

# **CHANGES TO PROCESSING REFUGEE CLAIMANTS**

**SPICE** Professional Learning Circle

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DIOCESE OF  
**LONDON**

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# IMPORTANT!!!

- ▣ Please be aware that some information may change due to COVID-19 measures.
- ▣ It is highly recommended to refer to the different government agency websites to ensure you get up to date changes.

# STATISTICS

- COVID-19 asylum claimant numbers remain far lower than in previous years.
- Volumes remain higher at land Port of Entry (POE) than in air mode.

## **Pending cases as of June 30, 2020:**

- **90,529 Refugee Protection Division (RPD)**
- **8,472 Refugee Appeal Division (RAD)**
- <https://irb-cisr.gc.ca/en/statistics/Pages/index.aspx>

# MAKING A REFUGEE CLAIM

## Port of Entry (POE)

Since 21 April, claims made at a land POE are processed as they were before the border ban (except that now refugee claimants, like anyone else arriving, must comply with isolation requirements):

A person who meets an exception under the Safe Third Country Agreement (STCA) (e.g. family member in Canada) may pursue their refugee claim in Canada

A person who doesn't meet an exception under the STCA will be sent back to the US with a finding of ineligibility under the STCA. The assurances from the US about not taking enforcement measures against people directed back during the border closure **DO NOT apply**

## Inland Claim

Email:  
[IRCC.RefugeeClaim-Demandedasile.IRCC@cic.gc.ca](mailto:IRCC.RefugeeClaim-Demandedasile.IRCC@cic.gc.ca)

**NOTE:**  
**Call Legal Aid of Ontario before initiating a claim**

IRCC introduced e-post for communications in July and now only issue the Acknowledgement of Claim document once the person has submitted all required documents, including the BOC

No interview date due to closure of IRCC offices.  
Claimants will be contacted once regular in-person services resumes

# ELIGIBILITY

- If a claim is made at a POE, a CBSA officer will make the decision.
  - The CBSA continues to receive claims at POE's, and at a minimum the POE will complete initial intake including the acknowledgement of claim process (this includes issuance of the IFH).
  - In general terms, offices will aim to schedule a claimant eligibility interview after the 14 day self-isolation/quarantine period. Where possible CBSA are also processing full claims (i.e. completing eligibility at some POEs where volumes permit).
- If the claim is made from within Canada, an IRCC officer will make the decision at the local office.

# ISOLATION REQUIREMENTS

## For people who are admitted to Canada to make a claim:

- If they have somewhere to go (e.g. family members they can live with), Canada Borders Services Agency (CBSA) officers will evaluate whether it is suitable (including no vulnerable people living there).
- People who are symptomatic cannot use public transport to travel to the place of isolation. People with somewhere to go should if possible come prepared to answer questions about the place where they plan to stay when they present themselves at the border.
- If they have nowhere suitable to go to, they will be housed by PHAC (if symptomatic) or by Immigration Refugees and Citizenship Canada (IRCC )(if asymptomatic).
- See Public Health Agency of Canada (PHAC) guidance on isolation

# Practice notice on the **TEMPORARY** extension of time limits for filing the Basis of Claim (BOC) form

- **Claims referred to the RPD on or after August 29, 2020**
- If a claimant made a claim for refugee protection at a port of entry and their claim was referred to the RPD on or after August 29, 2020, the RPD temporarily extends the time limit for the claimant to provide their BOC form by 30 days from the date on which the BOC form would normally be due. Accordingly, the claimant's BOC form will be due 45 days after the day on which their claim was referred to the RPD.



# WORK PERMIT

- Lots of confusion
- There continue to be complaints about issues in getting work permits and getting them renewed.
- Not eligible to apply if claim has not been referred to IRB
- Long delay

<https://www.thestar.com/news/canada/2020/10/09/he-applied-early-to-renew-his-work-permit-after-waiting-eight-months-hes-lost-a-job-and-a-home.html>

