



Comments on proposed RPD Rule changes

20 July 2026

The following are the comments of the Canadian Council for Refugees on the proposed Rules Amending the [Refugee Protection Division Rules, Canada Gazette, Part I, Volume 160, Number 25](#), published June 20, 2026.

Preamble

The Canadian Council for Refugees (CCR) is a leading voice for the rights, protection, sponsorship, settlement, and well-being of refugees and migrants in Canada and globally. The CCR is driven by over 200 member organizations working with, from, and for these communities from coast to coast to coast.

The CCR is concerned that, overall, the proposed changes stemming from the reforms introduced in the *Strengthening Canada's Immigration System and Borders Act* (Bill C-12) seem to be designed to prioritize efficiency. We recognize that the government has a valid goal of improving the efficiency of the refugee determination system. However, efficiency must not be achieved at the cost of justice. We urge the Immigration and Refugee Board to remember that a person's life, liberty and security are at stake in the refugee determination process, and that when the Refugee Protection Division fails to ensure that the person is fully heard, the consequence may be refoulement to torture, persecution and even death.

Moreover, despite the apparent goal of making the process more efficient for the Board, some of the proposals will, in our view, be very inefficient. Rules that don't respond to the realities of claimants and their representatives will not in practice make the process efficient.

The Rules need to take into account that many of those entering the refugee claim process face a wide range of practical challenges. They are often in temporary and precarious housing, or completely unhoused. In addition to navigating the claim process, they have to manage settling in Canada, including securing an income, finding permanent housing and registering children in school. The challenges are particularly severe for some, for example those with young children, those with disabilities and those with significant physical or mental health issues.

Navigating the claim process is a challenge in itself. As the Board is aware, many claimants are unrepresented or poorly represented. They face technological barriers: they may have no or only limited digital literacy, and in any case, they may not have regular access to a computer. Often,

they are struggling to complete requirements using a smartphone. Many do not speak English or French. Many CCR member organizations are called on to assist claimants as best they can, when they are struggling to meet a deadline, or have missed a deadline – even though NGOs are generally not funded to provide such services.

As recognized in the [Chairperson's Guideline 8: Accessibility to IRB Proceedings — Procedural Accommodations and Substantive Considerations](#), some claimants have particular needs for accommodations. CCR is concerned that the proposed amendments to the Rules fail to properly ensure that principles of accessibility will be respected.

1. Basis of claim information

We are concerned that some of the new questions are too complex for claimants who are unrepresented. Compared to revised version, the current BOC has shorter questions and is more accessible.

It is important that the questions are as clear as possible for people who speak no or only limited English or French. People regularly put the text through a translator website: when the wording is not clear, the door is opened to more misunderstanding.

We found Question 8 particularly confusing:

Whether the claimant, a relative of the claimant or other people in the claimant's situation were persecuted or faced other harm, mistreatment or threats by any person or group. If so, a description of who persecuted, harmed or mistreated or threatened them and the reasons for it.

Among ourselves we had different interpretations of what this question was asking. Is the claimant supposed to answer only about people accompanying the claimant in Canada? Is the claimant supposed to detail all the harms faced by all relatives, even though they are not connected to the claimant's basis of claim? And adding "other people in the claimant's situation" is a massive and confusing new category.

Recommendations

- Keep language simple and precise about what is sought.
- Avoid adding ambiguous questions.

2. Abandonment

We expect that there will be many abandonment referrals, because people will fall through the cracks of a system that has been designed without taking account of the realities facing claimants. Particularly at risk are:

