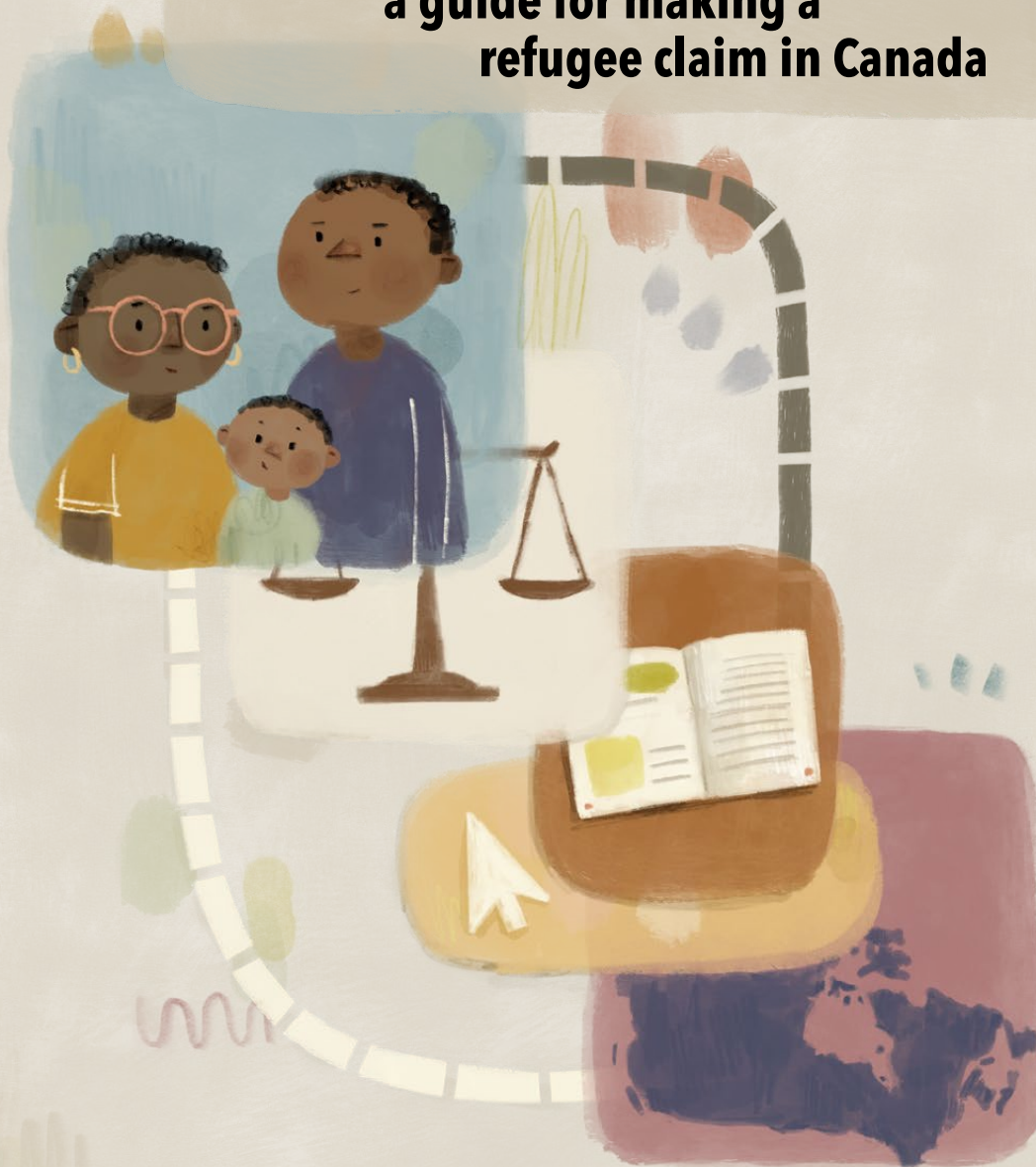


# My Refugee Claim

a guide for making a  
refugee claim in Canada



**Orientation Booklet**

September 2023

English/Anglais

## About this Orientation Booklet

### Purpose

This Orientation Booklet is designed to guide you through your refugee claim journey so you are informed, connected, and prepared.

## 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 go 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

## Before you begin your refugee claim

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

You may wonder if Canada can give you refugee protection.

Canada follows international rules to help people who leave dangerous situations. Sometimes they can stay in Canada as a protected person.

### **You may wonder if what happened to you qualifies you for refugee protection.**

Each person's experience is their very own.

Some people think their difficult experience deserves protection, but the law says it may not.

Some people think their difficult experience does not deserve protection, but the law says it does.

