

Refugee Claimants in Canada

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LAW OFFICES

What is a refugee?

Convention refugee – A person, outside of their country of origin, who seeks protection by reason of a well-founded fear of persecution on the basis of:

- 1. race,**
- 2. religion,**
- 3. nationality,**
- 4. membership in a particular social group, or**
- 5. political opinion**

In Canada, this also includes “a risk to their life or to a risk of cruel and unusual treatment or punishment”

Refugee vs Asylum

Refugee Claimant – a person seeking protection

Refugee / Protected Person – a person who is found to be a refugee

Asylum – the protection that is offered to refugees

Overseas vs In-Canada Refugee Claims

OVERSEAS – a person (or family) makes the application for protection to a Canadian Visa Office. Generally, it is required that UNHCR will already have ‘found’ the person to be a refugee.

Re-settled to Canada:

- 1. Government-sponsored**
- 2. Sponsorship Agreement Holders**
- 3. Group of 5 / local community groups**

***Permanent Resident at time of arrival in Canada**

Overseas vs In-Canada Refugee Claims

IN CANADA – a person (or family) makes the application for protection after arrival in Canada, at:

- 1. At Port of Entry, with CBSA**
- 2. In-land, at IRCC office on Hornby St., Vancouver**
- 3. If detained before initiating claim, then with CBSA**

Claim is decided by the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB).

IRB is an independent administrative tribunal, although the Minister for IRCC is responsible for this tribunal to Parliament.

Overseas vs In-Canada Refugee Claims

SAFE THIRD COUNTRY AGREEMENT (STCA) – refuse entry at land border crossings to those seeking to make a refugee claim in Canada. This does not apply to airports, or to ‘irregular’ arrivals who do not cross into Canada at a ‘border crossing’.

Expectation is that refugee claimants will seek protection at the first available opportunity, so claimant is to seek protection in USA if there first.

Exception to this is for unaccompanied minors or those with close family members in Canada

Overseas vs In-Canada Refugee Claims

OVERSEAS:

Pros – arrive in Canada as PR with spouse/children, have 1-year support

Cons – lengthy processing times to get to Canada, wait for re-settlement often in precarious conditions

IN CANADA:

Pros – quick processing, and in Canada during processing

Cons – lengthy processing times for PR, possible lengthy separation from spouse/children overseas

Making a Claim in Canada

- (1) Port of Entry (POE) – IRCC application forms at POE, 15 days to submit Basis of Claim (BOC) form direct to RPD. Claim initiated by CBSA.**
 - (2) In Canada (IRCC) – attend to IRCC office with all IRCC forms, BOC, and photographs. IRCC will schedule interview, and claim initiated following interview.**
 - (3) Detained (CBSA) – complete all IRCC application forms and BOC before release. Claim initiated by CBSA.**
- *Due to limitations, CBSA typically releases without form completion. Additionally, detention claims increasingly referred to IRCC for claim initiation.**

Timing – Scheduling a Hearing

Law – claim to be initiated within 3 days of IRCC application forms being submitted (if eligible claim, referral to RPD), and hearing to be scheduled within 60 days of claim initiation.

Reality – 6-12 months to be heard

***There has been a 95% increase in refugee claims, from September 2016-September 2017. RPD in Western Region is funded to initiated 2,000 claims per month. In September 2017, received approx. 8,000 claims**

Designated Country of Origin (DCO)

- 1. Minister designates a number. Statistics provide the percentage of claims from a given country that are refused, abandoned, or withdrawn. If the percentage exceeds the Minister's number, the country is designated as a DCO.**
- 2. Minister is of the opinion that a country has an independent judicial system, basic democratic rights and freedoms, and civil society, then can be designated as a DCO.**

Timing – Scheduling a Hearing for a DCO claimant

By law – claim still to be initiated within 3 days of IRCC application forms being submitted/referral to RPD. However, the hearing is to be within 30-45 days.

In reality – due to the same administrative delays, hearings are heard within the same time frame (6-12 months).

Can a refugee claimant work?

Non-DCO – once claim initiated, and have refugee status document, can apply on-line for work permit.

