

THE REFUGEE CLAIM PROCESS

PORT-OF-ENTRY CLAIMS

Make a refugee claim at port-of-entry to Canada Border Services Agency (CBSA).

Eligibility interview

Not eligible

If your claim is found ineligible, you can usually apply for Pre-Removal Risk Assessment (PRRA). Some PRRAs will include a hearing, others will be decided only on the documents and evidence.

Ask the Federal Court to review the finding that your claim is ineligible.

If your claim is ineligible because of the Safe Third Country Agreement (STCA) you cannot make a PRRA, and you can be removed. You can ask the Federal Court to review the decision, but you must act right away.

Eligible

Your claim is eligible to be heard at the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB). You must file completed Basis of Claim (BOC) form with the RPD within **15 days**.

A hearing at the RPD will be scheduled. This can take many months. Some claims can be decided without a formal hearing.

Prepare for your hearing and file any changes to BOC and evidence with the RPD **10 days** before hearing

Claim accepted at RPD

Apply for permanent resident status

Claim refused at RPD

You may be able to make an application to stay in Canada based on humanitarian and compassionate ([H&C](#)) reasons. You can only make an H&C application if you [withdraw your claim](#) before you give evidence at your RPD hearing.

A failed refugee claimant may be eligible to make an [H&C](#) or a Pre-Removal Risk Assessment ([PRRA](#)) before they are removed from Canada. The rules are complicated. For more detailed information, visit [Steps to Justice](#).

Check if you have the right to appeal to the [RAD](#)

Appeal to the Refugee Appeal Division ([RAD](#)) within **15 days** of getting the decision.

If no right of appeal to the [RAD](#), ask the [Federal Court](#) to review the decision within **15 days** of getting the decision. You may also need to ask for a stay of removal.

You may have the right to apply for a Pre-Removal Risk Assessment ([PRRA](#)) but you must wait at least **12 months** from the final decision from the RPD, [RAD](#), or Federal Court.

Unsuccessful at RAD

Successful at RAD (claim accepted or new hearing at the RPD)

Ask the [Federal Court](#) to review the decision within **15 days** of getting the decision. If you meet deadlines, your removal order can't be enforced until the Court makes a final decision.

Successful in Federal Court (right to new hearing with a different decision-maker)

Unsuccessful in Federal Court (can be removed from Canada)

Applying for refugee status in Canada is complicated. It is important to try to get legal help. This flow chart provides information about the refugee claim process and time limits. It is not intended to be used as legal advice. In some cases, time limits can be extended. For more information and where to get help, visit Steps to Justice at www.stepstojustice.ca/legal-topic/refugee-law.

This is an adaptation of the Refugee Claim Flow Chart (December 2012) produced by Legal Services Society, British Columbia (LSS), with permission. CLEO is wholly responsible for the accuracy.