

# My Refugee Claim

**a guide for refugee claimants in Canada**



**Orientation Booklet**

October 2022

English/Anglais

## About this Orientation Booklet

### Purpose

This Orientation Booklet is designed to inform, connect, and prepare you through your refugee claim journey.

## How to use this Orientation Booklet



Use this Orientation Booklet to understand:

- where you are in the refugee claim process
- who can help you
- how to prepare yourself for the next steps.

This Guide leads to detailed information on [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca) using QR codes.

## How to use QR codes



Use the camera or QR code app on your smartphone to scan the QR code. Click the link, and you will be directed to the correct page on [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca).



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# Acronyms

**BOC**

Basis of Claim

**CBSA**

Canada Border Services Agency

**IME**

Immigration Medical Exam

**IRB**

Immigration and Refugee Board of Canada

**IRB-IAD**

Immigration and Refugee Board of Canada – Immigration Appeal Division

**IRB-ID**

Immigration and Refugee Board of Canada – Immigration Division

**IRB-RAD**

Immigration and Refugee Board of Canada – Refugee Appeal Division

**IRB-RPD**

Immigration and Refugee Board of Canada – Refugee Protection Division

**IRCC**

Immigration, Refugees and Citizenship Canada

**RPCD**

Refugee Protection Claimant Document

## **Refugee protection in Canada and my experience**

### **You may have experienced a difficult situation in your home country.**

You may wonder if Canada can provide you with refugee protection.

Canada has signed international agreements to provide initial safety to people arriving from dangerous situations, and refugee protection to those who need it.

### **You may wonder if your experience deserves refugee protection.**

Each person's experience is unique.

Some people think their difficult experience deserves refugee protection, but, according to refugee law, it may not.

Some people think their difficult experience doesn't deserve refugee protection, when in fact it might.

### **It is very important to get legal advice from a lawyer or legal representative about your unique experience.**

Tell the truth. This will help your lawyer or legal representative give you the best advice.

Your lawyer or legal representative will help you decide your best next step.

**If you are seeking refugee protection in Canada, use this Orientation Booklet as a guide.**



## Actions I can take to help my refugee claim

Canada's refugee protection process is complex.

You may feel alone in your difficult situation.

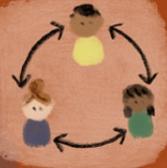
You may feel unsafe and not know who to trust. You may not know which information is true and which is false.

You may feel unsure about what to do next.

**Take these three important actions to help your refugee claim process:**



**Get informed.**



**Get connected.**



**Get prepared.**

## Managing my other urgent needs and problems

You may have other urgent needs to meet and problems to solve during your refugee claim process, such as:

- How do I find an affordable place to live?
- Where will my children go to school?
- How will I get a work permit?
- How will I find a job?
- Where can I learn English or French?
- How do I access the healthcare system?
- When will I be reunited with my family?
- What happens if Canada doesn't give me refugee protection?



Contact a settlement/community worker near you to help meet these urgent needs.

### Stay focused on your refugee claim while you meet your other urgent needs.

On the next pages, learn how you can:

- be **informed** about Canada's refugee protection process
- get **connected** to people who can help
- be **prepared** throughout your refugee claim journey.





## Get informed.

This is your claim for refugee protection. It is your responsibility to be informed and take control of your situation. Ask questions. Get the information you need to help your case.

Before and during your refugee claim journey, take action to understand Canada's refugee protection process to the best of your ability.

### My actions to get informed



- I visit and learn from [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca)
- I get help for my questions from settlement/community agencies near me
- I learn from others about the refugee protection process, but I make sure the information applies to my refugee claim
- I participate in programs and events for refugee claimants
- I learn from and about the three government agencies: CBSA, IRCC, IRB
- I make sure the information I get is accurate about the refugee claim process in Canada
- I learn about the important steps and where I am in the refugee claim process

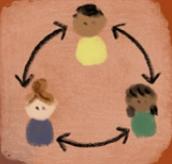
Don't get overwhelmed by all the information!

**The process happens over time. Focus on the stage you are at now. Learn what happens next. Go step by step.**

At some stages in the process you will be very busy with many things to do. At other times you may find yourself waiting for a long period of time. Use your waiting time to learn and to be informed.