DCO – must wait 180 days following claim initiation (referral to RPD) in order to apply for work permit.

Refugees – once found to be a refugee, can apply on-line with copy of decision and will be issued a work permit.

Preparing for a Refugee Hearing

- 1. Find counsel – Legal Services Society (LSS) or private, and complete forms with counsel if at all possible**
- 2. Counselling / support – refer to VAST, SOS, etc. for trauma support**
- 3. Document Collection – objective evidence, where possible, that proves all aspects of the BOC narrative of events leading to flight from country**
- 4. Disclosure – submit evidence, page numbered and with index, to RPD ten days before the hearing**
- 5. Testimony Preparation – work with counsel to practice giving testimony to the RPD**

Basis of Claim (BOC) Form

Must set out all factors/considerations that led claimant to Canada, keeping legal test in mind:

- 1. Identity**
- 2. Nexus (Convention refugee grounds)**
- 3. Subjective Fear – delay in departure, failure to claim elsewhere, reavailment, delay making claim**
- 4. Objective Risk**
- 5. State Protection**
- 6. Internal Flight Alternative**

May be easier to tell ‘story’ of claim in a narrative, rather than by answering the specific questions.

After the Refugee Hearing

75% of refugee claimants will receive an oral decision at the conclusion of their hearing. Otherwise, by mail.

If approved – apply for PR, including spouse and children (whether spouse and children in Canada, or not). Best to wait 21 days to ensure that the Minister has not appealed the decision.

If refused – can appeal decision to Refugee Appeal Division (RAD). Limited LSS funding for appeals.

The Numbers - Q1/Q2 2017-2018 – Western Region

Outcomes:

- **68% approved after hearing**
- **7% approved without hearing**
- **24% refused after hearing**
- **1% refused with no credible basis**

Top-5 Source Countries:

- 1. Turkey (11%)**
- 2. Iraq (8%)**
- 3. Somalia (7%)**
- 4. Djibouti (6%)**
- 5. Afghanistan (6%)**

Other Options for Refused Claimants

Humanitarian & Compassionate (H&C) application – 12-month bar to apply from the date of RPD/RAD decision, unless:

- 1. Affects best interests of the children**
- 2. The refugee claim was based on lack of access to health/medical care.**

Pre-Removal Risk Assessment (PRRA) application – 12-month bar (36-month bar for DCO claimants) to apply for the date of the RPD/RAD decision.

***Only based on “new” evidence, post-dating the RPD/RAD decisions.**

Refugees - Reavailment

Once found to be a refugee, the person must not:

- 1. Use passport from country of origin (can apply for a Canadian Travel Document)**
- 2. Travel back to country of origin, even for a short visit or family emergency**

If IRCC or CBSA – through sponsorship application, permanent resident card application, etc. learns a refugee has returned to country of origin, can make application to “cease” refugee status.

***If already PR, this can lead to loss of PR and removal from Canada.**

Questions?

If there are questions:

- 1. Time after all panelists**
- 2. Email me at erin@edelmann.ca**

Thank you for listening!

Bonnie Wong

Settlement Orientation Services (SOS)



SOS



EMPOWERING
REFUGEES

SETTLEMENT ORIENTATION SERVICES

Our services at SOS

- Multilingual settlement service program at ISSofBC specifically for Refugee Claimants (RCs)
- 6 settlement workers : Arabic, Mandarin, Cantonese, Farsi, Dari, French, Kurdish & Spanish
- 2 Health Promotion and Case management
- Weekly drop in groups: “Refugee Claimant Health and Settlement Orientation” on every Saturday 10:00-4:00pm



SOS Location

- Conveniently located at ISSofBC Welcome Centre
- Other services for RCs under one roof:
 - Vancouver Association for survivors of Torture (VAST)
 - Inland Refugee Society (IRS)
 - Vancity
 - WC Medical Clinic
 - Temporary accommodations
 - Career counselling
 - Food bank at the church next door



Refugee Claimants to BC

- Annual Refugee Claimants served by SOS:

