk Assessment	PRRA	A risk review that may be available to refugee claimants who are ineligible for a hearing at the IRB, as well as to refused claimants before removal. IRCC conducts the PRRA.

## 2. Refugee determination system overview

Refugee determination 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
- Factors that might identify them as “high risk” such a vulnerability, being an unaccompanied minor, security concerns

Here is an overview of the main steps.



### For more information

- Community Legal Education Ontario (CLEO), Flow charts of the refugee determination system: <https://stepstojustice.ca/legal-topic/refugee-law/making-refugee-claim/>
- CLEO, Steps to Justice: refugee law (legal information designed for refugee claimants): <https://stepstojustice.ca/legal-topic/refugee-law/>
- Immigration, Refugees and Citizenship Canada (IRCC) information about making a refugee claim: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada.html>
- Immigration and Refugee Board (IRB) information about making a refugee claim: <https://www.irb-cisr.gc.ca/en/applying-refugee-protection/Pages/index.aspx> and video [www.youtube.com/watch?v=gG52QiQr574](http://www.youtube.com/watch?v=gG52QiQr574) (current as of July 2017)
- Canada Border Services Agency, Removal from Canada (includes list of countries to which Canada does not generally remove): <https://www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html>

### 3. Timelines

Ideally, this guide would include information about the timelines for each step in the process. However, individual cases vary greatly: some people, for example, will receive a positive decision from the Immigration and Refugee Board within a few months of their claim being referred, while others will wait years for their refugee hearing. In addition, government processing times are constantly changing –for example, work permits are for a while issued very quickly to refugee claimants, but then backlogs develop or government priorities change, and people are forced to wait months for their work permit.

We must be aware that every case is different. Those working regularly with claimants may get some sense of current processing times. Claimants should be advised not to compare themselves with others or to panic because someone who arrived at the same time as them is moving forward in the process more quickly than them.

#### For more information

Immigration, Refugees and Citizenship Canada (IRCC), Tool to check processing times:  
<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/check-processing-times.html> (only some services are covered)

Note that no processing times are posted for hearings at the Immigration and Refugee Board.

## 4. 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 these links:

<https://www.irb-cisr.gc.ca/en/legal-policy/legal-concepts/Pages/legal-aid-office.aspx>

<https://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>

Legal resources available per province (when applicable):

### Alberta

- Legal Aid Alberta: 1-866-845-3425, [www.legalaid.ab.ca](http://www.legalaid.ab.ca) – *Legal aid office*

#### Calgary

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

#### Edmonton

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

### British Columbia

- Legal Services Society: 1-866-577-2525/ (604) 408-2172 (Greater Vancouver), [www.legalaid.bc.ca](http://www.legalaid.bc.ca) – *Legal aid office*
- Law Students' Legal Advice Program: (604) 822-5791, [www.lslap.bc.ca](http://www.lslap.bc.ca) – *Free legal counsel*
- Access Pro Bono Society, 1-604-878-7400, [www.accessprobono.ca](http://www.accessprobono.ca) – *Free legal counsel*

## New Brunswick

- New Brunswick Refugee Clinic: (506) 204-5781, [www.nbrc-crnbc.ca](http://www.nbrc-crnbc.ca) – Free legal counsel specific for refugees

## Nova Scotia

- Halifax Refugee Clinic: (902) 422-6736, [www.halifaxrefugeeclinic.org](http://www.halifaxrefugeeclinic.org) – Free legal counsel specific for refugees

## Manitoba

- Legal Aid Manitoba: 1-800-261-2960, [www.legalaid.mb.ca](http://www.legalaid.mb.ca) – Free legal counsel for qualifying refugee claimants (How to apply: <https://www.legalaid.mb.ca/how-to-apply/application-centres/>)
- Manitoba Interfaith Immigration Council Inc.: (204) 977-1000, [www.miic.ca](http://www.miic.ca) – Paralegal support for refugee claimants

## Ontario

- Legal Aid Ontario, 1-800-668-8258, [www.legalaid.on.ca](http://www.legalaid.on.ca) – Free legal counsel for qualifying refugee claimants (How to apply: <https://www.legalaid.on.ca/services/how-do-i-apply-for-legal-aid/>)
- Refugee Law Office (part of Legal Aid Ontario)
  - Hamilton: (905) 527-4572
  - Ottawa: (613) 733-0140
  - Toronto: (416) 979-1446

## Quebec

- Commission des services juridiques du Québec: (514) 873-3562, [www.csj.qc.ca](http://www.csj.qc.ca) – Legal aid office - Free legal counsel for qualifying refugee claimants



## 5. The main steps in the refugee claim process

### Step 1: Making a claim

A refugee claim can be made:

- at the border when arriving in Canada, including at an airport, a land border or a seaport (known as Ports of Entry, or POEs)
- once already in the country, as an inland claim.