Visit [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca) to stay informed each step of the way.



## Get connected.

Strengthen your social network by connecting with people who can help you through your refugee claim journey.

### My actions to get connected

- I get a lawyer or legal representative
- I research and connect to settlement/community agencies near me
- I create a diverse support network
- I keep my contact information updated with IRCC, CBSA, and IRB-RPD
- I talk to at least one support person every week so I don't get isolated
- I attend a Ready Tour to meet IRB-RPD staff



### Here are the names and contact information of my important connections:

My lawyer or legal representative

My settlement/community worker

My friend or family member

Other



Find key contacts and supports near where you live.



## Get prepared.

Making a refugee claim requires you to take action and prepare carefully.

You need to be prepared for every step along the way. The most important document to prepare is the BOC form, where you write your story. The most important event is your refugee hearing, where you tell your story to a Member of the IRB-RPD. At your hearing, the Member will make a decision on your refugee claim.



### My actions to get prepared

- I pay attention, review documents, do my own research, and ask questions
- I listen carefully to my lawyer or legal representative, and follow their instructions
- I attend a Ready Tour to learn how to prepare for my refugee hearing
- I understand the legal issues important to refugee law
- I gather evidence to support my story
- I keep all my documents (such as a copy of my refugee claim documents) organized and easily accessible
- I keep track of my important timelines



Learn how to prepare for your refugee claim.



## How does the refugee claim process work?

These are the important events of your refugee claim process.

Learn about **Canada's refugee protection system**

Get legal representation, if possible

Start your refugee claim process

Get interviewed for eligibility

Become a refugee claimant

Prepare for your refugee hearing

Attend your refugee hearing

Receive your refugee determination decision and take next steps



### Important

These important events may happen in a different order depending on your province and whether you start your claim at a port of entry or in Canada.



## Am I eligible to make a refugee claim?

A person seeking refugee protection within Canada is called a refugee claimant.

To become a refugee claimant, you will need to:

- Be in Canada or at a Canadian port of entry (airport, border, seaport)
- Start the process of making a refugee protection claim
- Be found eligible to make a refugee claim.



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### Important

If you are not sure about your eligibility to become a refugee claimant, get legal advice before making your claim.

# Reasons why you may not be eligible to make a refugee claim

## Refugee status

- I have Convention Refugee status in another country that I can return to.

## In the past

- I made a refugee claim in United States, United Kingdom, Australia, or New Zealand;
- I made a refugee claim in Canada that was refused, abandoned, or withdrawn;
- I have been found ineligible to make a refugee claim in Canada;
- I have been granted protected person status in Canada.

## Safe Third Country Agreement

- I went to a Canadian port of entry and was not eligible to enter Canada because I do not qualify for an exception to the Safe Third Country Agreement.

## Security

- I have committed a serious crime and may be considered a danger to public security.

## Removal from Canada

- I have an enforceable removal order from the Canadian government.

