



Immigration and
Refugee Board of Canada
**Refugee Appeal
Division**

Commission de l'immigration
et du statut de réfugié du Canada
**Section d'appel
des réfugiés**

**APPELLANT'S RECORD PURSUANT TO RULE 3
OF THE REFUGEE APPEAL DIVISION RULES**

Date Stamp (used exclusively by the Board)

Appellant(s) Name(s)	RAD File Number	RPD File Number	Unique Client Identifier

If you need more space, use additional sheets of paper the same size as this form.

TABLE OF CONTENTS APPELLANT'S RECORD

Rule 3(3)(a) to (g) of the *Refugee Appeal Division Rules (RAD Rules)*

The Appellant's record contains the following documents:	Page
(a) all or part of the transcript of the RPD hearing if the Appellant wants to rely on the transcript in the appeal, together with a declaration, signed by the transcriber, that includes the transcriber's name and a statement that the transcript is accurate;	_____
(b) any documents that the RPD refused to accept as evidence, during or after the hearing, if the Appellant wants to rely on the documents in the appeal;	_____
(c) a written statement indicating	
i) whether the Appellant is relying on any evidence referred to in section 110(4) of the <i>Immigration and Refugee Protection Act (IRPA)</i> , ¹	
ii) whether the Appellant is requesting that a hearing be held under section 110(6) of the IRPA, and if they are requesting a hearing, whether they are making an application under rule 66 of the <i>RAD Rules</i> to change the location of the hearing, and	
iii) the language and dialect, if any, to be interpreted, if the RAD decides that a hearing is necessary and the Appellant needs an interpreter; ²	
(d) any documentary evidence that the Appellant wants to rely on in the appeal;	
(e) any law, case law or other legal authority that the Appellant wants to rely on in the appeal; and	_____ _____
(f) a memorandum that includes full and detailed submissions in accordance with rule 3(3)(g) of the <i>RAD Rules</i> .	_____

¹ See the form entitled Written Statement Concerning New Evidence at the RAD (Rule 3(3)(d)(i) of the *RAD Rules*).

² See the form entitled Written Statement Concerning the Hearing at the RAD (Rules 3(3)(d)(ii) and (iii) of the *RAD Rules*).



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**Written Statement Concerning New Evidence at the RAD
(Rule 3(3)(d)(i) of the RAD Rules)**

1. My name is _____.
2. I am the appellant/one of the appellants in the appeal before the Refugee Appeal Division bearing number _____.
3. I am presenting evidence referred to in section 110(4) of the *Immigration and Refugee Protection Act* (IRPA).
4. The evidence I am presenting is :

Name of the evidence
5. I explain in my Memorandum, at page ____, how this evidence meets the requirements of subsection 110(4)¹ of the IRPA and how that evidence relates to the appellant(s).

¹ Section 110 of the IRPA reads as follows: On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, at the time of the rejection.



Written Statement Concerning the Hearing at the RAD (Rule 3(3)(d)(ii) and (iii) of the RAD Rules)

1. My name is _____.
2. I am the appellant/ one of the appellants in the appeal at the Refugee Appeal Division (RAD) bearing number _____.
3. I am presenting evidence referred to in subsection 110(4)¹ of the *Immigration and Refugee Protection Act* (IRPA).
4. I am requesting that a hearing be held under subsection 110(6)² of the IRPA.
5. I am making an application under Rule 66 of the *Refugee Appeal Division Rules* to change the location of the hearing.
I am not making an application to change the location of the hearing.
6. I am requesting an interpreter in the _____ language, and in the _____ dialect, if any, for the purpose of the hearing.
7. I am requesting that the hearing be held in English.
I am requesting that the hearing be held in French.
8. I explain in my Memorandum, at page ____, why the Division should hold a hearing under subsection 110(6)² of the IRPA.

¹ Section 110(4) of the IRPA reads as follows: On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, at the time of the rejection.

² Section 110(6) of the IRPA reads as follows: The Refugee Appeal Division may hold a hearing if, in its opinion, there is documentary evidence referred to in subsection (3)

- (a) that raises a serious issue with respect to the credibility of the person who is the subject of the appeal;
- (b) that is central to the decision with respect to the refugee protection claim; and
- (c) that, if accepted, would justify allowing or rejecting the refugee protection claim.