- **Making a Port of Entry (POE) claim versus an Inland claim**

Port of Entry (POE)	Inland
<p>In some cases, claimants complete the eligibility process at the POE, with the help of CBSA officers (more common at less busy POEs and for vulnerable claimants).</p> <p>Often, claimants are given an Acknowledgement of Claim document and instructions to complete the IRCC portal. (It is recommended that this be done with the help of a lawyer.)</p> <p>In the One-Touch approach, launched in Quebec in 2022, and being expanded across the country 2023 to 2024, claimants have eligibility determined at the POE, but still need to complete the IRCC portal.</p>	<p>Claimants must apply online through the IRCC portal and submit the completed <b>Basis of Claim</b> form when they apply. This should be done with a lawyer.</p> <p>After submitting the claim, claimants should receive an Acknowledgement of Claim.</p> <p>They will be invited to do biometrics and to attend an eligibility interview.</p>
<p>A CBSA officer determines <b>eligibility</b>, either at the POE or subsequently. Once eligibility is determined, the claimant receives their Refugee Protection Claimant Document (<b>RPCD</b>).</p>	<p>An IRCC officer determines <b>eligibility</b>, likely at the interview. Once eligibility is determined, the claimant receives their Refugee Protection Claimant Document (<b>RPCD</b>).</p>
<p>If the claim is eligible, the claimant must file the <b>Basis of Claim</b> (BOC) form. The formal deadline is 15 calendar days after the claim is found eligible, but a pandemic extension to <b>45 days</b> is still in effect. The BOC should be completed with the help of a lawyer.</p>	<p><b>The Basis of Claim</b> (BOC) was already submitted when the claim was made through the IRCC portal.</p>

- **More information on front-end processes**

Since 2020, there have been many changes and challenges in front-end processes, for both POE and inland claimants. There have been major backlogs and long delays of many months for thousands of claimants before they received an eligibility determination.

Both IRCC and CBSA have frequently adapted their processes: the experience of a person making a claim now will likely be different from someone who made a claim one or two years ago, and may well be different from someone who made a claim at the same time and even at the same Port of Entry.

### For more information

See CCR's infographic and Frequently Asked Questions on front end processes:  
<https://ccrweb.ca/en/front-end-processes-infographic>

- **The IRCC Portal/eApp**

Go to: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply.html>

See also the guide on how to complete the portal: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-0174-inland-refugee-claims-portal.html>

- **Tips for front-line workers**

- Look at documents given to a claimant at the POE to see the instructions given to them.
- If a claimant cannot meet the deadline given by CBSA to complete the portal, help the claimant write to [CBSA.Asylum-Asile.ASFC@CBSA-ASFC.gc.ca](mailto:CBSA.Asylum-Asile.ASFC@CBSA-ASFC.gc.ca) to let them know that they are working on it.
- If a claimant cannot meet the 45 day deadline for submitting the BOC, support the claimant in asking the Refugee Protection Division of the IRB for an extension – this can be a concise letter explaining why they are struggling to meet the deadline (for example, that they have been trying to find a lawyer) and proposing an alternative deadline. This letter can be sent via fax or email to the relevant IRB region. For contact information for the IRB by region, see <https://www.irb-cisr.gc.ca/en/contact/Pages/contact3.aspx>
- Encourage claimants to keep copies of all forms and documents submitted – these can be very useful later in the process (for example, when applying for permanent residence).

- **Acknowledgement of Claim and Interim Federal Health coverage**

When eligibility is not determined immediately, claimants should receive an Acknowledgement of Claim (AOC) document, which proves that they have made a claim and confirms that they are registered for Interim Federal Health Program (IFHP) coverage.