### **It is important to get advice from a lawyer or legal representative about your own 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 next step.

## My urgent needs

You may have urgent needs 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 get healthcare?
- When will I be reunited with my family?
- What happens if Canada doesn't give me refugee protection?

These are important questions. A settlement or community agency can help you answer these questions and ensure that your urgent needs are met.

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



Contact a settlement/community worker near you for help.





## 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**

Attend your **eligibility interview**

Become a **refugee claimant**

Prepare for your **refugee hearing**

Attend your **refugee hearing**

Receive your **refugee decision and take next steps**



### Important

These important events may happen in a different order depending on where you are and how you start your claim.



## Can I make a refugee claim?

A person wanting refugee protection in Canada is called a refugee claimant.

To become a refugee claimant, you need to:

- Be in Canada or at a Canadian port of entry (airport, border, seaport)
- Be eligible (allowed) to make a refugee claim



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### Important

If you are not sure if you can become a refugee claimant, get legal advice before making your claim.



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

## Refugee status

- I have Convention Refugee status in another country that I can go back 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 was not allowed to make a refugee claim in Canada; or
- I had protected person status in Canada.

## Safe Third Country Agreement

- I went to a Canadian border entry point and was not allowed to enter Canada because I do not qualify for an exception to the Safe Third Country Agreement.
- I entered Canada at an unofficial place and Canadian authorities met with me within two weeks. I had to leave Canada because I do not qualify for an exception to the Safe Third Country Agreement.

## Public safety

- I have committed a serious crime and Canada may think I am a dangerous person.

## Removal from Canada

- I have an order from the Canadian government that says I must leave.

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



Learn more about who can become a refugee claimant.

# What are the government agencies that I may meet?

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

## Port of Entry

### CBSA

#### Canada Border Services Agency

- controls ports of entry and enforces the law
- decides if you can make a refugee claim at a land border, airport, or seaport

## Inland

### IRCC

#### Immigration, Refugees and Citizenship Canada

- handles the arrival of immigrants and refugees
- decides if you can make a refugee claim from within Canada

### IRB

#### Immigration and Refugee Board of Canada

- decides immigration and refugee matters
- manages four divisions

##### IRB-RPD (Refugee Protection Division)

- makes the decision on your claim for refugee protection

##### IRB-RAD (Refugee Appeal Division)

- handles appeals of IRB-RPD decisions about refugee claims

##### IRB-ID (Immigration Division)

- runs eligibility hearings and detention hearings

##### IRB-IAD (Immigration Appeal Division)

- handles appeals on immigration matters



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 you can. 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 important 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 or community worker can help:**

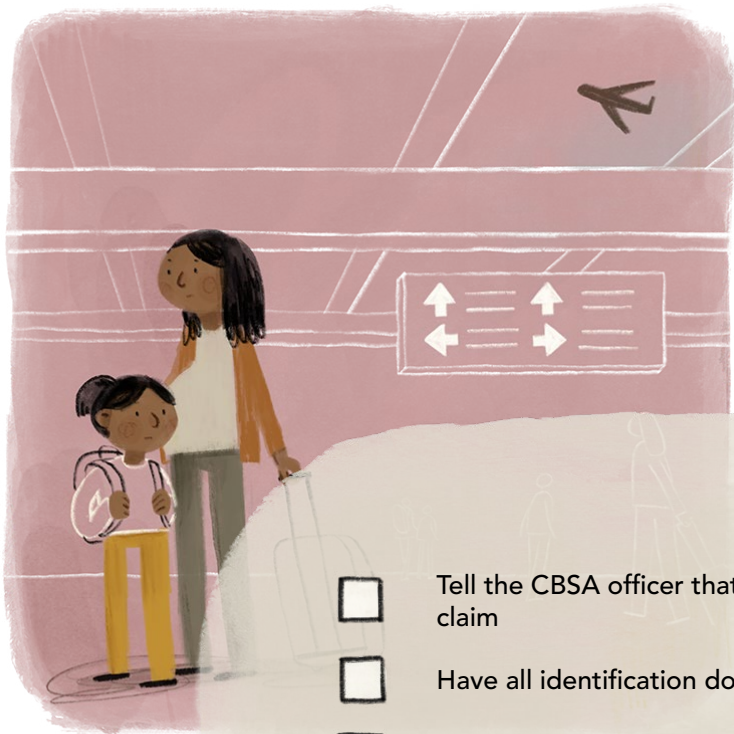
Ask a settlement agency or community organization for a list of lawyers or legal representatives in your city or region. If you do not have money to pay for a lawyer or legal representative, ask if your province has legal aid. If not, your service provider may have information about free or low-cost 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)?

