



Claimant's Guide

Refugee Protection Division

Information for refugee protection claimants

www.irb-cisr.gc.ca

This guide is also available in French.
Ce guide est également disponible en français.

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About This Guide

This guide is for people who are claiming refugee protection in Canada. It will give you basic information about:

- how decisions are made about refugee protection in Canada;
- what the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB) does; and
- what you need to do.

An Introduction to Refugee Protection in Canada

The IRB is an independent tribunal responsible, through its Refugee Protection Division (RPD), for deciding refugee protection claims in Canada.

You can be given refugee protection in Canada if you meet the United Nations (UN) definition of a Convention refugee, or if you are a person in need of protection. The UN defines Convention refugees as people who have a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership in a particular social group. Membership in a particular social group can include, but is not limited to, sexual orientation, gender identity, women who fear domestic violence and HIV status. Persons in need of protection must show that if they return to their home country, they will face a danger of torture, a risk to their life or a risk of cruel and unusual treatment or punishment.

This guide provides general information about the refugee protection process. It is not a legal document. For more precise legal information, please see the [*Immigration and Refugee Protection Act*](#), the [*Immigration and Refugee Protection Regulations*](#) and the [*Refugee Protection Division Rules*](#).

You can find all of these documents on the IRB website at:

www.irb-cisr.gc.ca

Definitions

Abandoned claim: If you do not do everything necessary for the Refugee Protection Division (RPD) to make a decision about your claim, the RPD may decide that you do not want to continue with your claim. For example, this can happen if you do not provide your Basis of Claim Form on time, if you do not go to your hearing, or if you do not contact the RPD when you are asked to do so. If the RPD declares your claim abandoned, you will not be allowed to continue with your claim or make another claim in the future.

Basis of Claim Form (BOC Form): The form in which you give information about yourself and about why you are claiming refugee protection in Canada.

Convention refugee: A person who meets the definition of “refugee” in the 1951 United Nations *Convention Relating to the Status of Refugees*. You are a Convention refugee if:

- you have left your home country (your country of nationality or, if you do not have one, the country where you usually lived in the past);
- you have a well-founded fear of persecution based on your race, religion, nationality, political opinion or membership in a particular social group; and
- you are unable or, because of your fear, unwilling to try to get the protection of your home country.

Contact information: this is the information needed to be able to contact you or your counsel. It includes your current full address and your phone numbers where you can be reached. Your counsel’s contact information must also include his or her fax numbers and email address.

Counsel: A person who represents you in the refugee protection process.

If your counsel is charging you a fee or receiving other payment, they must be a member in good standing of a provincial law society (lawyers and paralegals, in a province that allows paralegals to be members of the law society), of the *Chambre des notaires du Québec*, or of the Immigration Consultants of Canada Regulatory Council.

Counsel can also be a family member, a friend or a volunteer who represents you without charging you a fee.

Designated country of origin (DCO): A country designated as a DCO by the Minister of Immigration, Refugees and Citizenship under the *Immigration and Refugee Protection Act* (<http://www.cic.gc.ca/english/refugees/reform-safe.asp>).

Designated foreign national: A person who is part of a group that the Minister identified as an “irregular arrival.”

Designated representative (DR): A person who is responsible for protecting the interests of a child less than 18 years old or of an adult who is unable to understand what the refugee protection process is about. The designated representative is also responsible for explaining the refugee protection process to that person. In the case of children less than 18 years old, the designated representative is usually the child’s parent. However, another family member, a legal guardian, a friend or a worker from a social services agency can also be the designated representative if they meet the requirements.

Eligibility / eligible to be referred: This is the first step in the refugee protection claim process. An officer from the Canada Border Services Agency (CBSA) or Immigration, Refugees and Citizenship

Canada (IRCC) decides whether your claim meets certain basic conditions. If it does, the officer sends (“refers”) it to the Refugee Protection Division (RPD) of the IRB, which will make a decision on your claim for refugee protection.

Excluded person: A person who cannot be considered a Convention refugee or a person in need of protection because he or she has committed a serious, non-political crime outside Canada, a crime against peace, a war crime, or a crime against humanity, and people who are guilty of acts that are contrary to the purposes and principles of the United Nations. It also includes people who do not need protection because they live in a country where they have rights and obligations that are similar to those of a citizen of that country.