In principle, the Acknowledgement of Claim document should also entitle to them to basic provincial services, such as social assistance and enrolling children in school. However, sometimes institutions are not familiar with the Acknowledgement of Claim document, and it may be necessary to advocate for access to services, for a specific individual or for all claimants with only an AOC.

**For more information**

- IRCC operational instructions: Acknowledgements of claim and upfront Interim Federal Health Program (IFHP) coverage for refugee claimants:  
<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/updates/2019-acknowledgement-of-claim.html>

## Step 2: Eligibility

After a person makes a claim, officers will assess if the claim is **eligible**. As mentioned above, the eligibility determination may take place the day the claim is made, or much later.

The grounds of ineligibility are, in summary:

- The claimant entered from the USA and is subject to the Safe Third Country Agreement (see below).
- The claimant made a refugee claim in the United States, Australia, New Zealand or the United Kingdom (see below).
- 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 is referred to the Immigration and Refugee Board (IRB) for refugee determination. The claimant receives 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). The document will specify that their claim was found ineligible.

### For more information

- IRCC, overview of eligibility criteria for refugee claims, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/eligibility.html>

- **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. The Agreement was expanded in March 2023 to apply to people who cross the border irregularly (between the Ports of Entry).

Because of the STCA, claimants arriving from the US by land or water will be found ineligible to make a claim, unless they meet an exception (see below). People found ineligible under the STCA are almost always immediately returned to the US.

Since the March 2023 expansion, the Safe Third Country Agreement also applies to people who make a refugee claim within 14 days of entering Canada from the USA by land or water.

## Exceptions to the STCA

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

- Has a **qualifying family member** 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

## For more information

- CCR, Information for refugee claimants entering from USA: [ccrweb.ca/en/refugee-claimants-entering-usa-practical-information](https://ccrweb.ca/en/refugee-claimants-entering-usa-practical-information)

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

People who made a refugee claim since 8 April 2019 are ineligible 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 from an ordinary PRRA because this category of PRRA applicant is entitled in all cases to a “hearing” with the PRRA officer. This hearing will take place by videoconference.

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

- **Refugee Protection Claimant Document (RPCD)**

The RPCD, often known as the “brown paper,” 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:

- Access health care (see below, Interim Federal Health Program)
- Prove eligibility for social assistance (an Acknowledgement of Claim document should also be sufficient)
- Access refugee shelters (depends on provincial system)

- 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

### For more information

- IRCC, Help Centre information on Refugee Protection Claimant Document:  
<http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1477>

- **Interim Federal Health Program (IFHP)**

When refugee claimants receive the RPCD, they also have access to the Interim Federal Health Program (IFHP). (As noted above, many claimants will in fact already have access to the IFHP before they receive the RPCD, if they have received an Acknowledgement of Claim document).

Note that all refugee claimants need to do a medical examination by a doctor accredited by IRCC (a Panel Physician) within 30 days after the RPCD is issued.

Refugee claimants continue to be entitled to health coverage under 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.

### For more information

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

- IRCC, Find a Panel Physician (necessary for medical examination):  
<https://secure.cic.gc.ca/PanelPhysicianMedecinDesign/en/Home>

- **Tips for front-line workers**

- Refugee claimants often struggle to get health care services, because service providers do not recognize IFHP, or do not want to provide services to clients covered by IFHP. NGOs can play an essential role in advocating to health care service providers to give services to refugees.
- Note that IFHP will not reimburse fees already paid. NGOs can advise/assist claimants to call a health care provider ahead of time to ensure they accept IFHP coverage before attending an appointment

## 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 should be encouraged to keep renewing the work permit until they become a permanent resident. Because of long processing times, the renewal process needs to be initiated early on.

### • Who is entitled to a work permit?

- Claimants whose claim has been found eligible (and some claimants waiting for finalization of eligibility – see below)
- Rejected refugee claimants who have submitted an appeal to the Refugee Appeal Division, have applied to the Federal Court for judicial review or have a Pre-Removal Risk Assessment pending.
- 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 and people whose refugee claim was refused, but are from a country to which Canada does not generally remove people
  - Been accepted under Humanitarian & Compassionate grounds or for an in-Canada spousal sponsorship.

There are also other situations where individuals may be eligible for a work permit. In addition, people are sometimes issued a work permit even though it is not obvious that they qualify for one.