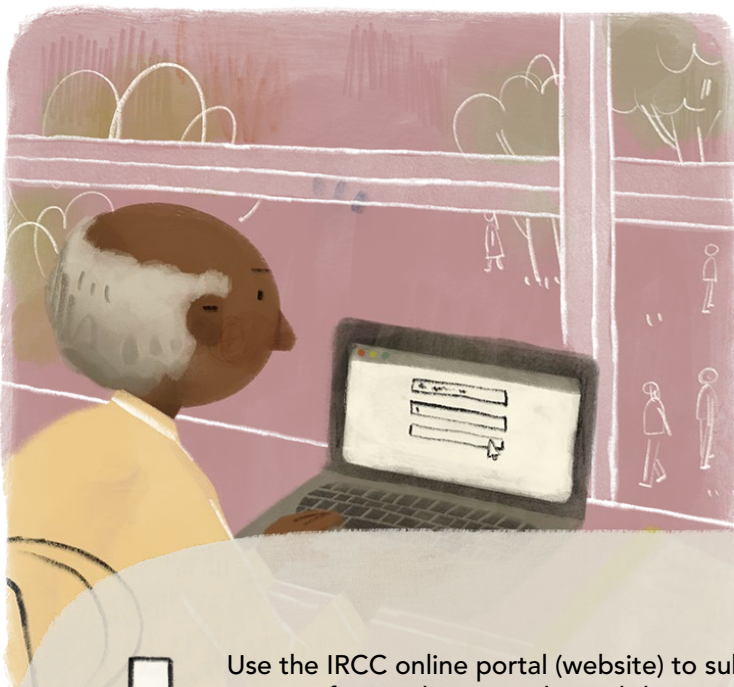


- Tell the CBSA officer that you want to make a refugee claim
- Have all identification documents ready
- Have your fingerprints and photos taken (your biometrics)
- Have your eligibility interview with CBSA to see if you can become a refugee claimant
- If you are eligible (allowed) to make a claim, get your RPCD and BOC forms or get instructions for applying online
- Have a medical exam (IME)
- Complete and submit your BOC Form to the IRB-RPD
- Gather and send in 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)?

