



Arrivals in Canada, now what happens?

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Campigotto Law



Helping hands tackling
challenges

FORMS/APPLICATIONS
(paper, portal, paper, portal)
MENTAL HEALTH - DIAGNOSIS

UNIVERSAL DESIGN
(it's all the same)

WOMEN'S STORIES

EVIDENCE

IT DEPENDS

MJ C SYSTEM



KNOW YOUR RIGHTS!

As a refugee claimant, you have rights!

Welcome! We understand the difficulties of immigrating to Canada and sometimes it can be overwhelming. It is important you understand that as a refugee claimant you have rights. We would like to advise you that in some cases, you may be eligible to apply for work authorization and/or study authorization to work and study while you await the outcome of your refugee claim. If you have minor children, they will automatically be eligible to attend school when you arrive in Canada. Also, the Interim Federal Health Programs provides basic health-care benefits to refugee claimants.

An IFHP breakdown for each type of coverage is available at <https://provider.medavie.bluecross.ca/>

Right to
Employment

Right to Education

Right to Health
Care

WE ARE HERE TO HELP!

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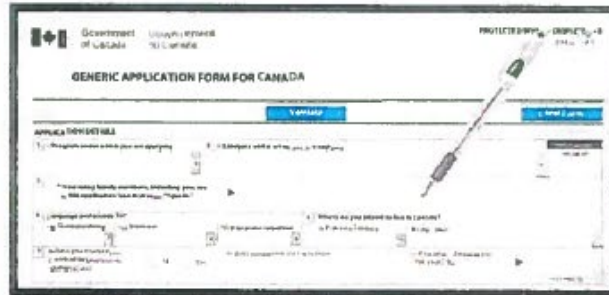
ITINERARY OF A REFUGEE CLAIMANT REFERED TO GUY FAVREAU



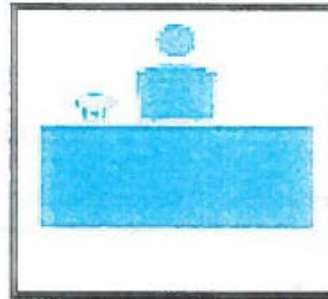
Commission de l'immigration et du statut de réfugié du Canada / Immigration and Refugee Board of Canada

STEP 1

IMMIGRATION CANADA'S FORMS TO BE FILLED BY THE CLAIMANT

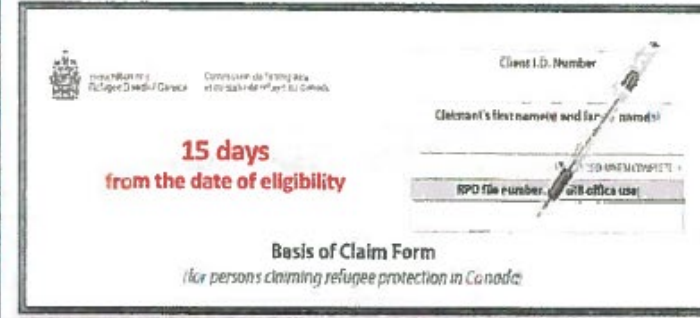


VERIFICATION OF FORMS BY AN OFFICER



STEP 4

CLAIMANT FILLS AND SENDS THE BASIS OF CLAIM TO THE REFUGEE PROTECTION DIVISION



Commission de l'immigration et du statut de réfugié du Canada / Immigration and Refugee Board of Canada

STEP 2

MEETING WITH AN IMMIGRATION OFFICER



REFUGEE CLAIMANT DOCUMENT ISSUANCE (IF ELIGIBLE)