Inland office: Any office of Immigration, Refugees and Citizenship Canada (IRCC) or the Canada Border Services Agency (CBSA) inside Canada.

Legal aid: A service offered by some provincial or territorial governments in Canada, in which the government may pay for certain legal services for some people who do not have enough money to pay a lawyer.

Member: The Refugee Protection Division (RPD) decision-maker who hears your claim and decides whether to accept it.

Minister’s participation: When the Minister of Public Safety or the Minister of Immigration, Refugees and Citizenship decides to participate in your claim and becomes a party in the refugee protection process. A representative from the Canada Border Services Agency (CBSA) or Immigration, Refugees and Citizenship Canada (IRCC) (Minister’s counsel) acts for the Minister before the Refugee Protection Division (RPD).

Party: The claimant and, if the Minister participates in your claim, the Minister.

Permanent resident: The right to live, work, study and remain in Canada under specific residency obligations.

Person in need of protection: A person in Canada who would be subjected personally to a danger of torture, a risk to their life, or a risk of cruel and unusual treatment or punishment if they were returned to their home country (their country of nationality or, if they do not have one, the country where they usually lived in the past).

Port of Entry (POE): An airport, a seaport or a Canada-United States border crossing.

Refugee Appeal Division (RAD): The Division of the IRB that decides appeals of decisions made by the Refugee Protection Division (RPD). In most cases, the RAD will proceed without a hearing, on the basis of the documents provided by the parties and the RPD record.

Refugee protection: The protection given by Canada to a Convention refugee or a person in need of protection.

Refugee Protection Division (RPD): The division of the Immigration and Refugee Board of Canada (IRB) that hears claims for refugee protection made in Canada and decides whether to accept them.

Vulnerable person: Vulnerable persons are individuals whose ability to present their cases before the Immigration and Refugee Board of Canada (IRB) is severely impaired. Such persons may include, but would not be limited to, the mentally ill, minors, the elderly, victims of torture, survivors of genocide

and crimes against humanity, women who have suffered gender-related persecution, and individuals who have been victims of persecution based on sexual orientation and gender identity. Vulnerable persons can apply to the Refugee Protection Division (RPD) for procedural accommodations at their hearing.

Withdrawing: If you decide not to continue with your refugee protection claim, you must tell the Refugee Protection Division (RPD) in writing that you are withdrawing your claim. If you withdraw your claim, you will not be permitted to make another claim for refugee protection in Canada.

Working days: Days which do not include Saturdays, Sundays or other days on which the Board offices are closed.

Claiming Refugee Protection

How do I make a claim for refugee protection?

You can make a claim for refugee protection by speaking to an officer at any **port of entry** when you arrive in Canada, or at an **inland office**.

The officer from the Canada Border Services Agency (CBSA) or Immigration, Refugees and Citizenship Canada (IRCC) will decide whether your claim is eligible to be referred to the Immigration and Refugee Board of Canada (IRB). If your claim is eligible, it will be sent (“referred”) to the Refugee Protection Division (RPD) of the IRB to start the claim for refugee protection process.

At a port of entry

If you make your claim at a port of entry, you will be given a *Confirmation of Referral* and a Basis of Claim Form (BOC Form) to complete. You must give your completed BOC Form to the RPD no later than 15 days after the date your claim was sent to the RPD. At a later date, the RPD will send you a *Notice to Appear for a Hearing* that will tell you when and where your claim will be heard.

At an inland office

If you make your claim at an inland office, you must give your completed BOC Form to the officer who decides whether your claim is eligible. That officer will give you a *Confirmation of Referral*. At a later date, the RPD will send you a *Notice to Appear for a Hearing* that will tell you when and where your claim will be heard.

At your hearing, an RPD decision-maker called a member will decide whether your claim should be allowed or not.

What are my responsibilities?

Getting a truthful and completed BOC Form submitted on time

- You must give information that is complete, true and correct in your BOC Form.
- You must provide this BOC Form to the officer if you are claiming inland.
- You must provide this BOC Form to the RPD within 15 days of your claim being sent to the Board, if you made your claim at a port of entry.
- You must make sure that the RPD receives all of the documents it asks you for, including your BOC Form, on time.

