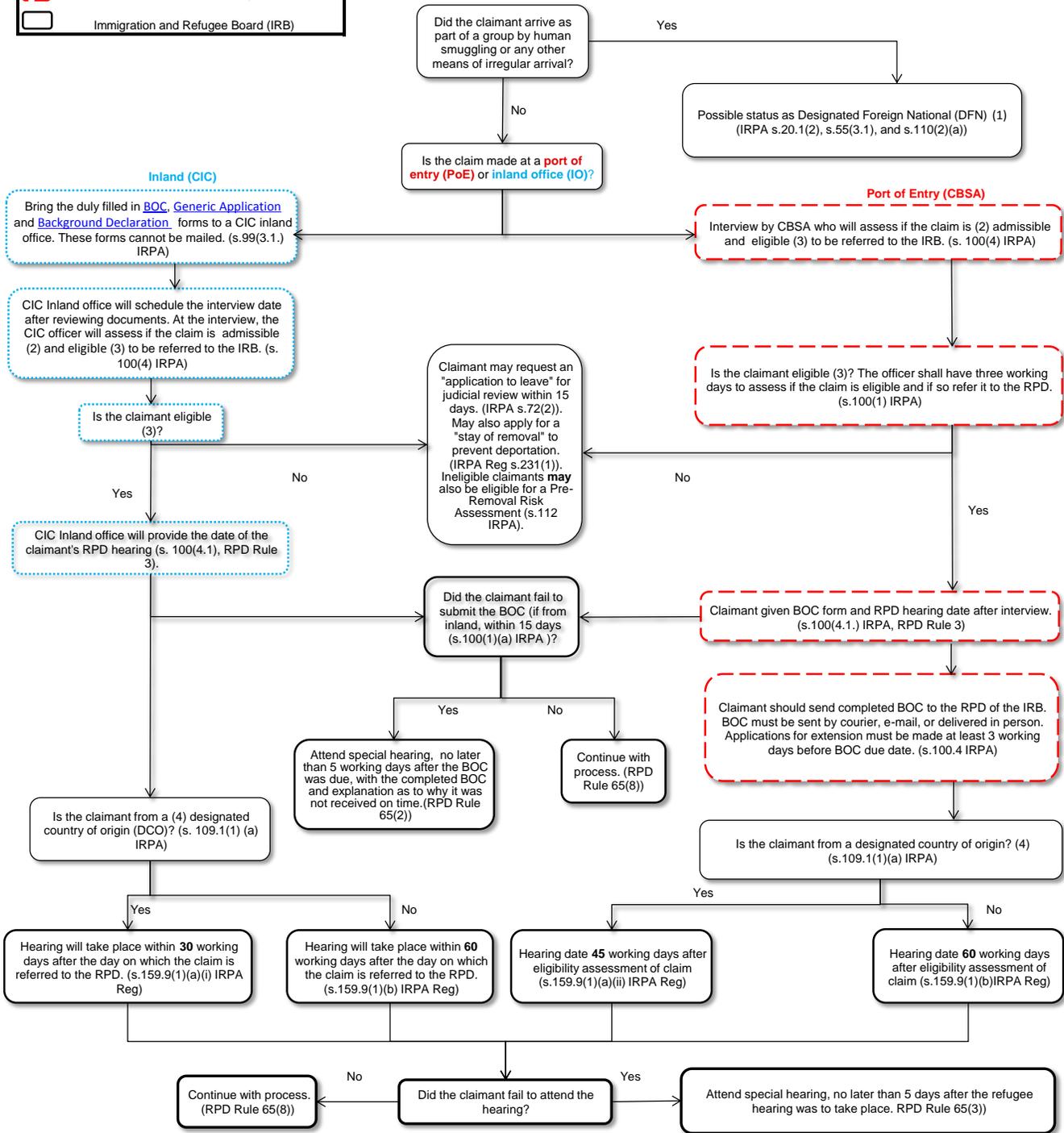


Canadian Refugee Status Determination Process

PRE-HEARING



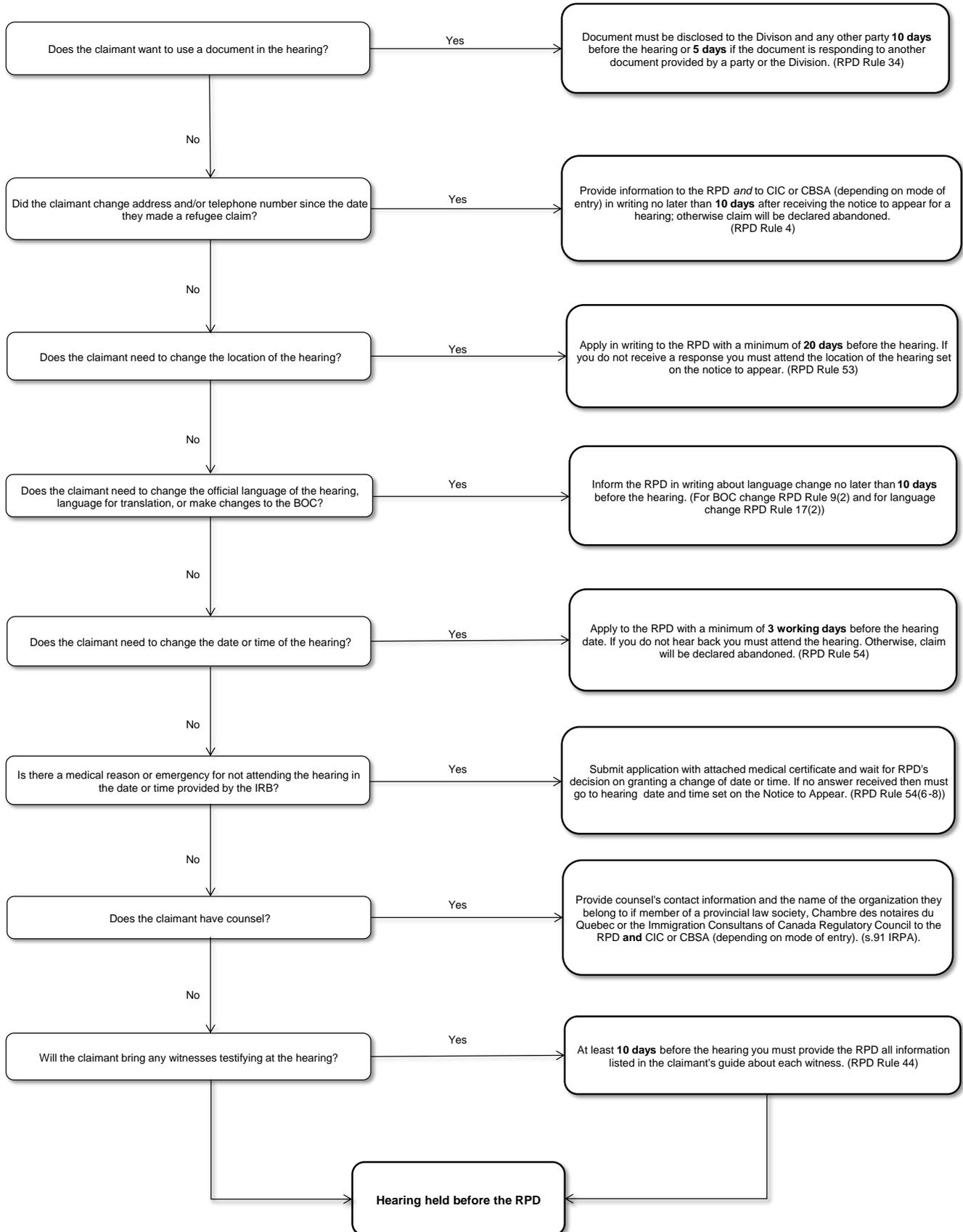
(1) The Minister of Public Safety has discretion to label groups who arrive by human smuggling or other illegal means as "Designated Foreign Nationals". Consequences include a mandatory 2 week detention upon arrival and no access to the appeal process. If the Minister is not satisfied with the claimant's identity, detention will continue with a review occurring every 6 months. DFNs cannot appeal the negative RPD decision before the RAD, cannot apply for PR status for five years after being recognized as refugees, and must undergo periodic reporting requirements.

(2) Claimant can be inadmissible based on: security grounds, for violating human or international rights, serious criminality, organized criminality, health grounds, financial reasons, misrepresentations, or failing to comply with IRPA. (ss.33-37 IRPA)