**APPELLANT'S MEMORANDUM
TO THE REFUGEE APPEAL DIVISION OF
THE IMMIGRATION AND REFUGEE BOARD OF CANADA**

Rule 3 (3)(g) of the *Refugee Appeal Division Rules (RAD Rules)*

Note:

The Appellant's memorandum is part of the Appellant's record which must be received by the Refugee Appeal Division (RAD) within 30 days after the day on which the Appellant receives the Refugee Protection Division's (RPD) written reasons for the decision.¹

The Appellant's memorandum must not be more than 30 pages long if typewritten on one side or 15 pages if typewritten on both sides.²

SECTION I: INFORMATION ABOUT YOU AND YOUR APPEAL TO THE RAD

1.1 Information on the Appellant(s).

Indicate the Appellant's name and that of any other person making an appeal whose claim for refugee protection was joined to the Appellant's claim for refugee protection.

Appellant(s) Name(s)	RAD File Number	RPD File Number	Unique Client Identifier

If you need more space, use additional sheets of paper the same size as this form.

¹ Rule 3(5) of the *RAD Rules*, SOR/2012-257 and section 159.91(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

² Rule 3(4) of the *RAD Rules*, SOR/2012-257.

1.2 Information on the RPD decision and the RAD appeal.

	dd/mm/yy
Date of the RPD Notice of Decision	
Date written RPD reasons were received	
Date of providing the Notice of Appeal to the RAD	
Date of providing the Appellant's record to the RAD	

SECTION II: SUBMISSIONS

2.1 Explain what are the errors that are the grounds of the appeal.

Provide full and detailed submissions regarding each error.

If you need more space, use additional sheets of paper the same size as this form.

2.2 Where are located the errors that are the grounds of the appeal?

Indicate where are located the errors that are the grounds of the appeal.

In the RPD written reasons

Page(s) number(s)	Paragraph(s) number(s)	Line(s) number(s)

In the transcript of the RPD hearing

Page(s) number(s)	Paragraph(s) number(s)	Line(s) number(s)

In any audio or electronic recording of the RPD hearing

Number	Track Number	Start time (specify hours and minutes)	End time (specify hours and minutes)	Length of excerpt (specify hours and minutes)

If you need more space, use additional sheets of paper the same size as this form.

SECTION III: EVIDENCE AND ORAL HEARING AT THE RAD

3.1 The evidence that the Appellant(s) ask the RAD to admit as evidence under section 110(4) of the *Immigration and Refugee Protection Act (IRPA)*.

List evidence and provide full and detailed submissions regarding the information required. For your information, section 110(4) of the IRPA states the following: On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, at the time of the rejection.³

All evidence that the RPD accepted as evidence is part of the RPD's record and will be provided by the RPD to the RAD pursuant to rule 21 of the RAD Rules. Consequently, you do not have to list this evidence.

Name of evidence	Author	Date (dd/mm/yy)
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How does this evidence meet the requirements of section 110(4) of the *IRPA*?

How does this evidence relate to the Appellant(s)?

If you need more space, use additional sheets of paper the same size as this form.

³ There may be more than one piece of evidence presented. Consequently, you must provide full and detailed submissions regarding the information required for each piece of evidence presented. Print this page for each piece of evidence.

3.2 Explain why the RAD should hold a hearing under section 110(6) of the IRPA.

Provide full and detailed submissions regarding the information required. For your information, s. 110(6) of the IRPA states the following: The Refugee Appeal Division may hold a hearing if, in its opinion, there is documentary evidence referred in subsection (3)

- (a) that raises a serious issue with respect to the credibility of the person who is the subject of the appeal;*
- (b) that is central to the decision with respect to the refugee protection claim, and*
- (c) that, if accepted, would justify allowing or rejecting the refugee protection claim.*

How does the evidence mentioned in part 3.1 of the memorandum meet the requirements of section 110(6) of the IRPA?

If you need more space, use additional sheets of paper the same size as this form.

SECTION IV: DECISION SOUGHT

4.1 The decision the Appellant(s) wants the RAD to make.

Select from the options below.

- a) That the appeal be allowed, and that the RAD finds the Appellant(s) to be a Convention refugee(s) or a person(s) in need of protection;

- b) That the appeal be allowed and that the matter be referred to the RPD for re-determination.

Appellant's signature

Date (dd/mm/yy)

Counsel's signature

Date (dd/mm/yy)