Year	# New RC
2013	378
2014	490
2015	459
2016	725
2017	1277

Trends and Observations

Top source countries for new RCs in 2017 include :

1. Afghanistan
2. Iraq
3. Mexico
4. Colombia
5. Iran



- Top languages: Spanish, Arabic, Farsi
- Over 90% walk across the Canada-US border

Settlement Services during the Refugee Claim Process

Divided into 3 phases:

1. Pre-claim assistance
2. Claim process settlement service
3. Post-claim services

1. Services Prior to the Refugee Claim Process

- A. Orientation and guidance about the refugee claim process
- B. Assistance with filling out government forms and navigating the refugee claim, immigration and work permit processes
- C. Referral to meet immediate needs

A. SOS Group Session “Health & Settlement Orientation”

- Orientation group for refugee claimants every Saturday from 10am-4pm
- Available interpretation, snacks, bus tickets
- Valuable information about navigating the refugee claim process and the healthcare system.
- regarding the health and settlement

B. Paperwork

- Assistance with government forms
- Note: SOS does not assist with filling out the Basis of Claim (BOC) form
- Refugee claim generic application
- Refugee claim application Schedule 12

13 Citizenship and Immigration Canada / Citoyenneté et Immigration Canada

PROTECTED INFORMATION / RENSEIGNEMENTS PROTÉGÉS

PAGE 1 OF 4

SCHEDULE 12 ADDITIONAL INFORMATION - REFUGEE CLAIMANTS INSIDE CANADA

The principal applicant, his or her spouse or common-law partner, if applicable, and all dependent children age 18 years or older listed in the application for refugee protection must complete this one copy of this form.

If there is not enough space to provide all the necessary information, attach to this form as separate sheet of paper with further details. Print your name at the top of each additional sheet and indicate the form's title and the number of the question to which you are answering.

**BEFORE YOU START, READ THE INSTRUCTIONS GUIDE
TYPE or PRINT in black ink.**

1) Full Name: Family name	Given name(s)		
2) Date of birth (YYYY-MM-DD)	3) Gender (M/F/Other)		
4) Name of person or organization providing you with accommodation	Room to you	Telephone number	

5) List all documents that you possess and/or used to travel to Canada and/or could obtain that were not included in the Generic Application Form for Canada (GAF) and that you have with you now to support your claim, and other supporting documents such as proof of membership in political organizations, medical reports, police documents, business records, etc.

Only list documents which you have not already listed on your Generic Application Form for Canada (GAF) (GAF 0000). You may add an additional sheet of paper if you need more space.

Type of document and number	Name of document		
Issued by (country or organization)	Date of issue (YYYY-MM-DD)	Expiry date (YYYY-MM-DD)	
In your possession? <input type="checkbox"/> Yes <input type="checkbox"/> No	Used to travel to Canada? <input type="checkbox"/> No <input type="checkbox"/> Yes	Is this a generic document? <input type="checkbox"/> No <input type="checkbox"/> Yes	

Type of document and number	Name of document		
Issued by (country or organization)	Date of issue (YYYY-MM-DD)	Expiry date (YYYY-MM-DD)	
In your possession? <input type="checkbox"/> No <input type="checkbox"/> Yes	Used to travel to Canada? <input type="checkbox"/> No <input type="checkbox"/> Yes	Is this a generic document? <input type="checkbox"/> No <input type="checkbox"/> Yes	

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Type of document and number	Name of document		
Issued by (country or organization)	Date of issue (YYYY-MM-DD)	Expiry date (YYYY-MM-DD)	
In your possession? <input type="checkbox"/> No <input type="checkbox"/> Yes	Used to travel to Canada? <input type="checkbox"/> No <input type="checkbox"/> Yes	Is this a generic document? <input type="checkbox"/> No <input type="checkbox"/> Yes	

6) List all documents that you depend on under 18 years of age and/or used to travel to Canada and/or could obtain that were not included in the Generic Application Form for Canada (GAF) (GAF 0000). These documents can include identity, travel or other documents that they have with them now to support their claim, and other supporting documents such as proof of membership in political organizations, medical reports, police documents, business records, etc.

