

Information for Refugee Claimants

1. General information:

The Government of Canada departments that deal with refugee claims are:

- **Immigration, Refugees and Citizenship Canada (IRCC)** (www.canada.ca/en/services/immigration-citizenship.html): IRCC determines whether a refugee claim made inside Canada is eligible to be referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB).
- **The Canada Border Services Agency (CBSA)** (www.cbsa-asfc.gc.ca): CBSA determines whether a refugee claim made at a Canadian port of entry (that is, an airport, land border crossing or marine port), or at an inland enforcement office, is eligible to be referred to the Refugee Protection Division.
- **The Immigration and Refugee Board of Canada (IRB)** (www.irb-cisr.gc.ca): The IRB is an independent body responsible for making immigration and refugee decisions.

2. Right to counsel

As a refugee claimant, you have the right to be represented by counsel (a lawyer or other professional representative) **at your own expense** during the refugee claim process. If you cannot afford to pay for counsel, you can apply to a provincial or territorial legal aid office for assistance.

The Government of Canada treats everyone equally, whether they use the services of counsel or not. If you do choose to hire counsel, your application **will not** be given special attention.

Information on hiring a representative: www.canada.ca/en/immigration-refugees-citizenship/services/immigration-citizenship-representative.html.

NOTE: Check the local telephone directory or use this link to consult the provincial and territorial legal aid services' webpages: www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html.

3. Submitting your refugee claim

CBSA

You can claim refugee protection in person to a CBSA officer when you arrive at a port of entry.

If an officer cannot immediately decide if your claim is eligible to be referred to the Refugee Protection Division, they will issue you an **Acknowledgement of Claim** document. This is a temporary document that

- confirms you've made a refugee claim
- shows you're covered under the Interim Federal Health Program and
- may assist if you apply for social services.

If you make a claim to the CBSA and they direct you to complete your claim online, you will use the IRCC Portal: portal-portail.apps.cic.gc.ca/signin?lang=en.

Refer to www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-0192-cbsa-refugee-claims-ircc-portal.html for assistance completing your claim online. You will also have to complete a Basis of Claim form. You may be instructed to mail this form to the IRB, or upload it to the IRCC Portal (for more information, see section 11). CBSA will also notify you of any additional next steps.

IRCC

If you're already inside Canada, you can claim refugee protection online via the IRCC Portal. Refer to the Inland Application Guide www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-0174-inland-refugee-claims-portal.html for assistance completing your claim online. Once you have submitted your claim online:

- You will be issued an Acknowledgement of Claim document.
- You will be contacted by IRCC to schedule an appointment to collect your biometrics (fingerprints and photo). You will also have to attend an interview, likely at a later date.

4. Interim Federal Health Program

Under the Interim Federal Health Program (IFHP), the Government of Canada covers the cost of certain health-care services or products. Your **Acknowledgement of Claim or Refugee Protection Claimant Document** (see section 9) indicates if you're eligible for IFHP coverage.

All eligible claimants have access to health-care services and products anywhere in Canada from any health-care provider who is **registered with the IFHP**. A list of registered providers is available online at ifhp.medaviebc.ca.

You must confirm that a health-care provider is registered with the IFHP before you receive any services from them. A valid **Acknowledgement of Claim or Refugee Protection Claimant Document** must be presented to your health-care provider at every visit.

For more information on the IFHP, including which products and services are covered, visit www.canada.ca/ifhp or ifhp.medaviebc.ca.

5. Immigration Medical Examination

As a refugee claimant, you must undergo a **mandatory medical exam within 30 days**. This is paid for by the IFHP.

Only certain doctors may perform these medical exams. Instructions and a link to a list of doctors who do these exams on behalf of IRCC in each province or territory are provided on the IMM 1017 Medical Report form.

Please contact a doctor from the list to make an appointment for a medical exam. You must bring the following documents to the appointment:

- the IMM 1017 Medical Report form and
- your Acknowledgement of Claim or Refugee Protection Claimant Document.

Please ensure you provide the doctor with your current address.



6. Work permit and Social Insurance Number

To work legally in Canada, you must have a **work permit** and a **Social Insurance Number (SIN)**.