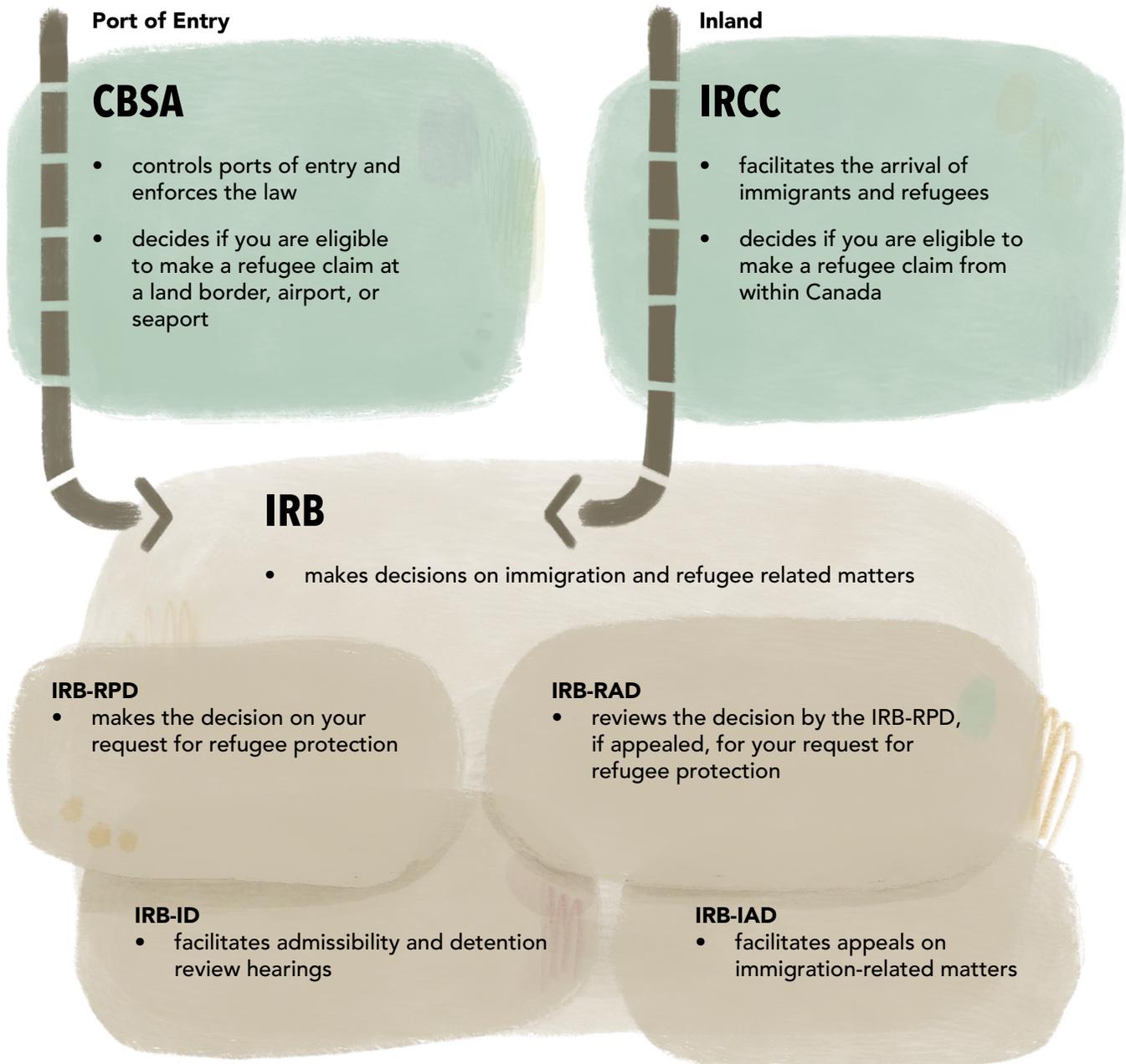
If you have checked any of these boxes, or are unsure about your eligibility, talk to a lawyer or legal representative.



Learn more about eligibility for becoming a refugee claimant.

# What are the government agencies that I may meet?

You will first encounter either CBSA or IRCC, depending on where and how you make your refugee claim.



Learn about these key government agencies.

## How do I get a lawyer or legal representative?



Try to get legal help before starting your refugee claim or as soon as possible. If you have already started your claim and do not have a lawyer or legal representative, make every effort to contact someone for help. It is strongly advised that you have a lawyer or legal representative throughout your refugee claim process, and at your refugee hearing.

### **How legal aid can help:**

You may be able to get a lawyer or legal representative to represent you for free or at low cost through Legal Aid or a non-profit clinic. This will depend on which province you live in and your specific situation.

