



Understanding how Bill C-12 impacts refugee claims

Wednesday, April 29, 2026 from 12:00 p.m. to 1:30 p.m. EST

Speakers:

Benjamin Liston, Staff Lawyer - Senior Counsel, Refugee Law
Office

Joshua Eisen, Staff Lawyer, FCJ Refugee Centre

Land Acknowledgement



CLEO acknowledges that our office is located on the traditional territory of many nations, including the Mississaugas of the Credit, the Chippewa, the Haudenosaunee, and the Wendat. This land is now also home to many diverse First Nations, Inuit, and Métis Peoples. This area of Tkaronto, also known as Toronto, is covered by Treaty 13 signed by the Mississaugas of the Credit and the Williams Treaties signed by multiple Mississauga and Chippewa First Nations.

We acknowledge the ongoing impacts of colonization, anti-Indigenous racism, and white supremacy on which this city and our legal system are built. We are all Treaty people and we commit to working in solidarity towards truth and reconciliation.



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- stepstojustice.ca

Guided Pathways – help completing legal forms

- stepstojustice.ca/guided-pathways-home/

CLEO publications – free print resources

- cleo.on.ca

CLEO Connect – training for community workers

- cleoconnect.ca

What can you expect today?



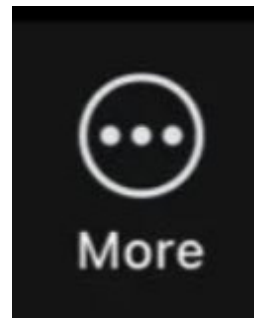
- 90 minutes (2 presenters and 2 Q and A).
- The webinar may contain legal information. As a reminder, this is not legal advice. The information is current as of today's date, April 29, 2026.
- Links to the recording, slides, and handout will be sent by email to all registrants within a few days.
- ASL interpretation is available today. Subtitles (closed captioning) have also been enabled.



To use the Closed Captioning feature, click on the icon with two C's in your Zoom controls:



If you don't see this icon, try clicking on the More icon with three dots:





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UNDERSTANDING HOW BILL C-12 IMPACTS REFUGEE CLAIMS

APRIL 29, 2026

**JOSHUA EISEN, STAFF LAWYER, FCJ REFUGEE CENTRE
BEN LISTON, STAFF LAWYER, SENIOR COUNSEL, REFUGEE
LAW OFFICE**

AGENDA

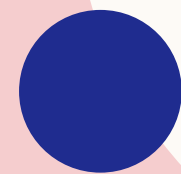
- what to know about Bill C-12
- how Bill C-12 impacts refugee claimants and people who may make a refugee claim
- how the government has begun applying Bill C-12
- what a Pre-Removal Risk Assessment (PRRA) is and how to apply for one
- how to support clients impacted by Bill C-12 and refer them to suitable legal and community resources
- benefits that may be available to people impacted by Bill C-12, including work permits, federal health benefits, and income assistance
- impact of C-12 at the border, including the Safe Third Country Agreement

GLOSSARY

- RPD – Refugee Protection Division
- IRCC – Immigration, Refugees and Citizenship Canada
- CBSA – Canada Border Services Agency
- PRRA – Pre-removal Risk Assessment
- STCA – Canada-USA Safe Third Country Agreement
- POE – Port-of-Entry
- PFL – Procedural fairness letter
- IFHP – Interim Federal Health Program
- IRPA – Immigration and Refugee Protection Act
- LAO – Legal Aid Ontario

BILL C-12

- Received Royal Assent on March 26, 2026
- New ineligibility provisions are retroactive to June 3, 2025
- IRCC estimates that up to 28,000 refugee claimants may be impacted and see their claims terminated



TWO NEW INELIGIBILITY PROVISIONS

1. ONE YEAR BAR
2. SAFE THIRD COUNTRY AGREEMENT 14-DAY RULE

ONE-YEAR BAR – IRPA 101(1)(B.1)

One-year bar prohibiting refugee claims at the RPD where **all three** of the following conditions are met:

- i. You arrived in Canada after June 24, 2020*
- ii. You waited more than a year to apply

AND

- iii. You submitted your claim for refugee protection on or after June 3, 2025

**Does not matter when you first arrived in Canada. It matters when you first arrived after June 24, 2020*

ONE-YEAR BAR QUESTIONS

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1. Have you entered Canada after June 24, 2020?*

If no, this provision does not apply

If yes, then ask...