Responsibilities regarding documents and hearing

- You are responsible for obtaining and providing any documents that may support your protection claim. You must make arrangements now to get these supporting documents without delay.
- You must go to your hearing.

- You must read all of the documents the RPD sends you and make sure that the RPD receives an answer on time if one is asked for or is needed.

Keeping your contact information and your counsel's contact information up to date with the IRB

- You must give the RPD your current address and phone number. If you did not give your address to the CBSA or IRCC officer at your eligibility interview, you must give it to the RPD no later than 10 days after you receive your *Confirmation of Referral*.
- If you move, you must give your new address to the RPD immediately.
- If you have counsel, you must give the RPD your counsel's address and telephone number immediately.
- You must tell the RPD your new counsel's contact information if you change counsel.

Once you have a scheduled hearing date

Changing the language of your hearing

- You must tell the RPD if you want to change the official language (English or French) you chose for your hearing at least 10 days before the hearing.
- You must tell the RPD if you want to change the language or dialect to be interpreted at your hearing at least 10 days before the hearing.

Changing the location of your hearing

- You may ask the RPD to change the location of your hearing. You must ask at least 20 days before your hearing. The RPD will only agree to change the location of the hearing in certain circumstances.
- In deciding if the application to change the location of the hearing, the RPD will consider relevant factors, including:
 - (a) whether you are residing in the location where you want the hearing to be held;
 - (b) whether a change of location would allow the proceeding to be full and proper;
 - (c) whether a change of location would likely delay the proceeding;
 - (d) how the change of location would affect the Division's operations;
 - (e) how a change of location would affect the parties;
 - (f) whether a change of location is necessary to accommodate a vulnerable person; and
 - (g) whether a hearing may be conducted by means of live telecommunication with the claimant.

Changing the date or time of your hearing

- You may ask the RPD to change the date or time of your hearing. You must ask at least 3 working days before the hearing. The RPD will only agree to change the date or time of your hearing in exceptional circumstances.

Which language will the RPD use with me?

Canada has two official languages: English and French. You can choose which official language you would like the RPD to use with you (for example, during your hearing and in documents) in the “Language and Interpreter” section of your BOC Form.

If you do not understand English or French, the RPD will have an interpreter for you at your hearing. You must write the language and dialect you want to use in the “Language and Interpreter” section of your BOC Form.

When can the RPD declare that my claim has been abandoned?

The RPD may declare that your claim has been abandoned if you:

- do not provide a completed BOC Form on time;
- do not provide your current and correct contact information;
- do not go to your refugee protection claim hearing; or
- do not go to your special hearing on the abandonment of your claim, if you are required to do so.

If your claim is declared abandoned, it will not be heard. This also means that you will not be allowed to make another refugee protection claim in the future and you will most likely be required to leave Canada.

Can I withdraw my refugee protection claim?

Before your hearing, if you decide that you do not want to continue with your claim, you must tell the RPD in writing that you are withdrawing your claim.

Basis of Claim Form and Paperwork

What is a Basis of Claim Form (BOC Form)?

The purpose of the BOC Form is to present your refugee protection claim to the RPD. In the BOC Form, you will give details about yourself (your identity, family, documents and travel history) and about why you are claiming refugee protection in Canada. The questions in the form will help you include the most important parts of your life experience. **It is important that you include all important facts and events and tell the truth.**

At your hearing, a member may ask you questions about anything you have included in your BOC Form and may ask you other questions about things not included in your BOC Form. The RPD will use the information in your BOC Form when it makes a decision about your claim. Therefore, it is important for everything in your BOC Form to be complete, true and correct.

You must sign and date your BOC Form. By signing your BOC Form, you are declaring that the information in it is complete, true and correct.

How long do I have to complete my BOC Form?

It depends on where you made your claim.

If you made your claim at a port of entry

If you made your claim at a port of entry, you must give the original and one copy of your completed BOC Form to the RPD no later than 15 days after the date the IRCC or the CBSA sent your claim to the RPD to start the refugee protection process. You can bring your BOC Form to the RPD yourself, or you can send it by courier. If you have fewer than 20 pages in total, you can also send the form by fax. If you do not provide your original BOC Form to the RPD, such as if you send it by fax, you will have to provide the original at the beginning of your hearing.