Only list documents which they have not already listed on the Generic Application Form for Canada (GAF) (GAF 0000). You may add an additional sheet of paper if you need more space.

Type of document and number	Name of document		
Issued by (country or organization)	Date of issue (YYYY-MM-DD)	Expiry date (YYYY-MM-DD)	
In your possession? <input type="checkbox"/> No <input type="checkbox"/> Yes	Used to travel to Canada? <input type="checkbox"/> No <input type="checkbox"/> Yes	Is this a generic document? <input type="checkbox"/> No <input type="checkbox"/> Yes	

FORM 1009-12-01 (12/12)
SCHEDULE 12

Canada

C. Referral to Services

- Legal assistance for the refugee claim process:
 - Legal Aid
 - PROBONO
 - UBC Law Student Legal Advise Program
- Accommodation needs:
 - Inland Refugee Society/ Kinbrace/Journey Homes
 - BC 211 for available shelters
- Food & clothing
 - Salvation Army for HomeStart program & clothing bank
 - Food bank registration
- Medical/dental clinics accepting IFH
 - Assist RCs with disabilities apply for Disability Assistance
- School board for school enrollment
- Other community services as needed such as mental health services (VAST), free English classes & recreation centres

2. Services during the Refugee Claim Process

Once clients have been issued the Refugee Protection claimant document we make referrals to:

- Welfare office for Income Assistance application
 - Will receive “Hardship Allowance”
 - Online applications
 - We provide letters of support to expedite the process
 - PHN (MPS number) is provided by social assistance and clients should not apply for the regular MSP or they will get charged monthly



SETTLEMENT
ORIENTATION
SERVICES

February 21, 2018

Ministry of Social Development & Poverty Reduction

RE: Request for SIN Override for Income Assistance Application

Dear Ministry worker,

Ms. xxx is a client of Settlement Orientation Services. She is a Protected Person.

Ms. xxx does not have **SIN** at the moment. **ONLY and AFTER** she receives a Work Permit, she will be eligible to apply for **SIN**. This process could take about 2 months. It is our understanding that in this case she is entitled to apply for Income Assistance without **SIN**.

Thank you,

Bonnie Wong | Refugee Claimant Settlement Worker



2. Services during the Refugee Claim Process

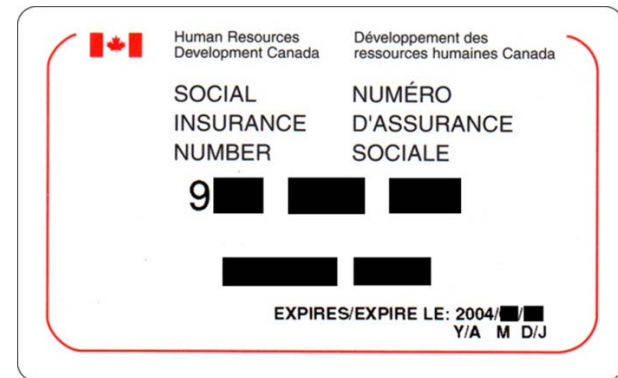
- Immigration Medical Exam (IME)
 - The IME is covered for one time only
 - Has expiration date
 - Only designated Doctors can complete the IME
- Vancity to open a bank account
 - Assistance with opening first bank account
 - PR loan application program
- Ready Tours
 - To familiarize clients with the IRB hearing process
 - See where the hearing takes place
 - Information and orientation session provided by IRB member through Kimbrace

Vancity



2. Services during the Refugee Claim Process

- Work Permit
 - Assistance with application
 - Online vs mailing applications
 - Expiry date
- Service Canada for SIN after Work Permit issued
 - SIN will be a temporary one starting with the number 9
- Other services include:
 - ISSofBC career counselling services
 - PharmaCare Program, if eligible
 - Bus Pass Program, if eligible



3. Post-Claim Services: Positive IRB Decision

SOS assists clients with a positive decision with:

- PR applications (Generic form, Schedule A, Schedule 14 & Additional Family Information)
- Vancity loans for PR fees
- Travel document application
- BC Housing application
- Canada Child Benefit (CCB) application
- Free training programs for career or language
- Once the client becomes PR, SOS will refer the client to other settlement agencies for further services