### Work permits before finalization of eligibility

Since November 2022, claimants can **receive a work permit before the claim is referred** to the IRB, if:

- Work permit has been requested
- Portal application is complete

- Biometrics were taken
- Medical exam is complete
- Eligibility has been determined – this can be done virtually once the above conditions are met

- **Automatic application**

Refugee claimants can apply for a work permit or study permit by checking a box when they submit their information in the IRCC portal, or in the forms filled out with the officer at the Port of Entry (where eligibility is completed at the POE). 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 should apply online or by mail.

Sometimes claimants do not know if the box for an automatic work permit was checked, or there is a long delay. They can try to contact IRCC at 1-888-242-2100.

- **What is the cost and who needs to pay?**

Refugee claimants with a pending claim before the Refugee Protection Division (of the Immigration and Refugee Board) and persons found to be refugees do not pay a fee for the work permit (initial or renewal). This also applies to those who have received a positive decision on a Pre-Removal Risk Assessment (PRRA).

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

- There is a pending appeal
- They have been accepted on Humanitarian & Compassionate grounds
- They have a pending PRRA

Refugee claimants may be asked to pay and do biometrics. NGOs may advocate for an exemption to the biometric fee if people have had their biometrics taken in the last 10 years and they can't afford the fees.

Note that IRCC sometimes makes mistakes, such as incorrectly asking for fee payment.

### **For more information**

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



- IRCC, Operational instructions, Applicants with no other means of support: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/applicants-no-other-means-support-r206.html>

- **Applying online vs on paper**

It is possible to apply for a work permit online or by mail. 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).

**For more information**

- IRCC, Check application processing times (select Temporary Residence): [www.cic.gc.ca/english/information/times/index.asp](http://www.cic.gc.ca/english/information/times/index.asp) (processing times for initial work permit for claimants may be shorter than indicated)
- IRCC, Work permit: how to apply: <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/apply.html>

- **Renewing the work permit and continued right to work**

- Eligible refugee claimants are normally issued a work permit that is valid for two years.
- It is important to apply to renew the work permit before it expires. The work permit will continue to need to be renewed until the person has become a permanent resident.
- As long as the person applies to renew the work permit before the previous work permit expires, the person retains the legal right to work, even if the new work permit has not yet been issued.

**For more information**

- IRCC, What to do if your permit expires or is expiring (the information here is not specific to refugee claimants, but the rule about continued right to work applies): <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/extend/expired-permit.html>

## Step 4: Preparing for the hearing

Most refugee claimants referred to the Immigration and Refugee Board (IRB) will have a hearing on their refugee claim. However, in some cases the claim may be **accepted without a hearing**, if it is straightforward and there is strong documentation.

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

Since the pandemic, refugee hearings are virtual by default. However, if the claimant would prefer an in-person hearing, they can request it. Even if they are having a virtual hearing, claimants can request to participate in the hearing from the IRB offices – this can be a good option for claimants located near to an IRB office who don't have access to a private place and a computer with a strong internet connection.

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 should be reviewed by a lawyer. The deadline to submit all documents is 10 days before the hearing.

### • Tips for front-line workers

- Help claimants prepare for their hearing by pointing them to resources designed for them (see below).
- You may be able to assist claimants prepare for their virtual hearing by ensuring that they:
  - Have a private room
  - Have stable internet connection and proper equipment
  - Receive the link (virtual hearings are on MS Teams)
- Alternatively, you may support them in requesting an in-person hearing or a virtual hearing at an IRB office.
- Sign up for a **Ready Tour** (open to front-line workers) to familiarize yourself with the hearing process.

### For more information:

- MyRefugeeClaim – resources designed for claimants in the process: <https://myrefugeeclaim.ca/en/>
- Ready Tours – a guided virtual tour of the IRB hearing <https://myrefugeeclaim.ca/en/ready-tours/>

- CLEO Steps for Justice, Refugee Hearings (includes links to other resources):  
<https://stepstojustice.ca/legal-topic/refugee-law/refugee-hearings/>
- Matthew House Toronto, Re-course: Simulated Hearing Program (provides simulated hearings to help claimants across Canada prepare for the IRB hearing):  
<https://www.refugeerecourse.ca/prepare>
- Capital Rainbow Refuge, Queer Refugee Hearings Program Toolkit:  
<https://capitalrainbow.ca/qrhp>
- IRB, Request a virtual hearing at an IRB office or an in-person hearing, <https://www.irb-cisr.gc.ca/en/legal-policy/procedures/hearings-at-the-IRB/Pages/request-hybrid-or-in-person-hearing.aspx>
- IRB, Attending your hearing: <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.