Do not send your BOC Form by regular mail.

If you made your claim at an inland office

If you made your claim at an inland office, you must give your original completed BOC Form and one copy of it to the IRCC or CBSA officer on the day of your eligibility interview. The IRCC or the CBSA will give your completed BOC Form to the RPD.

What language can I use to complete my BOC Form?

You must complete your BOC Form in either English or French. If an interpreter helps you complete the form, the interpreter must also sign it. If no interpreter helps you, you must sign a statement (which is part of your BOC Form) that means that you have read and that you understand the information on the BOC Form in the language (English or French) in which you completed it.

Do children need to complete a BOC Form?

All the members of your family who are claiming refugee protection must provide their own BOC Form. For children who are six years old or younger, you only need to complete Part 1 of the BOC Form (“Who you are”). Children older than six and all children who do not have an adult with them must answer all of the questions. If you complete the BOC Form for a child in your care who is less than 18 years old, you or the person named by the RPD as the child’s designated representative must sign the child’s BOC Form.

Do I need a designated representative (DR)?

A designated representative (DR) is a person who is responsible for protecting the interests of a child less than 18 years old or of an adult who is unable to understand what the refugee protection process is about. The designated representative is also responsible for explaining the refugee protection process to that person.

In the case of accompanied children less than 18 years old, the designated representative is usually the child’s parent. However, another family member, a legal guardian, a friend or a worker from a social services agency can also be the designated representative if they meet the requirements.

The decision to designate a representative is made by the RPD as early as possible in the process. If your children are claiming refugee protection, please fill out the *Appointment of a Designated Representative for Accompanied Minors* form and submit it when you submit your Basis of Claim Form.

What happens if I do not give my completed BOC Form on time?

If you do not provide your completed BOC Form on time, the RPD may declare that your claim has been abandoned. This means that your claim will not be heard. Before declaring your claim abandoned, the RPD will hold a special hearing for abandonment no later than five working days after your BOC Form was due. At this special hearing, you will have to explain why you could not provide a completed BOC Form on time and why the RPD should continue with your claim. So it is very important that you go to this special hearing.

The date for this special hearing will appear in the “Special Hearing date if the Basis of Claim Form is not received on time” section of the *Confirmation of Referral*.

What happens if I do not give my contact information on time?

If you did not give your address in Canada to the IRCC or to the CBSA when your claim was sent to the RPD to begin the refugee protection process, you must give it to the RPD and to the IRCC or to the CBSA (whichever sent your claim to the RPD) no later than 10 days after the day you received your *Notice to Appear for a Hearing*. You must also tell the RPD as well as the IRCC or the CBSA immediately if you move. If you do not provide your contact information to the RPD on time, the RPD may not be able to contact you and may declare your claim abandoned.

Can I make changes to my BOC Form?

Yes. If you find a mistake on your BOC Form or realize that you forgot something important, or receive additional information, you must tell the RPD. Make sure to underline the information you changed or added, sign and date the changed pages, and send the original and one copy of all the pages that have been changed to the RPD. You must also provide a declaration stating that the information in the BOC Form together with the changes and additions is complete, true and correct and that you understand that the declaration has the same force as an oath. The RPD will then forward a copy of those changed pages to the IRCC or the CBSA (whichever sent your claim to the RPD). The RPD must receive the new pages at least 10 days before your hearing.

Counsel

Do I need counsel to represent me in my claim?

You may represent yourself. You are not required to have a counsel to represent you. However, you may decide that you want someone to help you present your case at your hearing. If a date has already been set for your hearing, ensure that the counsel you choose is available on the date of your hearing. You must also immediately give your counsel's contact information in writing to the RPD and also to the IRCC or to the CBSA (whichever sent your claim to the RPD). Contact information means address, phone number, fax number and email address, if any. **If you change counsel during your claim process, you must notify the RPD by completing a new *Counsel Contact Information* form.**

Who can be counsel?

Your counsel may be:

- a member in good standing of a provincial law society (lawyer or paralegal, in a province that allows paralegals to be members of the law society);
- a member in good standing of the Chambre des notaires du Québec; or
- an immigration consultant who is a member in good standing of the Immigration Consultants of Canada Regulatory Council.