**IMMIGRATION  
AND  
REFUGEE  
BOARD  
(IRB)**

# IRB HEARINGS

## 3 Business Lines of IRB

Resumption  
of  
in-person  
hearings

Virtual  
Hearings  
Pilot  
Project

Expansion  
of Less  
Complex  
Claims

# Resumption of In-Person Hearings

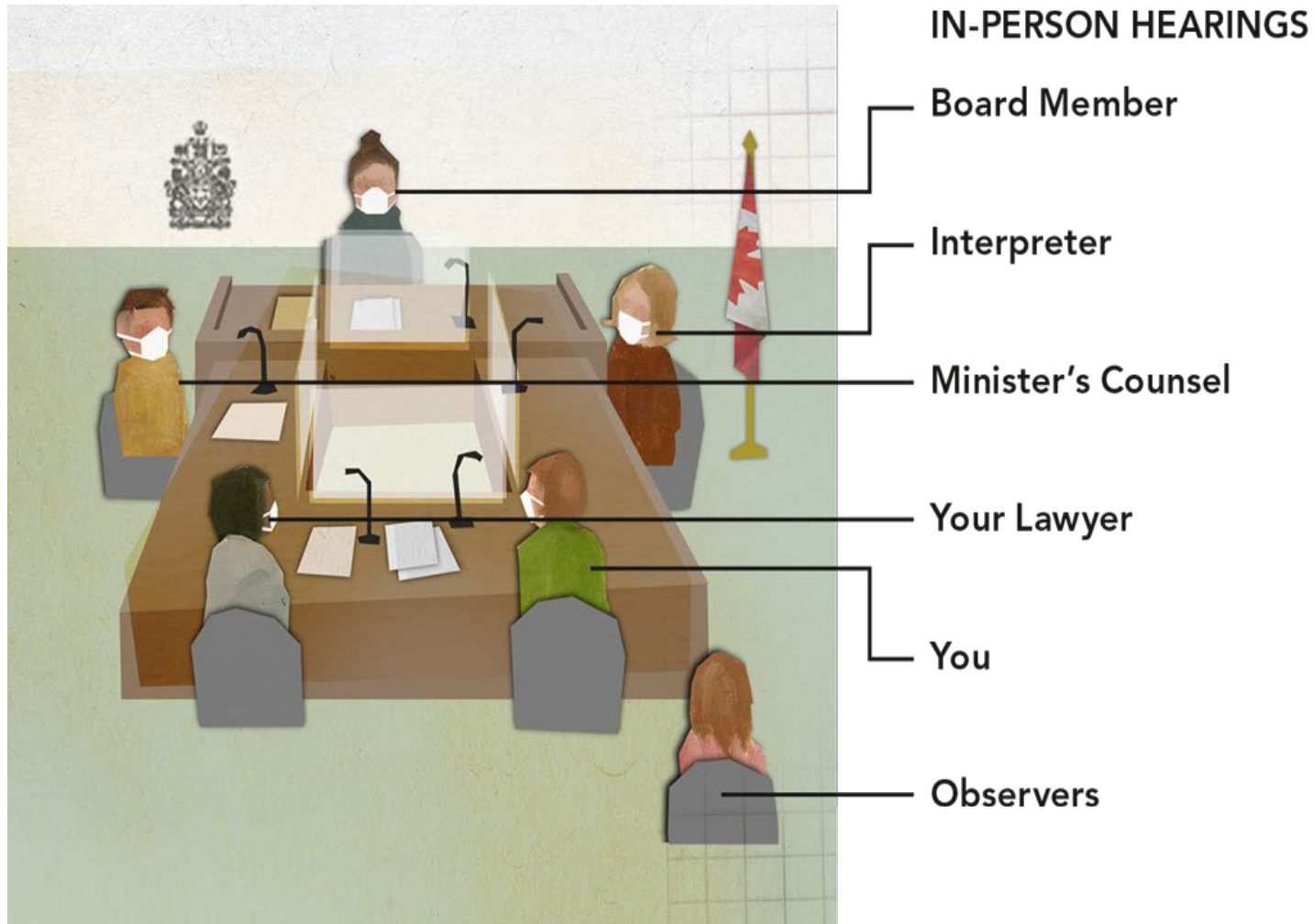
Minor claimants who are under the age of 18 on the date of the hearing do not need to attend

COVID-19 Questionnaire

Counsel and client must both agree

Facial mask on even during oral testimony

**You are in the IRB hearing room with all participants. Health and safety measures are in place, including plexiglass barriers and masks.**