3. Post-Claim Services: Negative IRB Decision

- Refer the client to apply for legal aid for the appeal
- If denied for legal aid, other legal services include:
 - PROBONO 604-482-3195
 - UBC Law Student Legal Advise Program 604-822-5791
- Clients are still eligible to receive Social Assistance during the appeal process



SETTLEMENT
ORIENTATION
SERVICES

Settlement Orientation Services

2610 Victoria Drive,
Vancouver, BC V5N 4L2

T: 604-255-1881

F: 604-255-4611

<http://www.sosbc.ca>



Fran Gallo

READY Tours Coordinator



<https://refugeeclaim.ca>



M ariana M artinez V ieira

VAST



Getting Through It

A Trauma-Informed Psychosocial Support Group for Refugee Claimants



Getting Through It

A Trauma-Informed Psychosocial Support Group for RCs

- For ALL Refugee Claimants (RCS)
- Open
- Weekly @ VAST office - Welcome Centre
- No Need to Register
- Multilingual – Language corners

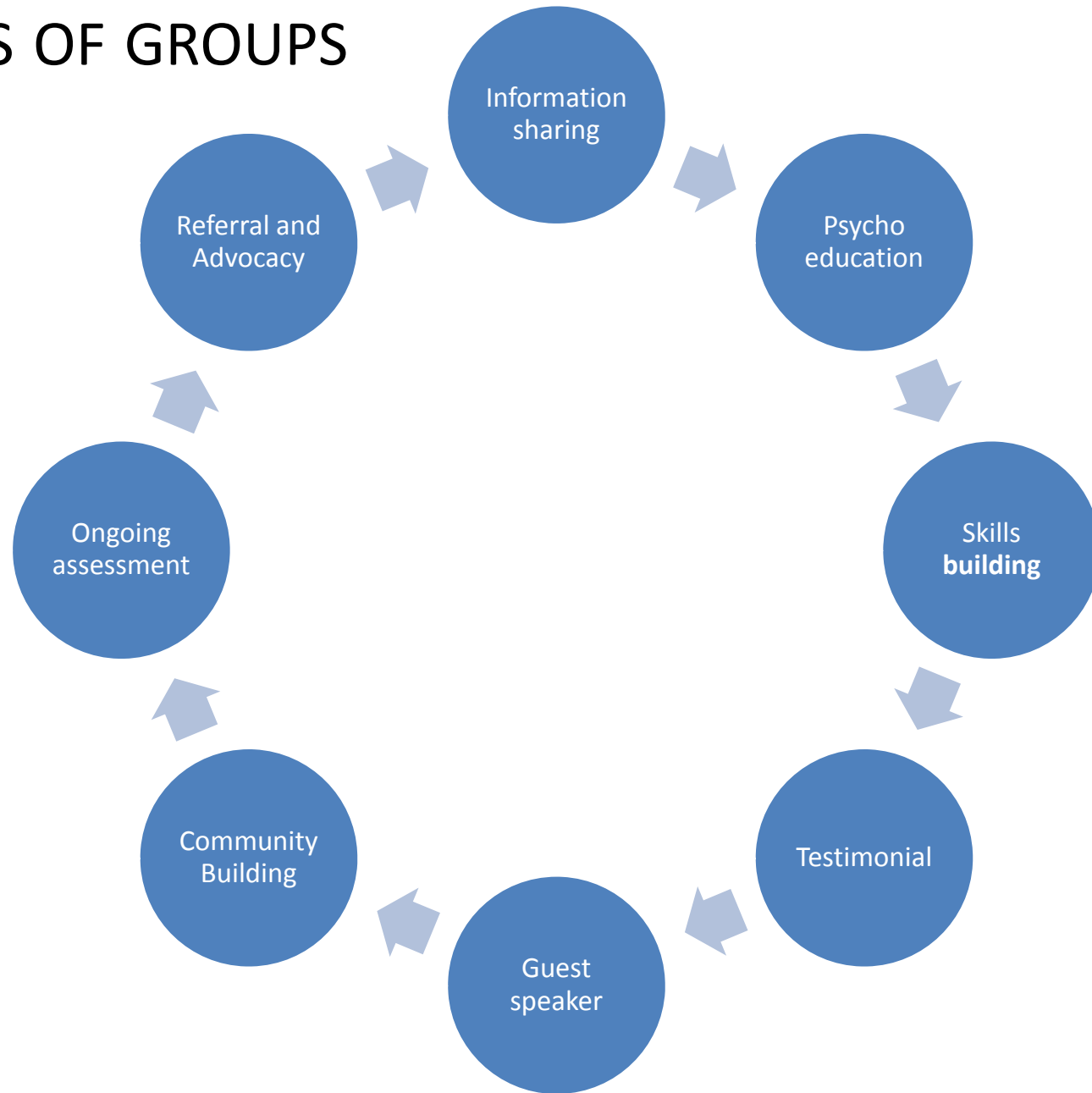
Getting Through It

A Trauma-Informed Psychosocial Support Group for Refugee Claimants

What to expect?

- Information about the Claim process
- Tips to prepare for Hearing
- Coping Skills for Self-Regulation
- A Space to Share in Community
- Referrals

ELEMENTS OF GROUPS



How to refer to VAST “Getting Through It “

- Fax referral form F. 604. 255.4611
- Encourage RCs to just show up! Wednesdays 10am- 12 noon
- If unsure about group readiness, contact coordinator@vast-vancouver.ca
- Coming up: Visit vast-vancouver.ca

Clients say

- "At first I couldn't speak. Now I'm coming back to share my strength with others"
- "Hearing from people who've been through it, people in my shoes, gave me courage and hope"
- "We are so different, but also we are similar, we are together"
- " Look right, look left, there could be your friend"

MOSAIC's I Belong Group for LGBTQ+ Refugees



I Belong

Facing the intersections between gender, sexuality, class, race, cultural diversity, criminalization, and colonization....



MOSAIC's I Belong Group for LGBTQ+ Refugees