Only a counsel as described above can represent you at the RPD and charge you a fee. **If you decide to hire a counsel, you must hire this person at your own expense.** If you do not have enough money to pay for counsel, you may contact the legal aid office in your province to find out what help, if any, is available. Please refer to the list of provincial legal aid offices included in your Claimant's Kit.

Your counsel must give the RPD the name of the organization they belong to, as well as their membership identification number, and must also complete the *Counsel Contact Information* form (IRB-101.02) included in your Claimant's Kit. This form is also available on the IRB website.

Your counsel can also be a family member, a friend or a volunteer who may represent you without charging you a fee. In this case, you need to complete the *Notice of Representation Without a Fee or Other Consideration* form included in your Claimant's Kit. This form is also available on the IRB website.

What if my counsel wants to represent me in the other official language?

If your counsel prefers to represent you in the official language (English or French) other than the one you asked the RPD to use with you, your counsel has the right to do so. You must tell the RPD about this at least 10 days before the hearing.

How do I get my documents if my counsel is no longer representing me?

If you were represented by counsel for a portion of the claim process, but you decide that you are no longer going to be represented by that counsel, it is important to get all of the documents you need in order to be completely ready for your hearing.

We encourage you to keep a copy of the BOC Form and all other documents, even if your counsel has a copy. If you did not keep a copy of those documents and were unable to get them from your former counsel, you may contact the RPD well before your hearing for copies of those documents.

If you have new counsel representing you, **it is your responsibility to make sure that your new counsel receives all of the documents you have to support your claim.** These include documents that were provided to your previous counsel by you, the RPD or the Minister (if the Minister is participating in your hearing).

Preparing for Your Hearing

Your hearing is an important moment in the refugee protection process because the hearing is usually when the RPD decides whether you are a Convention refugee or a person in need of protection.

How will I know when my hearing will be held?

The RPD will send you a *Notice to Appear for a Hearing*, which will tell you when and where to go. This notice will also tell you the time when your hearing will start and the time you must arrive. **Please make sure that you follow the instructions you get with the *Notice to Appear*. Please tell the RPD if your address or telephone number changes, so that you receive all of the RPD's notices and letters.** You may use our *Notification of Client Contact Information* form, which can be accessed from our website at <http://www.irb-cisr.gc.ca/Eng/res/form/Pages/lrbCisr10101.aspx>.

What happens if I am not available and/or my counsel is not available on the hearing date?

The RPD makes every effort to contact counsel and arrange your hearing on a date when you and your counsel are available.

Once a hearing date has been set, you and your counsel (if you have one) must be ready for the hearing on that date. However, in some cases, you can apply to the RPD to change the date and time of your hearing.

The RPD expects claimants to be ready to proceed on the date set for their hearing. The RPD will only agree to change the date or time of your hearing if there are exceptional circumstances. For example, it may agree if you are a vulnerable person who needs accommodation, if there has been an emergency or if something happened outside your control and you did everything you could to continue with your claim.

Only the RPD can change the date and time of your hearing. Unless the RPD tells you to do something else, you must go to your hearing on the date and time shown in your *Notice to Appear*.

If you apply to change the date and time and do not receive an answer or if your application to change the date and time is refused, then you must go to your hearing on the date and time set by the RPD.

If you have been told that the IRCC or the CBSA will be participating in your hearing, you must send a copy of your application to change the date and time to the IRCC or CBSA representative.

When you give your original application to the RPD, you also need to include a written statement on how and when you gave a copy of your application to the IRCC or the CBSA.

If you are not available on the hearing date

You can apply to change the date or time of your hearing only if you have a very good reason why you cannot be there on the date set by the RPD. You must apply in writing immediately after receiving the *Notice to Appear for a Hearing* with your hearing date. The RPD must receive your application at least three working days before the date set for your hearing. If your hearing date is less than three working days away, you must go to your hearing and apply in person.

In your application, you must explain why you want to change the date or time of your hearing. You must also give at least three new dates and times when you will be available for your hearing. These three new dates must be no later than 10 working days after the hearing date set by the RPD.