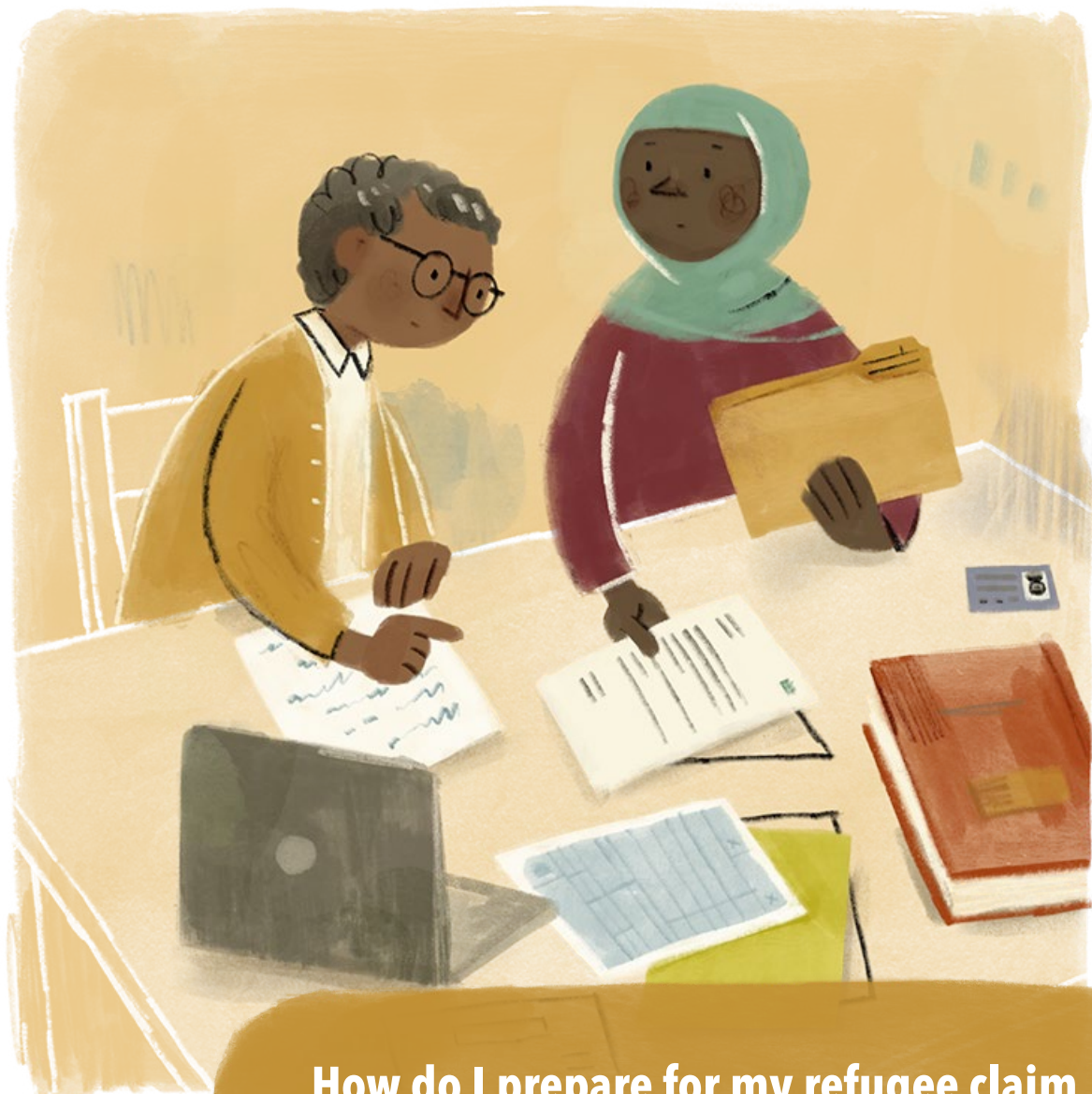


- Use the IRCC online portal (website) to submit your BOC form and copies of your identity and travel documents
- Get your Acknowledgement of Claim Letter
- Have a medical exam (IME)
- Go to your Biometrics appointment (fingerprints/photos)
- Have your eligibility interview with IRCC to see if you are eligible to become a refugee claimant
- Get your RPCD form, if you can become a claimant
- Gather and send evidence through the portal to support your claim while you wait for your hearing date



Learn more about making an inland refugee claim.





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

Start gathering evidence to support your refugee claim as soon as you can. 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. Send in your evidence as soon as you can, at least 10 days before your hearing date.



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?**

**My evidence translated and sent in?**

## Identity

Prove who I am and where I am from with documentation

## Credibility

Prove I am telling the truth about my story

## Genuine Fear

Show that I have a real fear of persecution

## Personal Risk

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

## No Government Protection

Show that my government cannot protect me

## No Safe Place in My Country

Prove that I cannot live safely anywhere else in my country

## Legal Residence in Another Country (if any)

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

## Criminality (if any)

Show that I have not taken part in organized or serious crime

## Delay in Making a Claim (if any)

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



See examples of the evidence you could submit for each of these legal issues.



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

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

The IRB-RPD will send you a Notice to Appear letter that says the date of your refugee hearing.

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 less formal than a court. The IRB-RPD Member is not a judge. The public is not allowed at your refugee hearing.

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

While most refugee hearings are virtual (online), some may be in person.



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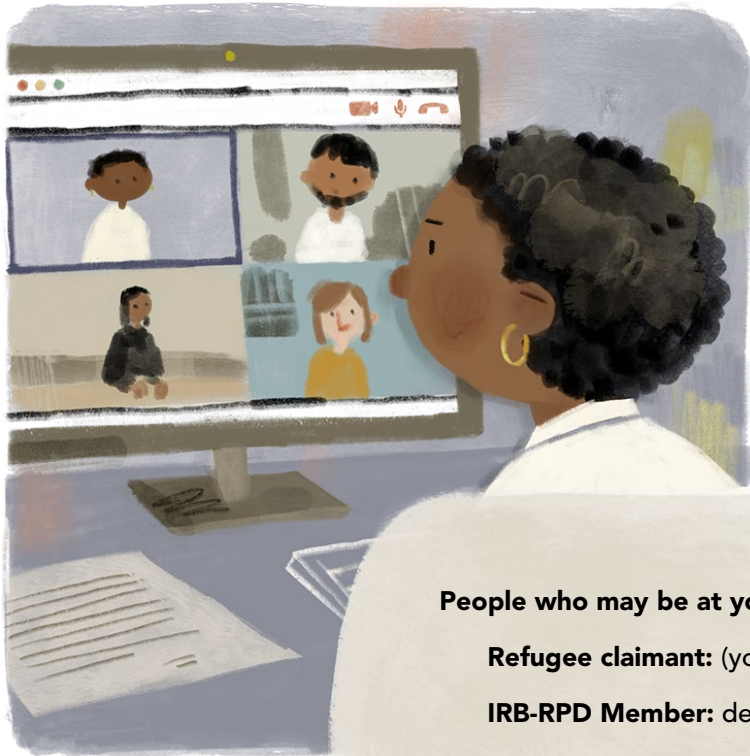
### Important

As soon as you can, sign up for an online Ready Tour. At your Ready Tour, you meet staff of the IRB-RPD, learn how to prepare for your refugee hearing, and understand who may be at your hearing. You can also ask questions about the refugee protection process.