You can request a no-fee work permit within your online refugee claim application (through the IRCC portal) to work for any employer. The length of time it's valid will be specified on the work permit.

Before IRCC can issue a work permit, the following steps must occur:

- a decision on the eligibility of your claim must be made
- your immigration medical examination must be completed and passed and
- biometrics (fingerprints and photographs) must be taken (see section 8).

The proof that you've completed your immigration medical exam is the "IME" number, or a copy of the eMedical info sheet (this can be requested from the doctor who performs the examination (see section 4)).

If you don't request a work permit during the refugee claim intake process, you can apply for one online at www.canada.ca/en/services/immigration-citizenship.html.

Note: Once the work permit has been issued, it will be mailed to you. **It is very important that addresses are kept up to date.** To change an address, please refer to the IRCC Webform: secure.cic.gc.ca/enquiries-renseignements/canada-case-cas-eng.aspx and select "Change of Contact Information." When you get your work permit, you must then apply for a **Social Insurance Number**. You may use your Acknowledgement of Claim document as part of your application for a SIN. You can do this online, by mail or in person at a Service Canada Centre. Information on the application process can be found at www.canada.ca/en/employment-social-development/services/sin.html. To find a local Service Canada Centre, call 1 800 O-Canada (1-800-622-6232).

7. Study permits

Anyone under the age of 18 who has made a refugee claim, or who is a dependent child of a refugee claimant, may study at the pre-school, primary or secondary level (up to grade 12) **without a study permit**. The child's **Acknowledgement of Claim** or **Refugee Protection Claimant Document** is required for school registration.

A study permit is required for all claimants who intend to study at the post-secondary level (college or university). In order to legally study in Canada, and before a study permit will be issued, an immigration medical examination must be completed and passed.

The application for a study permit is available at www.canada.ca/en/services/immigration-citizenship.html. There is no fee for refugee claimants to apply for a study permit.

The following documents are required for a study permit application:

- a copy of the **Acknowledgement of Claim** or **Refugee Protection Claimant Document** (see section 9)
- proof of acceptance from a Designated Learning Institution

to study in the province of Québec, a Certificat d'acceptation du Québec (CAQ) issued by the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI). For further information on how to obtain a CAQ, visit: www.quebec.ca/en/education/study-quebec.

8. Biometrics (fingerprints and photographs)

If you make your claim at a port of entry, a CBSA officer will take your biometrics and collect proof of identity and other relevant documentation. You will either:

- complete the eligibility interview, or
- the officer may permit you to enter Canada and set a date and time for you to return to an IRCC or CBSA office for further examination. If instructed by a CBSA officer, you can submit a refugee claim online through the IRCC Portal prior to your interview date.

If you're already in Canada and you submit a refugee claim online through the IRCC Portal, you'll be asked to

- report to an IRCC office for biometrics collection
- submit proof of your identity and all other relevant documentation,
- return for a scheduled interview at a later date, and
- bring two passport-size photos for children under the age of 14 to your biometrics appointment (photos for those age 14 and older are **no longer required**)

9. Examination process at the port of entry or inland interview

At your interview, an officer will

- refer your claim to the Refugee Protection Division (RPD) at the IRB if your claim is eligible
- issue you a Refugee Protection Claimant Document (RPCD) (see below) if your claim is eligible
- issue a removal order:
 - ↳ If your claim is eligible to be referred to the IRB, the removal order will be conditional (that is, not in force), until a decision is made by the IRB.
 - ↳ If your claim is ineligible, then the removal order may be in force.
 - ↳ For more about removal orders, see section 12.
- provide you with information about the IRB process if your claim is eligible.

If your claim is found to be eligible and referred to the IRB, you must attend your hearing at the Refugee Protection Division of the IRB. The IRB will contact you at a later date to inform you of the date and location of your hearing.

- If your claim is found to be ineligible, or a negative decision is rendered at the IRB, you will be informed of next steps and you may still be entitled to the Interim Federal Health Program and provincial services until you are removed from Canada.