- People who are unrepresented or poorly represented
 - People who need a designated rep
 - People with particular vulnerabilities (e.g. people with disabilities, mental health issues, people with children to care for, homeless people, youth without support)
- Based on current experience, we anticipate that many of the new pre-referral abandonment procedures will involve claimants who missed deadlines despite fully intending to pursue their claim. They will include people who misunderstood the requirements, people who have been unable to find a representative and are unable to navigate the process on their own, and people who were led to believe that their representative submitted what was required.
- The RPD needs to take into account that many claimants are experiencing precarious housing. For claimants in transitional housing, we note that the federal government's Interim Housing Assistance Program (IHAP) aims to have claimants move out after 90 days. This means that during the period when they need to be submitting their documents and information, including the basis of claim information, they are under pressure to find somewhere to live before the 90-day deadline.
- A major challenge lies with updating addresses. Claimants are often confused about the requirements for informing IRCC and the IRB separately.
- We are concerned about how the RPD will communicate with claimants, particularly those who are not represented. MyCase is not necessarily effective for reaching claimants and is complicated to use for claimants attempting to make written submissions.
- Under the current proposed regulations, unaccompanied minors and adults unable to understand the nature of the proceedings are not supported by a Designated Representative (DR) while they meet the requirements for submitting information and documents and appearing for examination. In its comments on the proposed regulations, the CCR is recommending that these claims be referred immediately to the RPD so that a DR can be appointed, or in the alternative, that the Minister appoint a DR for those processes. If the government proceeds with the regulations as currently proposed, the RPD can expect a significant number of abandonment referrals for individuals who were not able to meet the requirements because they are unaccompanied minors or adults do not understand the nature of the proceedings, and they lack the support of a DR.

- The proposed rules give the RPD the power to decide whether a person will have an oral hearing on abandonment or will only be invited to make written representations. There is no indication of what circumstances will determine whether proceedings are going to be in writing or oral. We understand that in some circumstances, people may prefer written representations, especially those who are represented. However, for claimants who are referred for abandonment because they were unable to manage written submissions, it would be completely unfair to expect them to make written submissions on why the claim shouldn't be declared abandoned. Oral hearings are also important to identify persons who don't appreciate the nature of the proceedings.
- The proposed rules allow the RPD to set any timeline for written submissions – this opens the door to unfairly short deadlines.

Recommendations

- The RPD needs to make reasonable efforts to communicate with the claimant referred for abandonment, taking into account any context of an unstable situation and/or limited (or lack of) digital access.
- The RPD should ensure that there are clear and accessible opportunities to flag that someone needs a DR. For example, an NGO or health professional who is in communication with the person should be able to pass on to the RPD information about an individual's likely need for a DR.
- Where a DR needs to be appointed, sufficient time must be given for the DR, after appointment, to meet the person and familiarize themselves with the case before any hearing or submission deadline.
- An oral hearing should be the default unless the person chooses to proceed through written submissions. Alternatively, if the rules leave the choice in the hands of the RPD, and the RPD chooses to request written submissions, an oral hearing should still be offered if the RPD is not satisfied by the written submissions.
- Consideration must be given to how accessibility guidelines apply to abandonment proceedings.
- A reasonable time limit should be set for any written representations (for example, 20 days).

3. Disclosure of information and documents

- Some of the proposed timelines are completely unfeasible and don't take into account what is involved, including availability of a lawyer or other representative (if any), need for interpreter when meeting with the representative, and need to translate documents.

- For represented claimants, we note the shortage of competent lawyers in many regions, especially those available on legal aid. When a claimant has a lawyer, they sometimes find them hard to reach. Lawyers often don't have availability to meet at short notice. Tight deadlines create enormous stress for claimants because they depend on the availability of the lawyer.
- We understand that the RPD deals with a lot of problematic representatives who don't respect deadlines. The rules seem to be drafted with them primarily in mind. We are concerned that this will result in injustice for people who are poorly represented.
- The Rules also need to be flexible for people who are not represented at all.
- The deadline of 5 days after the notice to appear for any changes to basis of claim information is not realistic.
- We question the proposal to have different deadlines for the narrative and for submission of documents. These things are interconnected. It is often the review of the new evidence to be submitted that may alert the representative to adjustments needed in the narrative.
- We understand that the goal is to encourage early submission so that the RPD can triage claims. However, we believe that this goal would be better achieved by offering a carrot for early submission (better triaging and possible early resolution) rather than simply wielding a stick (making "late" disclosure very difficult) as currently formulated.
- Indeed, the proposed disclosure provisions disincentivize efficiencies). For example, the proposed rules would require disclosure of personal documents 30 days after referral and then not allow any further disclosure, apart from disclosure under "late disclosure" rules. This means that if there is new evidence (and in many cases, this is almost inevitable as with the size of the backlog many hearings will be scheduled long after referral), it must be disclosed under the "late disclosure" provisions, which apply equally whether you disclose a month before the hearing or a day before. Thus, after the initial deadline for disclosure after referral to the RPD, there is no incentive to disclose additional documents well in advance of the hearing.
- Requiring all documents not disclosed within 30 days of referral to be subject to the late disclosure rules is particularly troubling, given the onerous requirements of these rules, and their uneven application.
- We are also concerned with uneven and excessively rigid administrative enforcement of minor rules relating to disclosed evidence. For example, the registry sometimes rejects documents because of the perceived infringement of some minor rule relating to page numbering or similar. Documents submitted within the timeline may then be rejected and need to be re-submitted under the late disclosure rules.