2. What was the date of your first entry to Canada after June 24, 2020?

3. What was the date you made a claim for refugee protection in Canada?

If claim filed before June 3, 2025, this provision does not apply

If claim filed on or after June 3, 2025, calculate whether the date in question 2 is more than one year prior to the date of the claim

If more than one year, the claim is ineligible

**includes even brief travel to Canada, plus short trips outside Canada with return after June 24, 2020*

ONE-YEAR BAR

OTHER CONSIDERATIONS

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How to define “made a claim”?

- According to IRCC, this is the date that the claim is initiated
- For port-of-entry claims, it will be the date the person expresses an intention to seek refugee protection (generally at the date of entry, unless this occurs during further examination at a later date)
- For inland claims, it will be the date when the IRCC Portal is completed

Are there any exceptions?

- Not yet!
- But expected to have an exception for unaccompanied minors

STCA 14-DAY RULE – IRPA 101(B.2)

March 2023: the STCA is expanded across the entire land border, including internal waterways

Persons who cross the border irregularly and make a claim for protection within 14 days are barred under the STCA and sent back to the USA

Persons who make a claim after 14 days are eligible for the RPD

New ineligibility: Ends that 14 day exemption for individuals who arrived from US between official ports of entry

Now persons filing after 14 days are ineligible for the RPD

But they won't be returned to the USA, they will get PRRA

Only applies if their claim was submitted on or after June 3, 2025

STCA EXPANSION QUESTIONS FOR SLA

1. Did you (or will you) make a claim on or after June 3, 2025?

If no, this provision does not apply

2. Did you enter Canada irregularly/between official POEs and wait 14 days before filing a claim?

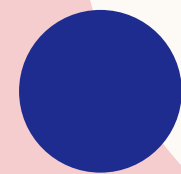
If no, this provision does not apply

If yes, the claim is ineligible

STCA EXPANSION OTHER CONSIDERATIONS

How does CBSA know that the person made their claim more than 14 days after entry?

- Claimants must sign an attestation confirming the date of their irregular entry



HOW THE GOVERNMENT IS APPLYING C-12

WHAT WE ARE SEEING

Claimants already referred to the RPD

- Most will receive a procedural fairness letter (PFL) from IRCC/CBSA notifying about the potential ineligibility
- After the PFL deadline, we expect IRCC/CBSA will issue ineligibility decisions
- RPD claim will be terminated and departure order will be in force
- Will then be PRRA eligible

Claimants not referred to the RPD, including claims filed after March 26, 2026

- Will receive a notice of ineligibility by IRCC/CBSA
- Exclusion order will be issued and come into force 7 days later
- Will then be PRRA eligible



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

Date: March 30, 2026

[REDACTED]

Application: L [REDACTED]

[REDACTED]

SUBJECT : Redetermination – Ineligibility under A 101(1)(b.1) [A104]

[REDACTED]

This is in response to your application for refugee protection in Canada. I have reviewed your application and, pursuant to section A104 and subsection 101(1)(b.1) of the *Immigration and Refugee Protection Act* (IRPA), I have determined that your claim for refugee protection may be ineligible to be referred to the Refugee Protection Division of the Immigration Refugee Board of Canada (IRB).

Under subsections 101(1)(b.1) and 101(1.1) of the IRPA, a refugee claim is ineligible to be referred to the IRB if the claimant entered Canada after June 24, 2020 and made their claim more than one year after that entry; if the claimant entered Canada multiple times after that date, the one-year period is calculated from the day after their first entry.

According to our records, you entered Canada on [REDACTED] at Toronto Pearson International Airport. Our records also indicate that your refugee claim was submitted on [REDACTED]

If you have additional information or evidence regarding the circumstances of your entry to Canada, as noted above, please submit it through the portal **by April 20, 2026**. Only information or evidence pertaining to the circumstances of your entry to Canada, as it relates to the applicability of subsection 101(1)(b.1) of the IRPA, will be considered.

If we do not receive your submission by this date, a decision will be made based on the information we have on file. If the decision is that your claim is ineligible for referral to the Refugee Protection Division, you will face removal from Canada.

Sincerely,

YC36665
Case Processing Officer
Immigration, Refugees and Citizenship Canada

PFL EXAMPLE

Date: March 31, 2026

UCI: [REDACTED]


Application: [REDACTED]


[REDACTED]
Ottawa, ON
Canada
K1G 3S6

[REDACTED]
Dear [REDACTED]

I have determined that your claim for refugee protection is not eligible to be referred to the Refugee Protection Division of the Immigration and Refugee Board of Canada.

