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Important instructions for refugee claimants (Print version)

This document provides you with important information regarding your claim for refugee protection, including information that you must take note of, including the following:

1. You have a right to be represented by counsel at your own expense, but counsel chosen must be available on the date fixed for your hearing.
2. You are responsible for obtaining and providing to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB) any documents that may support your protection claim. You must make arrangements now to get these supporting documents without delay.

Making a claim

You can make a claim for refugee protection by speaking to an officer from the Canada Border Services Agency (CBSA) or Immigration, Refugees and Citizenship Canada (IRCC) at a port of entry (airport, sea port, or Canada-United States border) or an Inland office (within Canada). The officer will decide if your claim is eligible to be referred to the RPD (Refugee Protection Division) for a hearing. You will receive a Confirmation of Referral form indicating that your claim was referred to the RPD (Refugee Protection Division). At a later date, you will receive a Notice to Appear informing you of the date, place and time of your hearing.

Basis of Claim Form

Every claimant must submit a Basis of Claim (BOC) Form to the RPD (Refugee Protection Division). If you make your claim at an Inland office, you must submit the BOC Form (Basis of Claim Form) to the officer when you make your claim and the officer will send it to the RPD (Refugee Protection Division). If you make your claim at a port of entry, the officer will give you the BOC Form (Basis of Claim Form) to complete. **You must give the RPD (Refugee Protection Division) your completed BOC Form (Basis of Claim Form) no later than 15 calendar days from the date of referral to the RPD (Refugee Protection Division). You must submit it to the address of the RPD (Refugee Protection Division) Office provided on your Confirmation of Referral form, even if you move to a different area of Canada.** If you do not submit your BOC Form (Basis of Claim Form) by this deadline, you will be required to attend a special hearing to explain why you did not submit your BOC Form (Basis of Claim Form) on time. If you do not attend this special hearing or do not provide a reasonable explanation, your claim may be declared abandoned. Information about the date, time and location of your special hearing if you do not submit your BOC Form (Basis of Claim Form) within the deadline can be found on your Confirmation of Referral if your claim was made at a port of entry.

Scheduling of hearing

At a later date, you will receive a Notice to Appear informing you of the date, time and location of your hearing. If you do not appear at your hearing, you will be required to attend a special hearing to explain why you did not attend your hearing. Information about the date, time and location of the special hearing on abandonment will also be provided on the Notice to Appear. If you do not attend the special hearing or do not provide a reasonable explanation for missing your hearing, your claim may be declared abandoned. If the RPD (Refugee Protection Division) declares your claim abandoned, you will not be allowed to continue with your claim or make another claim in the future.

Your hearing

Hearings are usually a half day long, for either the morning or afternoon. Hearings are private and confidential. Your hearing will be decided by an RPD (Refugee Protection Division) member. An RPD (Refugee Protection Division) member is a decision-maker who has received special training on refugee protection. Hearings are either in person or by video-conference if the member is at another location. At your hearing, you will testify and answer questions from both the member and counsel. If IRCC (Immigration, Refugees,

and Citizenship Canada) or CBSA (Canada Border Services Agency) is participating in your hearing, Minister's counsel will also ask questions. If you have witnesses, your witnesses will testify also. After you and any witnesses have testified, the member will ask you or your counsel to explain why you think 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 country of nationality 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 country of nationality.

The decision

The member may decide your case and tell you the decision at the end of your hearing or they may wait and send you the decision by mail. You will receive a written Notice of Decision, which states the decision and the reasons why your claim was accepted or rejected. If your claim is rejected, it will also say whether you can appeal to the Refugee Appeal Division (RAD) or make an application to the Federal Court.

Changing the location of a hearing

The Confirmation of Referral form provides the address where you must submit your BOC (Basis of Claim), if claiming at a port of entry, and where your hearing will occur. If you plan to move and want to change the location of your hearing to a different city, you must apply in writing. You may use a form for this purpose on the IRB (Immigration and Refugee Board of Canada) website (<http://www.cisr-irb.gc.ca/>). The RPD (Refugee Protection Division) must receive your application at least 20 days before the date of your proceeding. An RPD (Refugee Protection Division) member will decide whether to grant the change of location—it is not automatic. Until you receive a decision, you must continue to communicate with and send documents to the office listed on your Confirmation of Referral. If you have a date set for your hearing and you do not receive an answer before that date, you must go to the location on your Notice to Appear and be prepared for your hearing.

Changing the date or time of a hearing

If you want to change the date or time of your hearing, you must apply in writing. The RPD (Refugee Protection Division) must receive your application at least three working days before the date of your hearing, unless it is for medical or emergency reasons. The RPD (Refugee Protection Division) will only agree to change the date or time of your hearing for exceptional circumstances, such as or medical reasons or for circumstances beyond your control. If you do not receive an answer before the date of your hearing, you must go to your hearing on the date and time on your Notice to Appear and be ready to proceed.