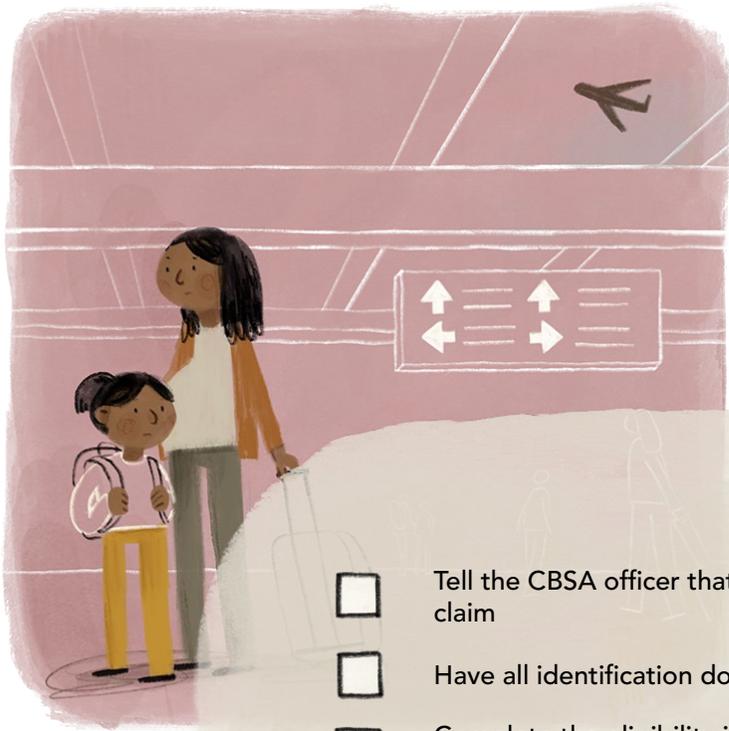
### **How a settlement/community worker can help:**

Ask a settlement/community worker, or someone from an organization that is supporting you, if they have a list of lawyers or legal representatives in your city or region. If you are in a province that has no legal aid, and you do not have money to pay for a lawyer or legal representative, your service provider may have information about free or low-cost legal clinics.



Learn how to find a lawyer or legal representative where you are.

## How do I make a refugee claim at an airport, seaport, or land border (port of entry)?

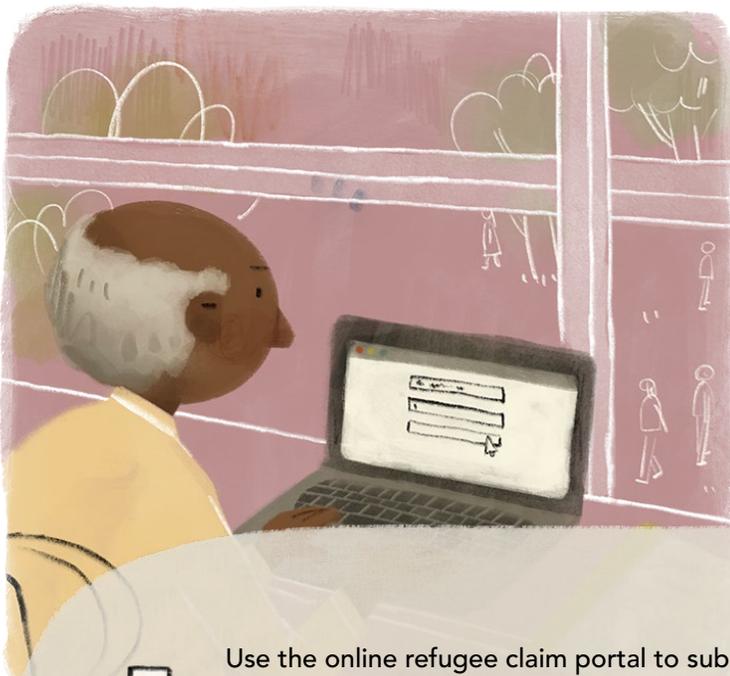


- Tell the CBSA officer that you wish to make a refugee claim
- Have all identification documents ready
- Complete the eligibility interview with CBSA to determine if you are eligible to become a refugee claimant
- Receive your RPCD and BOC form, if eligible
- Complete the IME
- Complete the Biometrics appointment
- Submit your BOC Form to the IRB-RPD
- Gather and submit evidence to support your refugee claim while you wait for your hearing date



Learn more about making a refugee claim at a port of entry.