If the reason you want to change your hearing date is medical, you must attach a medical certificate to your application. This certificate must:

- be recently dated;
- be signed by a qualified medical practitioner;
- have the name and address of the medical practitioner printed or stamped on it;
- give the details of your medical condition, but not the diagnosis; and
- give the date when you will be able to go to your hearing.

If you cannot provide a medical certificate, you must include in your application

- (a) particulars of any efforts you have made to obtain the required medical certificate, supported by corroborating evidence;
- (b) particulars of the medical reasons for the application, supported by corroborating evidence; and
- (c) an explanation of how your medical condition prevents you from attending the hearing.

Can I change the official language I asked the RPD to use with me after submitting my BOC Form?

If you want to change the official language (English or French) you asked the RPD to use with you in your BOC Form, you need to tell the RPD in writing as soon as possible and at least 10 days before your hearing.

What will happen if I change the official language I asked the RPD to use with me?

If you change the official language (English or French) you asked the RPD to use with you, the documents that are already part of your file will stay in the official language they were provided in. Documents the RPD sends you after you change the language, such as your final decision, will be in the new official language.

Can I change the language to be interpreted at my hearing after submitting my BOC Form?

If you want to change the language or dialect of interpretation that you chose in your BOC Form, you must tell the RPD in writing at least 10 days before your hearing and include the new language and dialect you want to have interpreted.

Do I have to give the RPD any documents?

You must give the RPD documents that support your claim. **Therefore, you should begin gathering evidence to support your claim as soon as possible.**

You must show the RPD evidence of who you are by giving the RPD high-quality copies of official documents with your name and date of birth on them (“identity documents”). For example, you can give a passport, national identity card, birth certificate, school certificate, driver’s licence, military document, and professional or religious membership card.

Along with identity documents, you can submit other high-quality copies of original documents that you feel are relevant to your claim, including proof of membership in political organizations, medical or psychological reports, police documents, business records, news clippings, visas and travel documents (airplane, train or bus tickets).

It is not necessary to provide the RPD with your original documents but you must be ready to produce them when requested by the RPD. You must also bring your original documents to your hearing.

If you do not provide identity documents or other documents in support of your claim, you will have to explain at your hearing why you do not have them and show that you did everything to try to get them.

The documents you provide must be typed in at least 12-point font or be photocopies of original documents. All documents should be printed on 8½ in. by 11 in. (21.5 cm by 28 cm) paper, and all photocopies must be clear and easy to read. Make a list of all the documents you are attaching. The pages of your documents must be numbered consecutively (i.e. 1, 2, 3, 4...), as if they were one document.

When does the RPD need to receive my documents?

You must attach copies of all of the documents that you have to support your claim to your BOC Form. Include certified translations in English or French for all documents that are in a language other than English or French.

If you get more documents that support your claim after you provided your BOC Form, you must immediately give two copies to the RPD. Copies of these additional documents must be received by the RPD at least 10 days before your hearing. It is best for you to send your documents to the RPD as soon as you get them.

You can provide your documents in person, by mail or by courier. If you have fewer than 20 pages in total, you can also provide them by fax.

Do my documents need to be translated?

If your documents are not in English or French, you must have them translated into the official language (English or French) that you chose for your hearing. You must provide the translations and a translator's declaration to the RPD with the copies of the documents. The translator's declaration must include:

- the translator's name;
- the language and dialect, if any, translated;
- a statement that the translation is accurate; and
- the signature of the translator.

What other documents will the RPD use to decide whether to accept my claim?

The IRB produces a National Documentation Package (NDP) for every country. The NDP is a compilation of publicly available documents that report on country conditions such as political, social, cultural, economic and human rights conditions. Each NDP provides full citations to help you locate the documents that are not available on the IRB website.

In addition, where possible, links are provided to the documents available on the website of the organization that published the document.

It is your responsibility to go to the IRB website to review the documents in the NDP for your home country as the RPD may consider them when deciding your claim.

Alternatively, a paper copy of the NDP may be viewed at any IRB regional office.

It is also your responsibility to check the IRB website for the newest version of the NDP for your home country prior to your hearing.

A link to the NDPs is available on the homepage of the IRB website located at <http://www.irb-cisr.gc.ca>.

The RPD may decide to use other documents as well, for example, reports produced by the IRB Research Directorate, media articles or reports from human rights organizations. Copies of any additional documents which the RPD finds useful will be sent to you before your hearing.