STEP 3

MEDICAL EXAM

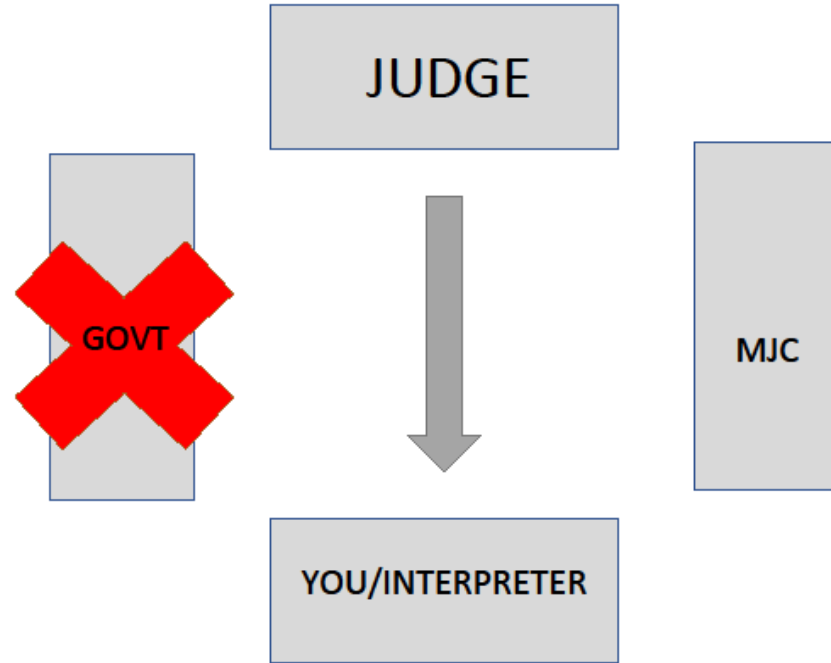


STEP 5

HEARING BEFORE THE REFUGEE PROTECTION DIVISION



IMMIGRATION AND REFUGEE BOARD HEARING ROOM



APPEAL PROCESS/FURTHER AVAILABLE PROCESSES:

REFUGEE – YES 😊

RAD – NO

FEDERAL COURT – NO

HUMANITARIAN AND COMPASSIONATE APPLICATION –
BEST INTERESTS OF THE CHILD/CHILDREN

All Refugee Claims

you will be asked:

- 1. WHAT COUNTRY ARE YOU A CITIZEN OF? ARE YOU A CITIZEN OF ANY OTHER COUNTRY?**

¿DE QUE PAIS ERES CIUDADANO? ES USTED CIUDADANO DE QUE OTROS PAISES?

انت مواطن من أي بلد؟ هل انت مواطن لأي بلد اخر؟

- 2. WHO OR WHAT ARE YOU AFRAID OF?**

¿DE QUE O DE QUIEN TIENE USTED TEMOR?

من من، او من ماذا تخشى/تخاف؟

- 3. WHY CAN'T YOU GO BACK HOME TO YOUR COUNTRY?**

¿PORQUE NO PUEDE USTED REGRESAR A SU PAIS?

لماذا ليس بإمكانك العودة الى بلدك؟

- 4. WHY CAN'T YOU GO TO THE POLICE?**

¿PORQUE NO PUEDE A PEDIR AYUDA A LA POLICIA?

لماذا ليس بإمكانك الذهاب الى الشرطة؟

- 5. WHY CAN'T YOU LIVE SAFELY SOMEWHERE ELSE LIKE THE CAPITAL CITY OR A VERY LARGE CITY?**

¿PORQUE NO PUEDE IR A VIVIR A UN LUGAR MAS SEGURO COMO EN LA CAPITAL O EN OTRA CIUDAD?

لماذا ليس بإمكانك العيش بأمان في مكان اخر مثل العاصمة او مدينة كبيرة جدا؟

Required Evidence – Processing of Refugee Claims

- THE GROUNDS:
1. RACE
 2. NATIONALITY
 3. RELIGION
 4. PARTICULAR SOCIAL GROUP
 5. POLITICAL OPINION.

THIS IS HOW WE PROVE YOUR CASE!!!

1. Identity:
 - Birth Certificate/Passport.
 - Marriage Certificate/Family Book/Family Record.
 - National Identity Card/Voter-Electoral ID Card.
 - Work Badge/ID.
2. Supporting Statements/Letters:
 - Spouse/Children/Parents/Siblings/Friends/Neighbours.
 - 'Eye Witness Statements'/Witnesses. I saw this.....on May 1, 2019.
 - Doctors/Lawyers Letters.
 - FACEBOOK/TEXTS/SOCIAL MEDIA.
3. Evidence of Payment of Extortion/Kidnapping:
 - Ownership's vehicles, land (Deed) etc.
 - Bills of sale to liquidate assets and pay ransom.
4. Official Reports:
 - Police/Court/Government Reports.
 - Medical/Doctor/Hospital Reports/Psychologist/Counsellor/Therapists Reports.
 - Workplace Reports.
5. Employment:
 - Confirmation of Employment/Contract.
 - Termination Letter/Notice/Change in Terms of Employment.
6. Education:
 - Degrees/Diplomas.
 - Transcripts.
7. USA Immigration Documents:
 - Letter/Report/Opinion USA Lawyer.
 - USA Immigration documents/file.
8. Newspaper/Magazine/Online articles.