# Virtual / Remote Hearings

Counsel &  
Claimant in  
one location

Participants in  
multiple  
location

Off-site  
option

Off-site option  
MS Teams

Counsel and  
claimant must  
both agree

**You are in the IRB hearing room with your lawyer, however, the Board Member joins via videoconference.**



**VIDEOCONFERENCE HEARINGS**

Board Member

Minister's Counsel

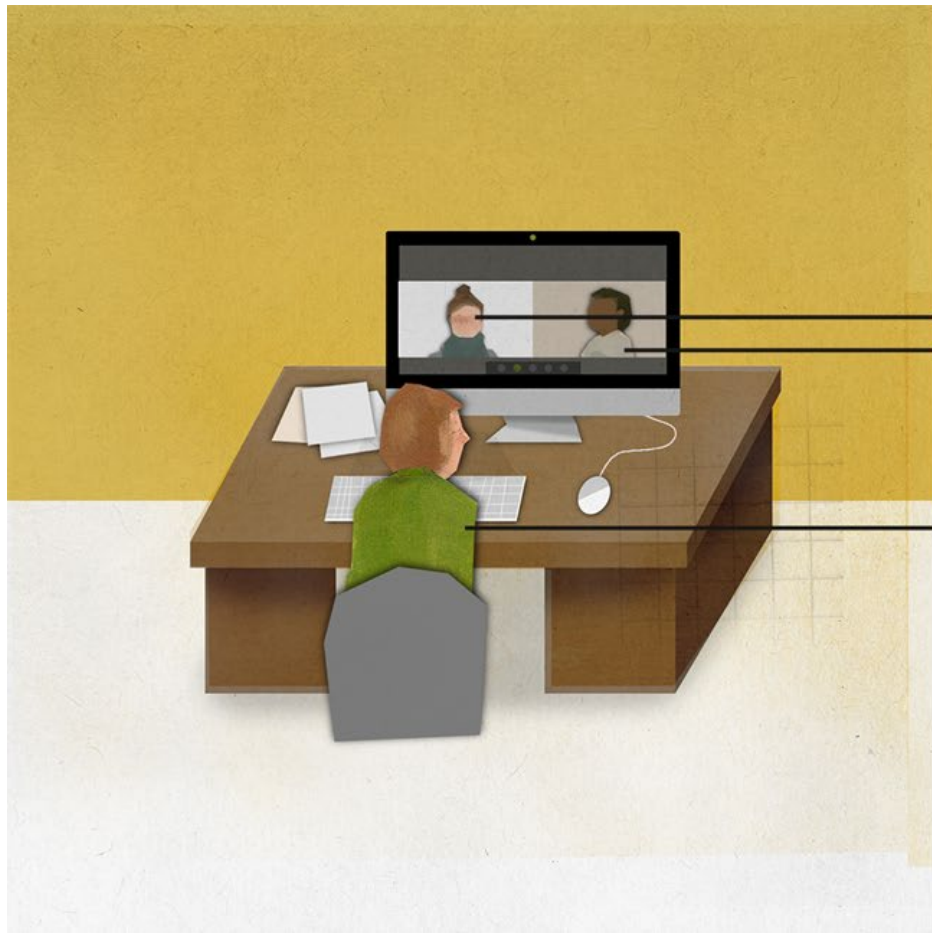
Interpreter

Your Lawyer

You

**You connect remotely via Microsoft Teams from your lawyer's office or your home. The Board Member and other participants also connect remotely from their office or home. You will only have a remote hearing if you consent and are comfortable with the remote format.**

### REMOTE HEARINGS



Board Member

Your Lawyer

You



# Expansion of Less-Complex/File Review Claims

Cases identified that can potentially get a positive decision without a refugee hearing