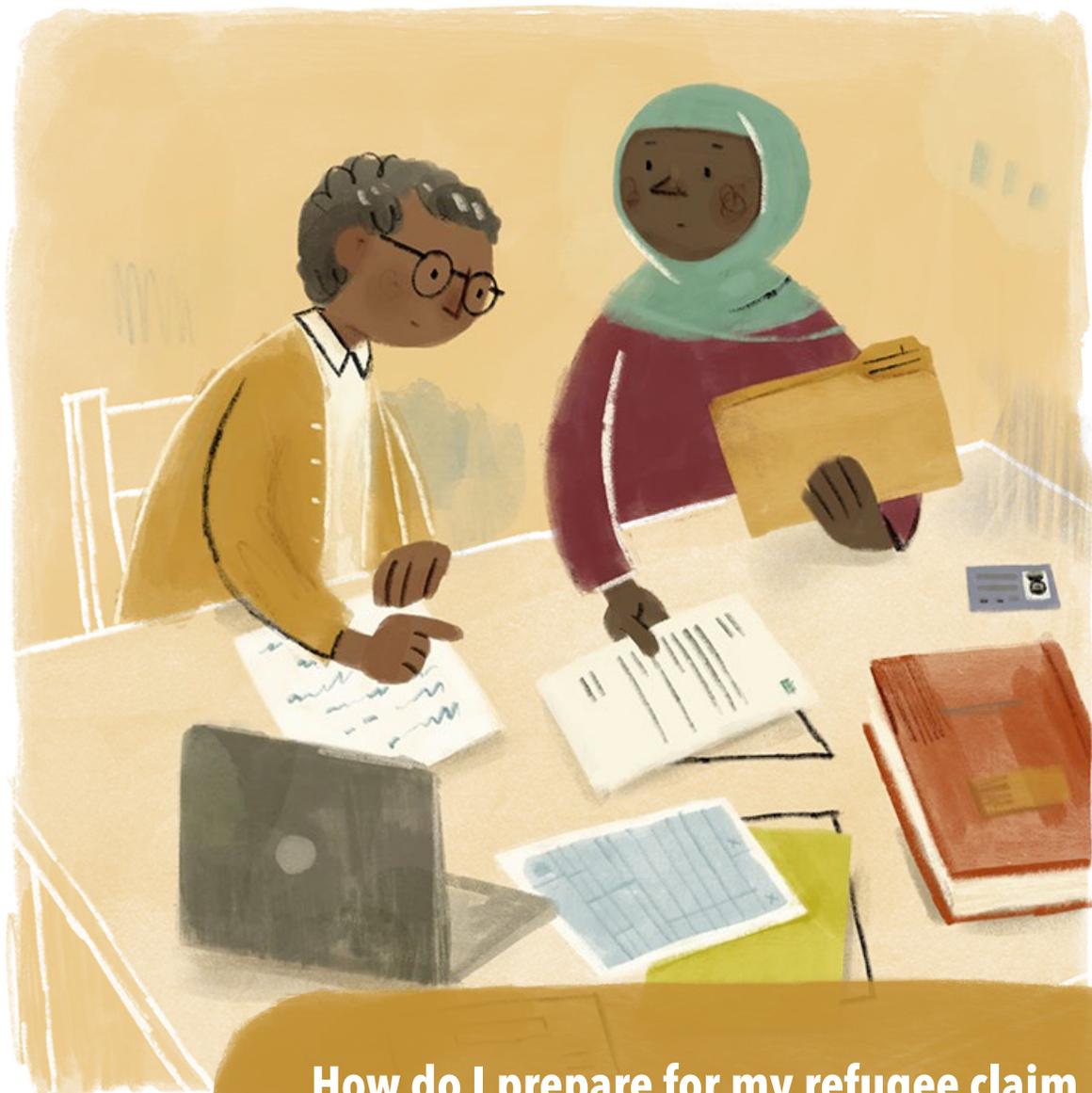
## How do I make a refugee claim if I am already in Canada (inland)?



- Use the online refugee claim portal to submit your BOC form, copies of your identity and travel documents and evidence to support your claim
- Receive your Acknowledgement of Claim Letter
- Complete the IME
- Complete the Biometrics appointment
- Complete the eligibility interview with IRCC to determine if you are eligible to become a refugee claimant
- Receive your RPCD, if eligible
- Gather and submit evidence to support your refugee claim while you wait for your hearing date



Learn more about making a refugee claim if you are already in Canada.