- I Belong **Peer Support Group** 2nd Monday - 5.30 pm
- I Belong **Counselling Group** Last Monday - 6.30 pm



I Belong

Facing the intersections between gender,
sexuality, class, race, cultural diversity,
criminalization, and colonization....

MOSAIC's I Belong Group for LGBTQ+ Refugees

- Open to ALL LGBTQ+ Refugees & Immigrants
- Trauma-informed
- Inclusive
- Multilingual - Interpreters available
- Bus Tickets Provided



I Belong

Facing the intersections between gender, sexuality, class, race, cultural diversity, criminalization, and colonization....

MOSAIC's I Belong Group for LGBTQ+ Refugees

What to expect?

- Community-Building
- Empowerment
- Trauma Healing through Arts and Movement
- Access to community resources fro LGBTQ+ Newcomers
- Advocacy



I Belong

Facing the intersections between gender, sexuality, class, race, cultural diversity, criminalization, and colonization....

How to refer to MOSAIC's I Belong

- Encourage clients to just show up on **2nd and last Monday of the month**
- To register email ibelong@mosaicbc.org or call 604.254.9626
- Groups take place at MOSAIC Vancouver Office
5575 Boundary Road



I Belong

Facing the intersections between gender,
sexuality, class, race, cultural diversity,
criminalization, and colonization....



I Belong

Facing the intersections between gender, sexuality, class, race, cultural diversity, criminalization, and colonization....

<https://www.youtube.com/watch?v=FxK5lemDiw&authuser=0>



Clients say

- “I am very grateful that I am here, feel safe, feel accepted”
- “ **I Belong** really helped me to go through what I went through”
- “I feel my life is so much richer by hearing all stories; **I Belong** is a very sincere group”



I Belong

Facing the intersections between gender,
sexuality, class, race, cultural diversity,
criminalization, and colonization....

Re-Building Community in Canada: Trauma-Informed Groups for Refugee Claimants (RCs)



Looking forward to your questions

Thanks!

coordinator@vast-vancouver.ca