What do I need to show in order for my claim to be accepted?

You must show that you are a Convention refugee or a person in need of protection.

- You are considered a **Convention refugee** if you have a well-founded fear of persecution in your home country (your country of nationality or, if you do not have one, the country where you usually lived in the past) based on your race, religion, nationality, membership in a particular social group or political opinion.
- You are considered a **person in need of protection** if you would be subjected personally to a danger of torture, to a risk to your life or to a risk of cruel and unusual treatment or punishment if you were returned to your home country.

Some people are excluded from refugee protection, which means that they cannot be considered Convention refugees or persons in need of protection. Excluded people include people who have committed a serious, non-political crime outside Canada, a crime against peace, a war crime or a crime against humanity, or people who are guilty of acts that are contrary to the purposes and principles of the United Nations.

It also includes people who lived in a country where they have rights and obligations that are similar to those of a citizen of that country.

Can I attend an information session about RPD Hearings?

Yes, Ready Tours are available at RPD hearing locations. The tours are done in collaboration with regional non-governmental organizations (NGOs) and last approximately 60-90 minutes. These information sessions, which are free of charge, offer refugee claimants:

- A tour of an RPD hearing room
- Information about what will occur at the hearing
- Information about how to prepare for the hearing
- Information about who participates in the hearing
- Information about mandatory deadlines
- An opportunity to ask questions about the refugee determination process

More information on Ready tours can be found on the IRB website.

Your Hearing

Hearings usually take half a day and are held in private.

If the RPD member cannot be in the same city as you, your hearing may take place by videoconference. This allows you to see and talk to the member through a television.

Who will make a decision about my claim?

At your hearing, you will normally present your claim to one RPD member. RPD members have received special training on refugee protection.

Will an interpreter be provided for me?

The RPD will provide an interpreter at your hearing at no cost to you. If you need an interpreter, you must write the language and dialect you want to use in the “Language and Interpreter” section of your BOC Form. The interpretation will be provided between the language and dialect you choose and the official language of Canada (English or French) you choose in the same section of your BOC Form.

Interpreters must keep your personal information confidential. If at any time during the hearing you have trouble understanding the interpreter, tell the member immediately.

Do my children need to come to the hearing?

If your children are also claiming refugee protection and are 12 years of age or older, they must come to the hearing. Young children under the age of 12 who are accompanied by an adult making a refugee protection claim will not be required to appear before the RPD unless the presiding member requires their attendance. When a member determines that it is necessary for a young claimant to attend the hearing, for example, the claimant and their designated representative will be informed at the earliest possible opportunity so families can make the necessary arrangements.

Usually, young children only need to be there at the beginning of the hearing, in order to show evidence of who they are and to make sure they are properly represented by their parents, their legal guardian or another designated representative. After this, they may be allowed to leave the hearing. Please bring someone you trust with you to take care of your children in the waiting room while you finish the hearing.

In some situations, older children will need to participate in the hearing. If you have concerns or questions about your child participating in the hearing, contact the RPD before your hearing or raise your concerns with the member at the hearing.

Can I bring witnesses?

You may bring witnesses to your hearing if you think this will help your claim. A witness is a person who knows about your claim and can provide information that will help the

member make a decision. Witnesses must be ready to answer questions about the information they provide at your hearing (this is called testifying or giving testimony).

At least 10 days before your hearing, you must give the RPD the following information about each witness, in writing:

- their contact information (address, telephone number and fax number);
- a short statement on the purpose of their testimony and what it will be about;
- how long their testimony will take;
- your relationship to the witness;
- whether you want them to testify in person, by videoconference or by telephone; and
- whether they need an interpreter, and if so, the language and dialect they will use.

If the witness is an expert, you must also give information about their qualifications and include a report that is signed by the witness and summarizes their testimony.

If you have been told that the IRCC or the CBSA will be participating in your hearing, you must give a written copy of the information above to the IRCC or CBSA representative. You also need to give the RPD a written statement on how and when you sent the witness information to the IRCC or the CBSA.

It is your responsibility to make sure your witnesses come to your hearing.

What will happen at my hearing?

1. You will take a solemn affirmation

Before you testify, you must make a solemn affirmation, which is a promise to tell the truth.