Specifically, I have determined that your refugee claim is not eligible for referral as per subsection 101(1) of the *Immigration and Refugee Protection Act*, for the following reason(s):

(b.1) the claimant entered Canada after June 24, 2020 and made the claim more than one year after the day of their entry;

Next Steps

You must leave Canada as soon as possible and confirm your departure with the Canada Border Services Agency. If you do not leave Canada, a deportation order may be issued against you. If a deportation order is issued and you are removed, you must obtain an Authorization to Return to Canada (ARC) if you want to return to Canada in the future.

You may be eligible to apply for a Pre-Removal Risk Assessment (PRRA). If so, you will be issued an exclusion order, which means that once you have left Canada you will not be able to return for one year. If you wish to return before 12 months have passed, you must also obtain an ARC. For information about PRRA, go to:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/protection/refusal-options/pre-removal-risk-assessment.html>
or scan the QR code below

INELIGIBILITY DECISION EXAMPLE

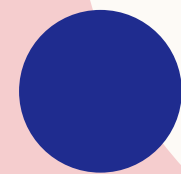
IMPACT OF INELIGIBILITY NEXT STEPS

Claimants already referred to the RPD who receive a PFL

- PFLs sent via IRCC Portal
- Will need to assess whether they are ineligible, or whether IRCC/CBSA has made an error
- Unless there is clear evidence of an error there is likely little/nothing to submit that will avoid an ineligibility decision
- LAO will provide limited coverage of 2 hours for a PFL response (must have BOC cert)

Claimants who receive an ineligibility decision

- Can file an application for leave and judicial review (ALJR) of the decision at the Federal Court within 15 days after decision is communicated
- IRCC says these decisions will be mailed - if so, the Court deems receipt 10 days after mailing
- LAO will issued standard 4 hour ALJR certificate to challenge termination and eligibility decisions



THE PRE-REMOVAL RISK ASSESSMENT (PRRA) PROCESS

PRRA

1. Like a refugee claim, a PRRA assesses whether someone faces a risk of persecution (based on a convention ground) or a risk of torture, cruel and unusual punishment, etc.
2. A successful PRRA results in someone becoming a Convention Refugee or Protected Person, meaning they can remain in Canada and apply for PR.
3. However, there are several important differences between PRRAs and Refugee Claims, with PRRAs generally offering fewer procedural protections and a historically lower success rate.

PRRA VS. REFUGEE CLAIM (I)

- A client must be invited to do a PRRA. Typically, they receive a letter from CBSA asking them to come in for an interview, at which time they will be given the PRRA forms.
 - If you are found ineligible because of C-12, it is essential to keep your address information up to with IRCC.
 - After being found ineligible for the RPD, it is unclear how long you will have to wait before you receive a PRRA invitation.
- PRRAs are typically paper-based, meaning the decision is based on the documents you submit, and there is no guarantee you will receive an oral hearing (although you may get one in certain circumstances).

PRRA VS. REFUGEE CLAIM (II)

- While negative refugee claims can usually be appealed to the Refugee Appeal Division, there is no way to appeal a negative PRRA decision. However, the recipient of a negative PRRA can apply to the Federal Court for **Judicial Review** of the negative decision.
- Unlike for most refugee claims, there is **no automatic stay of removal** when applying to the Federal Court for Leave and Judicial Review. This means that in order to avoid the risk of deportation while waiting for the ALJR, you have to bring a motion to stay your removal.

PRRA VS. REFUGEE CLAIM: SUMMARY OF KEY DIFFERENCES

REFUGEE CLAIM

- Claimant Initiates
- Right to an Oral Hearing
- Right to appeal (to RAD)
- Removal automatically stayed pending Judicial Review.

PRRA

- Must be invited by CBSA
- Generally a paper process, no guarantee of an oral hearing
- No appeal mechanism
- No automatic stay of removal on application for Leave and Judicial Review. Must bring stay motion.

SUPPORT WITH PRRA PROCESS

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- Once someone has received a PRRA invitation, they will have just 15 days to complete the initial PRRA forms (which you will receive at your appointment), plus an additional 15 days to submit supporting documents (affidavits, legal submissions, evidence). These are hard deadlines.
- Because of the tight turn around time for the PRRA, it is best to start gathering supporting evidence sooner rather than later.
- Whether legal aid covers PRRA applications will vary from province to province. In Ontario, legal aid typically covers PRRAs.
- Clients from Moratorium countries (see below) may want to consider the possibility of submitting an H&C application.
- Make sure clients are ready to apply for judicial review and to bring a motion to stay removal in case PRRA is rejected.