- We urge that the RPD ensure that rules regarding the format in which documents are presented not be applied to unrepresented claimants.
- Special considerations must be given to people in detention, given their particular challenges in communicating, including with their representative.
- Disclosure rules need to be implemented with the *Chairperson's Guideline 8: Accessibility to IRB Proceedings — Procedural Accommodations and Substantive Considerations* in mind.
- We underline the importance of keeping in view that the person's life, liberty and security of the person are at stake. While the RPD has a legitimate interest in ensuring respect of its deadlines, it cannot risk denying someone Canada's protection if they are at risk of persecution simply because they (or their representative) failed to meet a deadline.

Recommendations

- The rules regarding disclosure must be fair and sensitive to claimants, taking into account their realities. There must be flexibility in the application of the rules for unrepresented persons.
- The post-referral deadline for personal evidence should be 60 days from the date of referral.
- We propose that there be two deadlines for disclosure of personal evidence: one after referral (emphasizing that completeness will enable appropriate triaging of claim) and a second for more recent evidence tied to the hearing date.
- Registry officers should be trained on the accessibility guidelines. There should be monitoring to ensure consistent and fair-minded application of the rules.

4. Method of communication with the RPD

- We continue to be concerned about the need to make communications accessible for claimants, as outlined in our comments in response to the 2025 consultation on modernizing the RPD and RAD Rules.
- Digital solutions are not accessible for all. Many claimants don't have tech literacy. Even if they do, they don't generally have their own computer – they may be attempting to access MyCase through their smartphone or on a borrowed computer. MyCase is not user friendly and doesn't work on all browsers.
- CCR member organizations report that they are asked to assist claimants with simple tasks because of challenges for them of the tech-based process. Despite their best efforts, NGOs often struggle to help them. For example, claimants may lose passwords because of their precarious situation. If you are on an unrecognized device, it's hard to get the code to reset your password.

- Formatting requirements are almost impossible for someone communicating with the RPD through their smartphone.
- People in detention face particular barriers in access to computers or other means of communication.
- While fax is an outdated mode of communication, it still serves an important purpose. Sometimes an NGO or lawyer wants to help someone with a single step, without going on record as the rep. Fax is the most efficient way of doing this under the claimant's name while providing them with a copy. If the fax is going to be discontinued, there needs to be a simple alternative provided.

Recommendations

- Put into the rules a requirement for RPD to be creative and flexible in communications options in line with the *Guideline on Accessibility*, for people in detention and for people who are unrepresented.
- Create a simple way to upload a document (equivalent to sending a fax) – for use by unrepresented persons – or someone assisting them.

5. Vulnerability

We are concerned that the “vulnerable person” language has been eliminated from the Rules. We appreciate that the revised version of the *Guideline on Accessibility* moved away from that term, but that is not a reason to drop the principle of the need to accommodate people with vulnerabilities.

Recommendations

- Use the language of Guideline 8 (“a person who requires accommodations”) to replace references to “vulnerable person” (rather than simply deleting the reference).
- Reflect throughout the rules the intent of the guideline to make it easier to request accommodations.
- Ensure that claimants are informed of their right to request an accommodation.