2. You will testify

You will then be asked questions first by the member, and then by your counsel. If the IRCC or the CBSA is participating in your hearing, the Minister's counsel will ask you questions before your own counsel does. If you do not have counsel, the member may ask you more questions and give you an opportunity to tell the member what you think is important.

If the CBSA is participating in your hearing because the Minister is claiming that you should be excluded from refugee protection, the Minister's counsel will ask you questions, followed by the member and then your counsel, if you have one.

3. Witnesses will testify

If you bring any witnesses, they will testify after you have testified. Any witnesses you bring to your hearing will be asked to stay in the waiting room and will not join the hearing until after you have testified. The witnesses will then be asked to come in to answer questions one by one.

4. Comments (representations) will be made about your case

After you and any witnesses have testified, the member will ask you or your counsel to explain why you think the evidence shows that you are a Convention refugee or a

person in need of protection. If the IRCC or the CBSA is participating, the member will give the Minister's counsel an opportunity to comment on your case as well.

5. A decision will be made

The RPD member will decide whether you are a Convention refugee or a person in need of protection. The member will tell you the decision and the reasons for the decision orally at the end of the hearing, unless it is not possible to do so. In that case, you will receive the decision later by mail.

What happens after the decision?

If your claim is allowed

If your claim is allowed, the RPD will send you a written *Notice of Decision*. The RPD will also send you an explanation of the reasons why your claim was allowed.

The IRCC and the CBSA will receive copies of the decision as they may wish to appeal a positive decision to the Refugee Appeal Division (RAD) or seek leave and judicial review at the Federal Court.

Unless the RPD's decision is appealed to and overturned by the RAD or is reviewed and overturned by the Federal Court, you will be eligible to apply to the IRCC for permanent residence. For more information, please refer to the IRCC website at <http://www.cic.gc.ca>.

If your claim is rejected

If your claim is rejected, the RPD will send you a written *Notice of Decision* and an explanation of the reasons why your claim was rejected.

The *Notice of Decision* will tell you whether you can appeal the decision to the RAD or file an application for leave and for judicial review with the Federal Court.

Most claimants can appeal to the RAD. However, you cannot appeal to the RAD in the following cases:

- you are a designated foreign national;
- your refugee protection claim was withdrawn or declared abandoned;
- the RPD's decision says that your claim has no credible basis or is manifestly unfounded;
- you made your claim at a land border with the United States and the claim was sent to the RPD as an exception to the Safe Third Country Agreement;
- the Minister applied to cease (stop) your refugee protection, and the RPD's decision allows that application;
- the Minister applied to vacate (cancel) the decision to allow your refugee protection claim, and the RPD's decision allows that application; or
- your claim was sent to the IRB before December 15, 2012.

GETTING HELP

Immigration and Refugee Board of Canada Refugee Protection Division Registries

Website: www.irb-cisr.gc.ca

REGISTRY

AREA OF RESPONSIBILITY

Eastern Region

Montréal

Guy-Favreau Complex
200 René-Lévesque Blvd. West, East Tower, Room 102
Montréal, Quebec H2Z 1X4
Tel.: 514-283-7733 or 1-866-626-8719
Fax: 514-283-0164

Quebec
New Brunswick
Nova Scotia
Prince Edward Island
Newfoundland
Nunavut
Ottawa, Ontario

Central Region

Toronto

74 Victoria Street, Suite 400
Toronto, Ontario M5C 3C7
Tel.: 416-954-1000
Fax: 416-954-1165

Ontario (except Ottawa)

Western Region

Vancouver

300 West Georgia Street, Suite 1600
Vancouver, B.C. V6B 6C9
Tel.: 604-666-5946 or 1-866-787-7472
Fax: 604-666-3043

British Columbia
Yukon
Northwest Territories
Alberta
Saskatchewan
Manitoba

Immigration, Refugees and Citizenship Canada (IRCC)

Telephone: 1-888-242-2100
Teletypewriter (TTY): 1-888-576-8502
Website: www.cic.gc.ca

Canada Border Services Agency (CBSA)

Telephone: 1-800-461-9999
Teletypewriter (TTY): 1-866-335-3237
Website: www.cbsa-asfc.gc.ca