If decision is positive, the “Notice of Decision” is an important document that proves their status as Protected Persons. The original should therefore be kept safe. Protected Persons can also request a [verification of status](#).

If the decision is negative, the “Notice of Decision” will determine the timeline for available recourses.

- **Positive decision**

The person is now recognized as a Refugee (known under Canadian law as a “Protected Person”) and is entitled to more services.

The person can also apply for Permanent Residence. They can include in their application their spouse or common-law partner, and dependent children and thus start the process of family reunification, if the family is separated.

- **Permanent Residence application**

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

Applications can be submitted online through the portal, or by mail.

Fees:

- Principal applicant: \$570
- Spouse/Partner: \$570
- Dependent Child: \$155 per child
- Biometrics for family members who are not protected persons

Fees must be paid online and a copy of the receipt is submitted with the application. Unfortunately, online payments for fees are often a challenge for applicants.

Note that Protected Persons still need to renew their work permit while they wait for their permanent residence.

- **Tips for front-line workers**

- Note that in the case of unaccompanied minors, as principal applicant each child must pay the principal applicant fee of \$570.
- Dependent children must generally be under 22 years. However, the age of the children is “locked in” at the date that the refugee claim was made. As long as a child was under 22 years at that date, the child remains a dependent and can be included in the application (unless the child has married or entered into a common-law relationship).
- Dependent children of dependent children can also be included.
- Children over 22 years may qualify if they have a **disability**.
- Navigating the complex application process is difficult for many people, so support from NGOs is extremely valuable!
- Remind people that they need to renew their work permit until they become a permanent resident.

**For more information:**

- IRCC, Application for Permanent Residence in Canada – Protected Persons and Convention Refugees: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-permanent-residence-canada-protected-persons-convention-refugees.html>
- IRCC, Operational instructions on “Dependent children”: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/non-economic-classes/dependent-children.html>
- CLEO, Steps to Justice, I’ve been accepted as a protected person. How do I apply for status?: <https://stepstojustice.ca/questions/refugee-law/ive-been-accepted-protected-person-how-do-i-apply-status/>
- CCR, Age of dependants practical resource: [ccrweb.ca/en/age-dependants](http://ccrweb.ca/en/age-dependants)
- CCR, Refugee family reunification: Practical Guide: CCR: <https://ccrweb.ca/en/refugee-family-reunification-practical-guide>

- **Other rights and services**

Protected persons are also eligible for:

- Provincial health care coverage (note that IFHP will expire 90 days after a positive decision)
- Post-secondary education (with a study permit until they have their permanent residence) – in most institutions, Protected Persons pay the same fees as citizens and permanent residents.
- Provincial student loans programs
- ESL/FSL/Language Instruction for Newcomers to Canada (LINC) classes, or *francisation* (in Quebec)
- IRCC-funded settlement services (outside Quebec)
- Canada Child Benefit
- Refugee Travel Document (note that Protected Persons should NOT apply for or travel on a passport of their country of origin- it might cause them to lose their refugee status and their right to remain in Canada, due to cessation proceedings).

**For more information:**

- IRCC, Study permits: Refugees and protected persons: [www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/refugees-protected-persons.html](http://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/refugees-protected-persons.html)
- CCR, Child Tax Benefit: Practical FAQs – CCR: [ccrweb.ca/en/faq/child-tax-benefit](http://ccrweb.ca/en/faq/child-tax-benefit) (members only)
- IRCC, Refugee travel document - Refugees and Protected Persons (operational guidelines), <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/protected-persons/refugee-travel-document-refugees-protected-persons.html>
- CCR, Cessation: Basic information: [ccrweb.ca/en/cessation-basic-information](http://ccrweb.ca/en/cessation-basic-information)

- **Negative decision**

Unfortunately, some claimants are faced with a negative decision. When this is the case, it is important to seek legal counsel promptly to help explore the next steps according to the options available to the claimant.