IMPACT OF INELIGIBILITY

NEXT STEPS - PRRA

Clients who are served with PRRA

- Retain counsel to assist with your PRRA
 - If financially eligible for LAO, call 1 800 668 8258 and request a PRRA certificate
- Act quickly: must submit the PRRA application form within 15 days of receiving it from CBSA
 - If deadline is missed the removal order is not stayed

IMPACT OF INELIGIBILITY MORATORIUM CLIENTS

PRRA is not issued unless a removal order is enforceable

Currently removal orders are not enforceable for most nationals of these countries:

- **Temporary Suspension of Removal (TSR):** Afghanistan, the Democratic Republic of Congo, and Iraq.
- **Administrative Deferral of Removal (ADR):** Somalia, the Gaza Strip, Ukraine, Syria, Mali, the Central African Republic, South Sudan, Libya, Yemen, Venezuela, Haiti, Iran, Sudan, Lebanon, Israel, United Arab Emirates, Kuwait, Bahrain and Qatar
- Exceptions for serious inadmissibility (IRPA ss.34, 35, 36(1), 37)

Nationals from moratorium countries who are ineligible have very limited options – H&C application, TRP



ACCESS TO SERVICES/ENTITLEMENTS

1. OPEN WORK PERMITS
 2. INTERIM FEDERAL HEALTH PROGRAM
 3. SOCIAL ASSISTANCE
- 

ACCESS TO SERVICES AND ENTITLEMENTS: OPEN WORK PERMITS

Refugee claimants are entitled to open work permits (OWP):

- No application fee
- Issued upon eligibility determination

PRRA applicants are eligible for OWP:

- \$155 application fee + \$85 biometrics fee
- Must file OWP application with IRCC – current processing 247 days

New public policy:

- Newly ineligible persons who were referred to the RPD and have an existing refugee claimant OWP will not have the OWP cancelled as a result of the ineligibility decision
- Confirms that persons entitled to PRRA are eligible for an OWP prior to notification (service) of PRRA

ACCESS TO SERVICES AND ENTITLEMENTS: INTERIM FEDERAL HEALTH PROGRAM

Ineligible claimants are entitled to IFHP coverage so long as they are eligible for PRRA

Note not all PRRA applicants get IFHP – they must make a refugee claim that is determined to be ineligible

Ineligible claimants remain eligible for IFHP coverage until:

- They qualify for provincial/territorial health insurance, or
- They leave Canada

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-within-canada/health-care/interim-federal-health-program/eligibility.html>

ACCESS TO SERVICES AND ENTITLEMENTS: SOCIAL ASSISTANCE

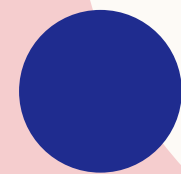
A person is not eligible for Ontario Works (OW) or Ontario Disability Support Program (ODSP) benefits if they are subject to an enforceable removal order.

- If PRRA is initiated, the removal order is not enforceable (R232)
- Also eligible if:
 - for reasons wholly beyond the control of the person, the person is unable to leave the country ☾ *helpful for moratorium (TSR/ADR) countries*
 - the person has filed an H&C application

ACCESS TO SERVICES AND ENTITLEMENTS: STATUS DOCUMENTS

According to the IRCC Asylum Branch technical briefing:

“Those with ineligible claims who may later be eligible to apply for a PRRA, based on the information currently available, will receive a Refugee Protection Identity Document (RPID) – which also serves as proof of IFHP coverage”



IMPACT AT THE BORDER

SAFE THIRD COUNTRY AGREEMENT (STCA) AND C-12

USA-CANADA POE CLAIMS

IMPACT ON FAMILY UNITY

STCA continues to apply:

- At official land border crossings
- Between land border POEs (irregular entry) up to 14 days after entry

STCA exceptions:

1. Family members
2. Unaccompanied minors
3. Document holders
4. Public interest exceptions

Family members: spouse, CL partner, parent/guardian, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece

“*Anchor relative*” in Canada must have specific status (PR, citizen, work permit, etc).

- This includes refugee claimants referred to RPD
- It does **not** include PRRA applicants – i.e. ineligible claimants cannot be an anchor relative
- It also does not include refugee claimants prior to referral to the RPD

USA-CANADA POE CLAIMS

IMPACT OF C-12

Current process: a father, mother, and two children arrive at the POE. The father has an uncle in Canada. The mother and children have no family in Canada.

CBSA conducts eligibility assessment of the father and *immediately* refers him to RPD.

Father is now an in-Canada refugee claimant and can act as an anchor for his spouse and children.

Post-C-12 process: “Minister’s Due Diligence” (MDD) is a new process that requires CBSA/IRCC to obtain documents and information from claimants before referring to the RPD.

This will ensure that father’s eligibility assessment takes weeks or (more likely) months, not hours/days.

His spouse and children will not be eligible to enter Canada unless and until his claim is referred to RPD.

THANK YOU

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