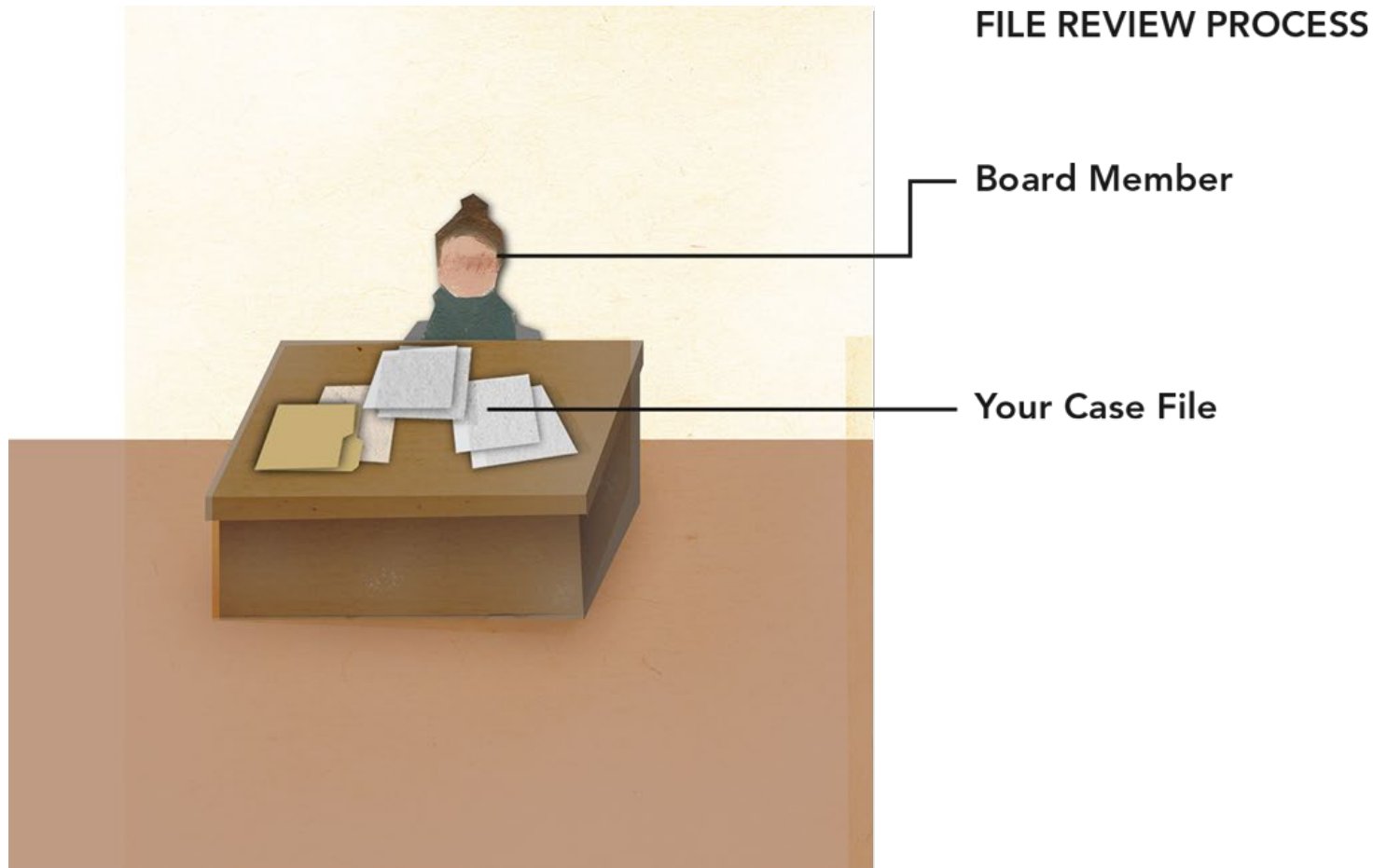
Counsels can submit to the IRB a request with information on why they think the case meets the file review criteria

As of October 2020  
16,000 files identified for triaging

IRB expanded their Task Force composed primarily of experienced adjudicators

If the decision-maker is not fully satisfied and unable to render positive decision, cases may be eligible for a short hearing

**The Board Member will consider your case and documentary evidence and may make a positive decision without a hearing taking place.  
If the Board Member has additional questions your claim may go to a hearing.**



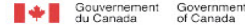
# **OTHER UPDATES**

# EXPIRED WORK PERMITS & RENEWALS

Dear \_\_\_\_\_

This confirms that your application has been received by Immigration, Refugees and Citizenship Canada (IRCC) on \_\_\_\_\_ (yyyy/mm/dd).

Please attach this letter to your present work permit Number \_\_\_\_\_ as proof that you are authorized to continue working with the same conditions (ie: employer and occupation) until or until a decision is made on your application, whichever is first. This extended period of work is authorized as per subsection 186(u) of the Immigration and Refugee Protection Regulations. If you leave Canada before a decision is made on your application, you will no longer be authorized to continue working.



Date:

No demande:

Indiquez ces numéros quand vous vous référez à cette demande.

Madame/Monsieur

La présente confirme que votre demande de permis de travail a été reçue par Immigration, Réfugiés et Citoyenneté Canada (IRCC), le \_\_\_\_\_ (aaaa/mm/jj).