Medical certificates

If you do not appear for your hearing or apply to extend the time for filing the BOC Form (Basis of Claim Form) or to change the date, time or location of your hearing due to medical reasons, you must provide a medical certificate. The medical certificate must be an original document that is dated and easy to read. It must also be signed by a doctor (or another qualified medical practitioner), and the name and address of this doctor must be printed or stamped on the certificate. The medical certificate should include the date on which you are expected to be able to pursue your claim, as well as the details of the medical condition (note that the name of the medical condition does not need to be specified). A medical form is available on the Immigration and Refugee Board of Canada's website if you wish to use it (<http://www.cisr-irb.gc.ca>).

Contact information

If your contact information changes, you must immediately inform the IRB (Immigration and Refugee Board of Canada) and IRCC (Immigration, Refugees, and Citizenship Canada) and/or the CBSA (Canada Border Services Agency) of the changes in writing. We will not be able to reach you if we do not have your correct contact information. This may result in your claim being declared abandoned. If the RPD (Refugee Protection Division) declares your claim abandoned, you will not be allowed to continue with your claim or make another claim in the future.

Counsel

You have the right to be represented by counsel (such as a lawyer or immigration consultant) at your own expense, or you can represent yourself. You may be eligible to receive assistance from a provincial legal aid agency.

If you do not have counsel but want counsel, you should retain counsel as soon as possible.

If your counsel charges a fee (or receives other consideration), your counsel must complete the Counsel Contact Information Form.

A counsel who is not a member of an authorized organization may represent you only if the representation is without a fee. In this situation, you and your counsel must complete the Notice of Representation without a Fee or other Consideration form.

If you hire counsel or change counsel, you must immediately inform the RPD (Refugee Protection Division), IRCC (Immigration, Refugees, and Citizenship Canada) and/or CBSA (Canada Border Services Agency), in writing, of your counsel's name, address, telephone number, fax number and email address.

If you hire counsel after a date has already been set for your hearing, your counsel must be available and ready to proceed on the scheduled date. The RPD (Refugee Protection Division) generally does not change the date or time of a hearing because counsel cannot attend.

If you change counsel, you must give your new counsel all documents relevant to your claim. This includes documents that may have been provided to your previous counsel, either by yourself, the RPD (Refugee Protection Division) or another party.

Use of documents and witnesses

You should obtain and submit whatever documents you can to support your claim, such as police reports, medical records, newspaper articles etc. If you want to use a document at your hearing, you must ensure the document is received by the RPD (Refugee Protection Division) no later than 10 days before the date of your hearing. You must present the original document at the beginning of the hearing. If you are providing more than one document, you must include a list of documents and consecutively number each page as if they were one document.

If you want to use documents that are not in English or French, you must provide a certified English or French translation of those documents.

If you have a witness, the RPD (Refugee Protection Division) must receive the necessary information about the witness (including contact information and what their testimony will be) no later than 10 days before the date of your hearing.

Identity documents

You must provide documents establishing your identity. The originals of these documents must be presented at the hearing. If you cannot provide these documents, you must explain why you cannot provide them and what actions you took to get them.

Language and interpreter

Your hearing will be in the official language (English or French) that you have chosen.

If requested, you will be provided with an interpreter of the language/dialect of your choice.

If you want to change the official language of the hearing you must notify the RPD (Refugee Protection Division), IRCC (Immigration, Refugees, and Citizenship Canada) and/or CBSA (Canada Border Services Agency) no later than 10 days before the date of your hearing.

If you want to change the language/dialect of interpretation, you must notify the RPD (Refugee Protection Division) in writing no later than 10 days before the date of the hearing.

National Documentation Packages

The IRB (Immigration and Refugee Board of Canada) produces National Documentation Packages (NDPs) for every country from where there has been a claim for refugee protection. You should review the documents in the NDP (National Documentation Packages) for your country, since the RPD (Refugee Protection Division) will consider them when deciding your claim. The NDP (National Documentation Packages) contains documents that report on country conditions, such as human rights reports from international organizations. You should also check the IRB (Immigration and Refugee Board of Canada) website for the newest version of the NDP (National Documentation Packages) prior to your hearing. A copy of the NDP (National Documentation Packages) and other information can be viewed on the IRB (Immigration and Refugee Board of Canada)'s website (<http://www.cisr-irb.gc.ca>).

For further information, please see the Claimant's Guide or contact the registry office at one of the following addresses:

RPD (Refugee Protection Division) registry offices

Eastern Region

Montréal

Guy-Favreau Complex

200 René-Lévesque Blvd. West

East Tower, Room 102

Montreal, Quebec H2Z 1X4

Telephone: 514-283-7733 or

1-866-626-8719

Fax: 514-283-0164

Central Region

Toronto

74 Victoria Street, Suite 400

Toronto, Ontario M5C 3C7

Telephone: 416-954-1000

Fax: 416-954-1165

Western Region

Vancouver

300 West Georgia Street,

Suite 1600

Vancouver, BC V6B 6C9

Telephone: 604-666-5946 or
1-866-787-7472
Fax: 604-666-3043

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