## How do I prepare for my refugee claim hearing?

Start gathering evidence to support your refugee claim as soon as possible. If you have a lawyer or legal representative, ask what specific evidence may help your claim. Make sure you give yourself and your lawyer enough time to review and translate your evidence. Submit your evidence as soon as possible and at least 10 days before your scheduled hearing.



Learn what evidence supports your refugee claim.

# Legal issues and my evidence

Some important legal issues may be addressed at your refugee hearing. Use the checklist below to help you prepare.

**Discussed with my lawyer or legal representative?**

**Evidence obtained, translated, submitted?**

## Identity

Prove who I am and where I am from with documentation

## Credibility

Prove I am telling the truth about my story

## Subjective Fear

Demonstrate that I have a real fear of persecution

## Generalized Risk

Prove the risk I face is personal, and not general to everyone

## State Protection

Show that my government cannot protect me

## Internal Flight Alternative

Prove that I cannot live safely anywhere else in my country

## Legal Residence in Another Country

Show I cannot live safely in another country, if I am a citizen or permanent resident there

## Criminality

Demonstrate that I have not participated in organized or serious crime

## Delay in Claim

Explain why I did not leave my country sooner, claim elsewhere, or make a refugee claim as soon as I arrived in Canada



See examples for each of these legal issues.

## What can I expect at my refugee claim hearing?



You will receive a Notice to Appear letter from the IRB-RPD letting you know when your refugee hearing is.

Your refugee hearing is the central event of the refugee claim process.

At your hearing, an IRB-RPD Member will decide to accept or reject your claim.

While you may feel anxious about your refugee hearing, it is helpful to remember that the IRB is an independent administrative tribunal, and not a court. It is less formal than a court. The IRB-RPD Member is not a judge. The public is not allowed to attend your refugee hearing.

Your refugee hearing is your best opportunity to tell your story in a confidential environment. You will explain why you need Canada's protection. Credibility (that your story is trustworthy) is important.

While most refugee hearings are virtual, some may be held in person.



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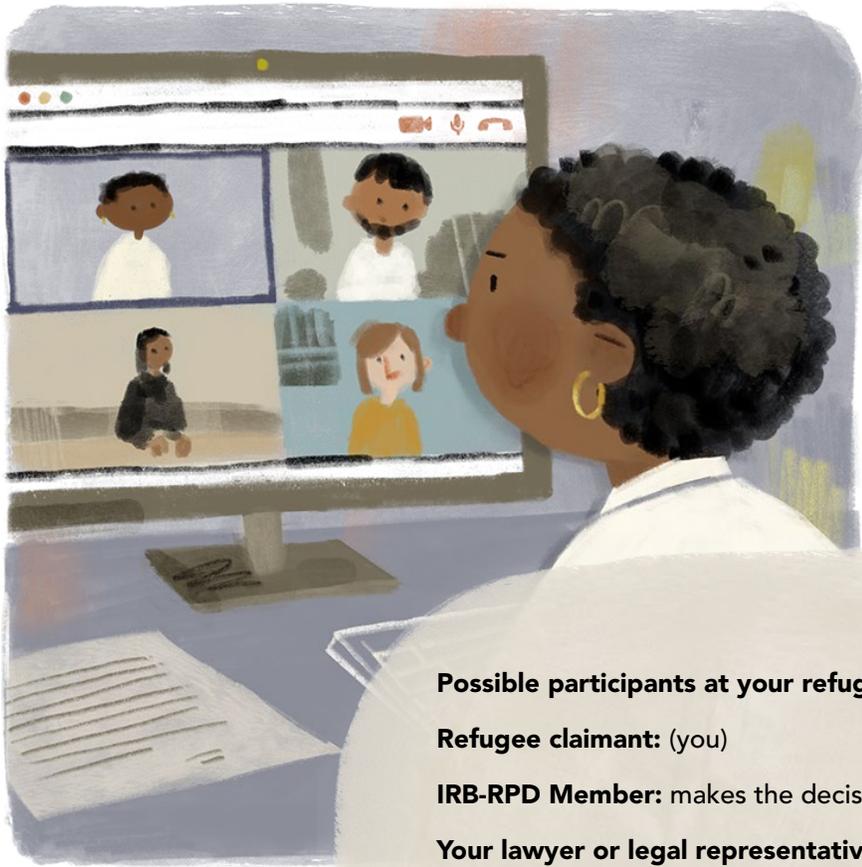
### Important