- **Possible recourses:**

The following are the main recourses that may be available. However, advice from a lawyer is crucial.

- a. Refugee Appeal Division (RAD)**

Some refused refugee claimants are entitled to appeal the decision to the RAD. The Refugee Appeal Division is part of the Immigration and Refugee Board.

Some claimants, however, are **not eligible to appeal** to the RAD. This includes claimants who were subject to the Safe Third Country Agreement but met one of the exceptions.

Deadline: Notice to appeal must be submitted no later than **15 days** after the written decision is received. Then in the next 30 days the full arguments must be submitted.

- b. Judicial Review**

Claimants who are not eligible to appeal to the RAD can ask the Federal Court of Canada to review the decision. A claimant who appealed to the RAD but received a negative decision can also ask the Court to review the RAD's decision.

Lawyers need to apply on behalf of rejected refugee claimants.

Deadline: Notice of application for leave to appeal must be filed no later than **15 days** after the written decision is received. Then in the next **30 days** the application must be "perfected", meaning that all arguments and documents are submitted.

- c. Pre-Removal Risk Assessment (PRRA)**

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

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

When a person is offered an opportunity for a PRRA, they normally have **15 days** to submit the forms and another **15 days** to send written submissions.

## PRRA after claim was refused by the IRB

As a general rule, the PRRA is only available after 12 months have passed since the negative refugee decision.

## PRRA for ineligible claimants

The PRRA is not available to claimants who are ineligible based on the Safe Third Country Agreement.

Claimants who are applying for a PRRA because they were ineligible due to a previous refugee claim in the US, the UK, Australia or New Zealand are entitled to an “enhanced” PRRA interview.

## d. Humanitarian and Compassionate application (H&C)

H&C is an application for permanent residence 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 which can include a wide variety of factors and considerations.

As a general rule, rejected claimants may only apply for H&C after 12 months have passed since the negative refugee decision. However, there are exceptions for cases involving the best interests of an affected 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. With the help of a lawyer, however, the person can attempt to have the removal postponed by either requesting a deferral of removal or applying to the Federal Court for a stay.

## For more information:

- CLEO, Steps to Justice, My refugee claim was denied. Can I appeal?: <https://stepstojustice.ca/questions/refugee-law/my-refugee-claim-was-denied-can-i-appeal/>
- IRCC, Refugee claims in Canada – Options for refused applicants: [www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options.html](http://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options.html)
- IRCC, Refugee Appeal Division – includes list of situations where refused claimants cannot appeal to the Refugee Appeal Division: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/refugee-appeal-division.html>



- CLEO, Steps to Justice: I'm in Canada. How do I apply to stay permanently on H&C grounds?: <https://stepstojustice.ca/questions/immigration/im-canada-how-do-i-apply-stay-permanently-hc-grounds/>
- CCR, Applying for Humanitarian and Compassionate considerations (Webinar recording and resources available to CCR members): <https://ccrweb.ca/en/resources-applying-humanitarian-compassionate-considerations>
- Romero House, Removals Process: A Guide for People with a Refused Refugee Claim: <https://romerohouse.org/wp-content/uploads/2022/08/Know-your-rights.pdf>

- **Refused and ineligible 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) – commonly called “moratoria”. The Canadian government imposes TSRs and ADRs on 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.

People who cannot be removed from Canada due to a TSR or ADR are entitled to:

- Work permit
- Study permit
- Interim Federal Health Program (if they made a refugee claim, and are or will be eligible for a PRRA before removal)

The main avenue for moratoria nationals to become permanent residents is to apply on Humanitarian and Compassionate (H&C) grounds. Since establishment in Canada is an important factor in H&C decisions, people may wait a while before submitting an application.

- **Tips for front-line workers**

- People who cannot be removed because they come from a moratorium country often struggle because they have no document to show the basis on which they are in Canada, and must regularly apply to renew their work permit (and pay the fees). NGO workers can support them by advocating with other service providers to explain their situation and their rights.

**For more information:**

- CBSA, Removal from Canada (includes list of countries subject to TSR or ADR): [www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html](http://www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html)

## 6. Community Resources

To find organizations that can assist refugee claimants by region of Canada, see MyRefugeeClaim: <https://myrefugeeclaim.ca/en/community-resources/>