The **RPCD** replaces the Acknowledgement of Claim as your primary identification document as a refugee claimant in Canada. The RPCD

- shows that your claim has been referred to the IRB
- may help you access services and
- shows that you are covered under the Interim Federal Health Program.

10. Contact Information

All claimants must inform IRCC of any changes in address or contact information. All updates can be completed through the IRCC Webform: secure.cic.gc.ca/enquiries-renseignements/canada-case-cas-eng.aspx by selecting "Change of Contact Information".

Note: Once your claim has been referred to the IRB, you must also advise the IRB of any change in contact information. Instructions on how to do this are included in the IRB's Claimant's Guide: www.irb-cisr.gc.ca/Eng/RefClaDem/Pages/ClaDemGuide.aspx.

11. Immigration and Refugee Board Claimant Kit

All eligible claimants are directed to the IRB Claimant Kit. The kit contains important information on how to prepare for the hearing at the IRB.

This kit includes the following:

Basis of Claim form

This document is mandatory for all claimants. Each individual must have their own Basis of Claim form.

If you make a refugee claim at a port of entry, you must complete the Basis of Claim form and submit it to the IRB within 15 days or as instructed by the CBSA, subject to the current practice notice issued by the IRB. If you do not provide your completed Basis of Claim Form (BOC Form) on time, the Refugee Protection Division (RPD) may declare that your claim has been abandoned.

If you submit your claim online through the IRCC Portal, the Basis of Claim form must be uploaded as a supporting document.

NOTE: It is responsibility of the claimant to ensure that their counsel submits the Basis of Claim to the IRB on time.

Claimant's Guide

The Claimant's Guide explains the IRB Refugee Protection Division process and can be found at irb.gc.ca/en/refugee-claims/Pages/ClaDemGuide.aspx.

Important instructions about your Notice to Appear

These instructions contain important information regarding the Notice to Appear for a Hearing and additional refugee claim processing information.

Provincial and Territorial legal aid contact information

If you cannot pay for legal counsel, you may be eligible for legal aid.

Counsel Contact Information form (IRB/CISR 101.02):

If a claimant has retained counsel (lawyer or consultant who is a member in good standing of the appropriate regulatory body), the Counsel Contact Information form must be completed by counsel and submitted to the IRB: (irb-cisr.gc.ca/en/forms/Documents/IrbCisr10102_e.pdf).

The same applies if counsel fees are paid by a provincial or territorial legal aid service.

A new Counsel Contact Information form must be filled out and submitted to the IRB every time a claimant changes counsel.

Notice of Representation without a Fee or other Consideration form (IRB/CISR 101.03):

If your counsel is not being paid, they must complete the Notice of Representation without a Fee form irb.gc.ca/en/forms/Documents/IrbCisr10103_e.pdf and submit it to the IRB.

If you retain counsel, but the IRB does not receive either the **IRB/CISR 101.02** or **IRB/CISR 101.03** form, your counsel may not be allowed to act on your behalf before the IRB.

12. Removal orders

Generally speaking, most refugee claimants are issued a removal order at the time of their interview. If a removal order is issued against you, you will be given a copy of it.

If your claim is determined to be eligible to be referred to the Refugee Protection Division, you may remain in Canada until a decision is made on your claim. If your claim is accepted by the Refugee Protection Division, your removal order is not enforceable and you may apply for permanent residence.

If your claim is found ineligible, your claim is determined to be abandoned or withdrawn, or the Refugee Protection Division renders a negative decision on your claim, your removal order will come into force.

If you were issued a departure order, you will be advised once the departure order is in force, and you must leave Canada within 30 days. Before you leave Canada, you must notify a CBSA office ahead of your planned departure so that they can make arrangements to confirm your departure. If you do not leave Canada within 30 days, or if you do not make arrangements with the CBSA to have your departure confirmed, the departure order will automatically become a **deportation order**.

For information about other Immigration, Refugees and Citizenship Canada (IRCC) publications, visit: www.canada.ca/ircc-publications.

Available in alternative formats upon request.

Également disponible en français sous le titre : Brochure d'information à l'intention des demandeurs d'asile.

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Website: ircc.canada.ca

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