Learn more about and sign up for your online Ready Tour.

# Who will be at my refugee claim hearing?



## People who may be at your refugee hearing:

**Refugee claimant:** (you)

**IRB-RPD Member:** decides your refugee claim

**Your lawyer or legal representative:** supports you and helps you present your claim

**Interpreter:** translates so you can speak in your own language, if you want

**Witnesses:** speak and answer questions at your hearing to confirm your story

**Observers:** support you (family or friends who you can invite)

**Minister's Counsel (IRCC or CBSA):** goes to your hearing only if they oppose your refugee claim (may ask you questions or bring documents)

**Your Children:** Your children may or may not need to attend your hearing, depending on their age



Learn more about what will happen at your refugee hearing.





## How and when will I know if my claim is accepted?

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

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

There is no set 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 your refugee hearing decision and next steps.

# Next steps after receiving a decision

## What will happen next if my claim is accepted?

If your claim is accepted, it means you now 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 my claim is rejected?

If your claim is rejected, you must act quickly to see what your legal options are.

### Important steps to take if your claim is rejected:

- Read the decision carefully
- Understand you are under tight deadlines
- Immediately talk to your lawyer or legal representative
- Get help from your group of support people
- Keep informed and keep hopeful
- Go to an IRB-RAD Information Session (contact: [radinfosession@myrefugeeclaim.ca](mailto:radinfosession@myrefugeeclaim.ca))



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## Important

If your claim is rejected, talk to your lawyer or legal representative immediately to discuss the best option for you.

## What if I am detained?

You may be detained (held in custody) by CBSA if they believe:

- You will not show up when they ask you to
- You are not who you say you are (or you do not have documents to prove your identity)
- You are a danger to people in Canada
- You cause concerns about public safety or crime



## 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 need to find your own legal representative.

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



### 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.





## Actions I can take to help my refugee claim

It is not easy to make a refugee claim in Canada. You may feel alone in your difficult situation.

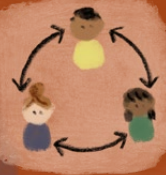
You may feel unsafe and not know who to trust. You may not know which information is true and which is false.

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.**

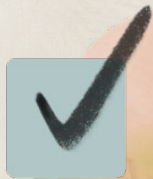


## Get informed.

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 as best you can.

Make sure your information comes from trusted sources, and watch out for misinformation.



### My actions to get informed

- Visit and learn from [www.myrefugeeclaim.ca](http://www.myrefugeeclaim.ca)
- Learn where I am in the refugee claim process and what my next steps are
- Learn about the three government agencies: CBSA, IRCC, IRB
- Read through the Claimant's Guide on the IRB website
- Visit the "How to Claim Refugee Status in Canada" page on the IRCC website
- Take part in programs and events for refugee claimants, such as support groups and educational workshops

It is a lot of information, but you can do it!

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

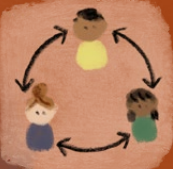


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## Important

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 get informed.





## Get connected.

Connect yourself with people who can help you through your refugee claim journey.

### My actions to get connected



- Get a lawyer or legal representative
- Connect to settlement/community agencies near me
- Build a group of people around me for support
- Keep my contact information updated with IRCC, CBSA, and IRB-RPD
- Attend a Ready Tour to meet an IRB-RPD staff person and ask them my questions about the refugee claim process

### Here are the names and contact information of my support people:

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 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 decides your refugee claim.



### My actions to get prepared

- Meet with my lawyer or legal representative to prepare my documents, evidence and testimony
- Gather evidence to support my story
- Attend a Ready Tour to learn how to prepare for my refugee hearing
- Keep track of my important dates and deadlines
- Keep all my documents (such as a copy of my refugee claim documents) organized and easy to find
- Understand the important legal issues in my claim: identity, credibility, personal fear, and others
- Pay attention, review documents, do my own research, and ask questions



Learn how to prepare for your refugee claim.

# 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 dates

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 dates

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

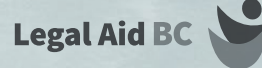


Connect with your nearest settlement and community agencies.





My Refugee Claim funders:



Legal review by: Alastair Clarke, Clarke Immigration Law

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Design and illustration by: Andrea Armstrong



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