Vous devez joindre la présente lettre à votre permis de travail numéroté \_\_\_\_\_ (c'est-à-dire le numéro de votre permis de travail) comme preuve que vous avez l'autorisation de travailler selon les mêmes conditions (c'est-à-dire employeur et profession) jusqu'au \_\_\_\_\_ ou jusqu'à ce qu'une décision soit prise à l'égard de votre demande, selon la première éventualité. Cette période d'emploi prolongée est autorisée en vertu de l'alinéa 186u) du Règlement sur l'immigration et la protection des réfugiés. Si vous quittez le Canada avant qu'une décision ne soit prise au sujet de votre demande, vous n'aurez plus l'autorisation de continuer à travailler.

Quand IRCC communiquera-t-il avec moi?

Vous devez fournir une COPIE de votre passeport avec votre demande électronique. Si IRCC a besoin de votre passeport imprimé, le Ministère vous demandera de l'envoyer à un de ses bureaux. IRCC communiquera également avec vous s'il a besoin d'une entrevue, de renseignements ou de documents supplémentaires. Pour obtenir de l'information générale sur ce à quoi vous attendre, veuillez consulter la page <https://www.canada.ca/fr/immigration-refugies-citoyennete/services/travailler-canada/permis/temporaire/apres-avoir-presente-demande-tapes-suivantes.html> ainsi que la section intitulée « Et ensuite? » du guide d'instruction associé au formulaire de demande que vous avez utilisé.

Nous vous prions de ne pas envoyer à IRCC de documents liés à la présente demande en ligne par courriel, service de messagerie ou télécopieur. SEUL le courrier reçu dans votre compte sera pris en compte.

Quel est le délai de traitement de ma demande?

Les délais de traitement varient. Vous pouvez consulter les délais de traitement aux fins de référence à la page [www.cic.gc.ca/francais/information/delais/index.asp](http://www.cic.gc.ca/francais/information/delais/index.asp).

ATTENTION : Veuillez ne pas présenter plusieurs demandes pour un même service dans le but d'accélérer votre demande, car toutes les demandes présentées pourraient être traitées et retarder le traitement de votre demande. IRCC ne rembourse pas les frais liés aux demandes traitées.

Nous vous demandons de limiter votre correspondance à des avis de modification à votre demande, à moins que le traitement de votre demande ait dépassé les délais de traitement réguliers.

Consultez le site web de IRCC suivant pour des renseignements additionnels: [www.cic.gc.ca](http://www.cic.gc.ca).

Immigration, Réfugiés et Citoyenneté Canada

Ceci est un message automatisé.

Ce message a été transmis à votre compte.

En transmettant votre demande par voie électronique, vous acceptez de recevoir toute correspondance ultérieure par voie électronique. IRCC ne vous enverra aucun avis en format

Canada

IMM 5986 (06-2020) F GCMS

# Refugee Protection Claimant Document (RPCD)

- IRCC has announced that they are not processing RPCD renewals at this time
- Expired RPCDs should be considered valid until further notice.
  - If your RPCD was lost or stolen, send an email
    - [IRCC.RPCDLostStolen-DDAPerduVole.IRCC@cic.gc.ca](mailto:IRCC.RPCDLostStolen-DDAPerduVole.IRCC@cic.gc.ca).
- The subject line of your email should say if your RPCD was lost or stolen.
- IRCC can't replace RPCDs right now. They can only provide temporary documents.
- Claimants can AOC letter or RPCD (valid or expired) to prove you've made a refugee claim.

# BIOMETRICS

**Jul 15, 2020**

COVID-19 update: New public policy on biometrics collection exemption for **temporary residence** applicants from within Canada in effect until further notice.

**Sep 22, 2020**

COVID-19 program delivery: Biometric exemption for **permanent residence** applicants with previous biometrics on file.

<https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/biometrics.html>

# New Pathway to Permanent Residency for Claimants Working in the Health-Care Sector

- On 14 August 2020, the federal government announced\_a temporary pathway to permanent residency for refugee claimants working in the health-care sector during the COVID-19 pandemic. The measure will apply to **persons anywhere in Canada.**
- <https://ccrweb.ca/en/pathway-claimants-health-care>

# COMING SOON

## VIRTUAL INFORMATION SESSION FOR REFUGEE CLAIMANTS



Immigration and  
Refugee Board of Canada



Microsoft Teams

- ✓ **Meet a staff person of the Refugee Protection Division (IRB-RPD)**
- ✓ **Learn what happens in the hearing room**
- ✓ **Learn who might participate in a refugee hearing**
- ✓ **Learn important concepts about refugee law and determination**
- ✓ **Have a chance to ask questions about the process**



**THANK YOU**