As soon as possible, register for and attend a virtual Ready Tour. At your Ready Tour, you will meet staff of the IRB-RPD, learn how to prepare for your refugee hearing, and understand who may participate in your hearing. You can also ask questions about the refugee protection process.



Learn more about and register for your virtual Ready Tour.

# Who will be at my refugee claim hearing?



## Possible participants at your refugee hearing:

**Refugee claimant:** (you)

**IRB-RPD Member:** makes the decision on your refugee claim

**Your lawyer or legal representative:** advocates for you

**Interpreter:** helps you communicate in your preferred language, if needed

**Observer:** supports you (family or friends you invite)

**Witness:** verifies your claim

**Minister's Counsel:** attends your hearing only if they oppose your refugee claim (this representative of IRCC or CBSA may ask you questions and/or submit documents)



Learn more about what your refugee hearing will include.



## How and when will I receive a decision?

After your refugee hearing, the IRB-RPD Member will:

- Tell you their decision immediately, or
- Send their decision in the mail.

There is no standard time for a Member to make their decision. If your decision is delayed, it does not mean your refugee claim will be denied.



Find more information about receiving your refugee hearing decision and next steps.

# Next steps after receiving a decision

## What will happen next if I receive a positive decision?

A positive decision means you have protected person or Convention Refugee status in Canada. Be aware that CBSA or IRCC can appeal the IRB-RPD's decision within 15 days. If this happens, immediately contact your lawyer or legal representative. If there is no appeal on the decision, you can apply to become a Permanent Resident.



## What will happen next if I receive a negative decision?

A negative decision requires you to act immediately to determine what your legal options are.

### Important steps to take if you get a negative decision:

- Read the decision carefully
- Understand you are under tight timelines
- Immediately talk to your lawyer or legal representative
- Seek help from your support network
- Keep informed and do not panic
- Attend a IRB-RAD Information Session  
(contact: [radinfosession@myrefugeeclaim.ca](mailto:radinfosession@myrefugeeclaim.ca))



## Important

If you receive a negative decision, talk to your lawyer or legal representative immediately to discuss the best option for you.

## What if I am detained?

You may be detained by CBSA if they believe:

- You will not appear when required
- You are not who you say you are (or you do not have documents to prove your identity)
- You pose a danger to the public in Canada
- You trigger security or criminality concerns



## Who can I talk to if I am detained?

If you are detained, you have the right to legal representation at your detention review. You may be required to find your own legal representative.

If you cannot talk to a lawyer, ask CBSA to put you in touch with a settlement/ community agency.



### Important

Keep paper and digital copies of your original identity documents, in case your original documents are lost or taken from you.



Read more information on immigration detention in Canada.

# My important refugee claim dates and deadlines

## Port of entry claim

Date I entered Canada

BOC Form submission date

Eligibility Interview

Evidence and witness submission

Biometrics appointment

IRB-RPD refugee hearing date

IME appointment

## Inland claim

Online portal closing date

Eligibility Interview

BOC Form submission date

Evidence and witness submission

Biometrics appointment

IRB-RPD refugee hearing date

IME appointment

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## Important Government Contacts



Discover national, provincial and regional contact information for the IRB, IRCC, and CBSA.

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## Community Resources



Connect with your nearest settlement/community agencies.



My Refugee Claim funders:

THE  
**HOUSSIAN**  
FOUNDATION

Alberta **LAW**  
FOUNDATION

 **UNHCR** | Canada  
The UN Refugee Agency

**NF** The Notary  
Foundation

 The Law  
Foundation  
of Ontario  
*Advancing access to justice*

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Learn more about My Refugee Claim at [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca)

 **MY REFUGEE CLAIM**

 **kinbrace**  
REFUGEE HOUSING & SUPPORT