ISSUES

In accordance with Guideline 7 (Concerning Preparation and Conduct of Hearing in the RPD), the RPD has made the following preliminary identification of the issues it considers to be central to the claim. Nonetheless, the claimant should file evidence, in accordance with the RPD Rules, and be prepared to testify with respect to all aspects of the claim for refugee protection.

- EXCLUSION 1E** – Protection available in a third country
- EXCLUSION 1F (a)(b)(c)** – International and Foreign Crimes
- IDENTITY**
- Civil Status (name, date & place of birth, marriage)
 - Country(ies) of Reference (Citizenship, multiple nationality, residency status, statelessness)
 - Ethnicity/Race
 - Affiliation: Political/Religious/Social/Family
 - Education/Occupation
 - Sexual Orientation
- SUBJECTIVE FEAR**
- Delay in Departure
 - Delay in Claiming
 - Re-Availment
 - Failure to Claim Elsewhere (Including previously in Canada)
 - Previous Claim Elsewhere
- STATE PROTECTION**
- INTERNAL FLIGHT ALTERNATIVE**
- CREDIBILITY**
- Reliability of Claimant's Documents
 - Consistency between Allegations and Documentary Evidence
 - Consistency between POE/IO notes and PIF Narrative
- CONVENTION REFUGEE DEFINITION s.96**
- Nexus
 - Persecution vs. Discrimination/Harassment
 - Persecution vs. Prosecution
 - Agent of Persecution
 - Victim of Crime
- DANGER OF TORTURE s. 97 (1)(a)**
- State Complicity
 - Purpose of Harm
 - Severe Pain/Suffering
 - Lawful Sanctions
- RISK TO LIFE OR OF CRUEL AND UNUSUAL TREATMENT OR PUNISHMENT s.97 (1)(b)**
- Risk to Life
 - Cruel and Unusual Treatment or Punishment
 - Agent of Harm
 - Generalized Risk
 - Medical Care
 - Lawful Sanctions
- CHANGE OF CIRCUMSTANCES**
- COMPELLING REASONS**

Comments:

REFERENCE MATERIAL

- Standard Disclosure Package National Regional Claim Specific COI documentation (text here)
- Jurisprudence:
- Research Requests:

INSTRUCTIONS TO COUNSEL/CLAIMANT:

Forms and Applications

- Employment, addresses, narrative, must match – dates and places
- PRRA applicants must apply for work permit (not automatic)
- Narrative can be amended

Universal Design – It's all the same

- THE INFORMATION THAT USED TO BE ON THE FORMS IN NOW ON A PORTAL
 - WATCH FOR CHANGES TO THE PORTAL
- PORTAL 1, PORTAL 2, PORTAL 3
 - NOT ALL THE SAME – H&Cs GO PORTAL TO NiagraFallsBRO TO PORTAL
- BE AWARE OF CULTURAL GRAPEVINE
 - RUMOURS, RUMOURS, RUMOURS



Women's Stories – Don't forget the women

- Encourage women to write their own narratives and not “rely on my husband's narrative”
- More grounds to win on
- Maybe unaware of rights and grounds on gender

Evidence

- GATHER AND TRANSLATE AS SOON AS POSSIBLE
- WITNESSES ENCOURAGE EARLY CONSIDERATION
- SUPPORTING LETTERS
 - NOT JUST “A NICE LADY”
 - MAY 1ST, 2019 I SAW
- COUNTRY CONDITIONS



It Depends...

- KNOW WHERE TO ASK, KNOW WHO TO ASK
- YES, YOU CAN DO AN H&C BEFORE A REFUGEE CLAIM
- YOU CAN ADD H&C FACTORS TO OTHER APPLICATIONS EXCEPT REFUGEE
- BE AWARE OF EXCLUSIONS ARTICLE 1E 1F