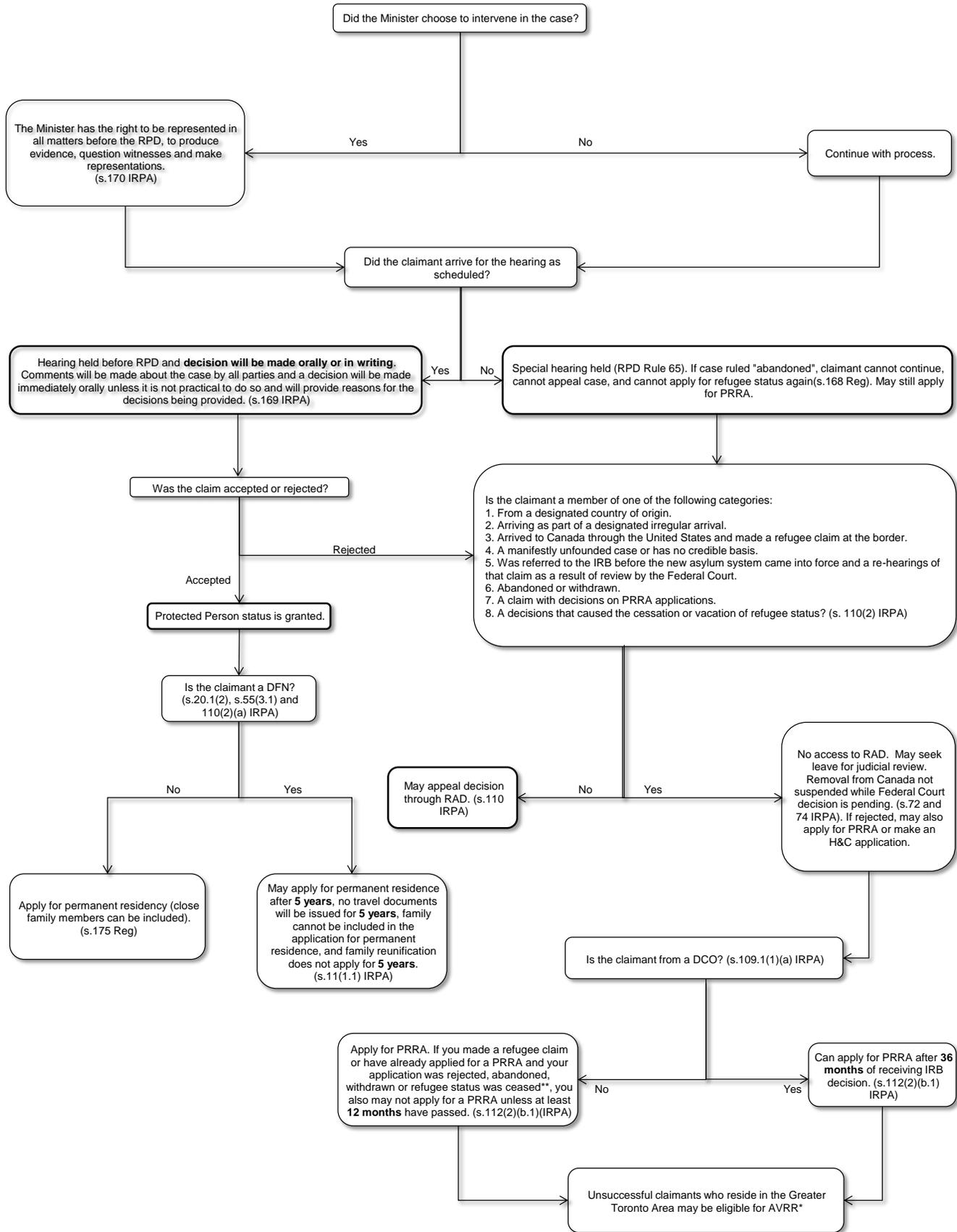
(3) Claimant is ineligible if: has refugee status in another country, has protected person status in Canada (s.101(a) IRPA), arrived through the US border, has previously withdrawn, abandoned, or rejected a claim, or is a security threat to the country. (ss.98 and 101 IRPA). Individuals arriving through the United States are not eligible due to the Safe Third Country Agreement (STCA), which requires asylum seekers to claim protection at the first country they arrive in. The STCA applies to individuals arriving at land border crossings, by train, and at airports if the person seeking refugee protection in Canada has been determined not to be a refugee in the United States, and is in transit through Canada for removal from the United States. Exceptions are made for family members, unaccompanied minors, documents holders, and individuals deemed as public interest exceptions. For more information, please visit <http://www.cbsa->

(4) Claimants from DCOs cannot apply for a work permit until their refugee claim is approved by the RPD or 180 days have passed and their claim has not yet been heard, cannot appeal the RPD decision to the Refugee Appeal Division, those whose refugee claims are rejected have to wait until 36 months have passed since the rejection to apply for PRRA and do not have an automatic stay of removal when

PRE-HEARING (CONTINUED)



HEARING AND POST-HEARING



*The assisted voluntary return and reintegration pilot program assists eligible unsuccessful refugee claimants who live in the Greater Toronto Area and wish to voluntarily return to their home country. For eligibility criteria and further information visit: <http://www.cbsa-asfc.gc.ca/media/facts-faits/100-eng.html>

Canadian Refugee Status Determination Process

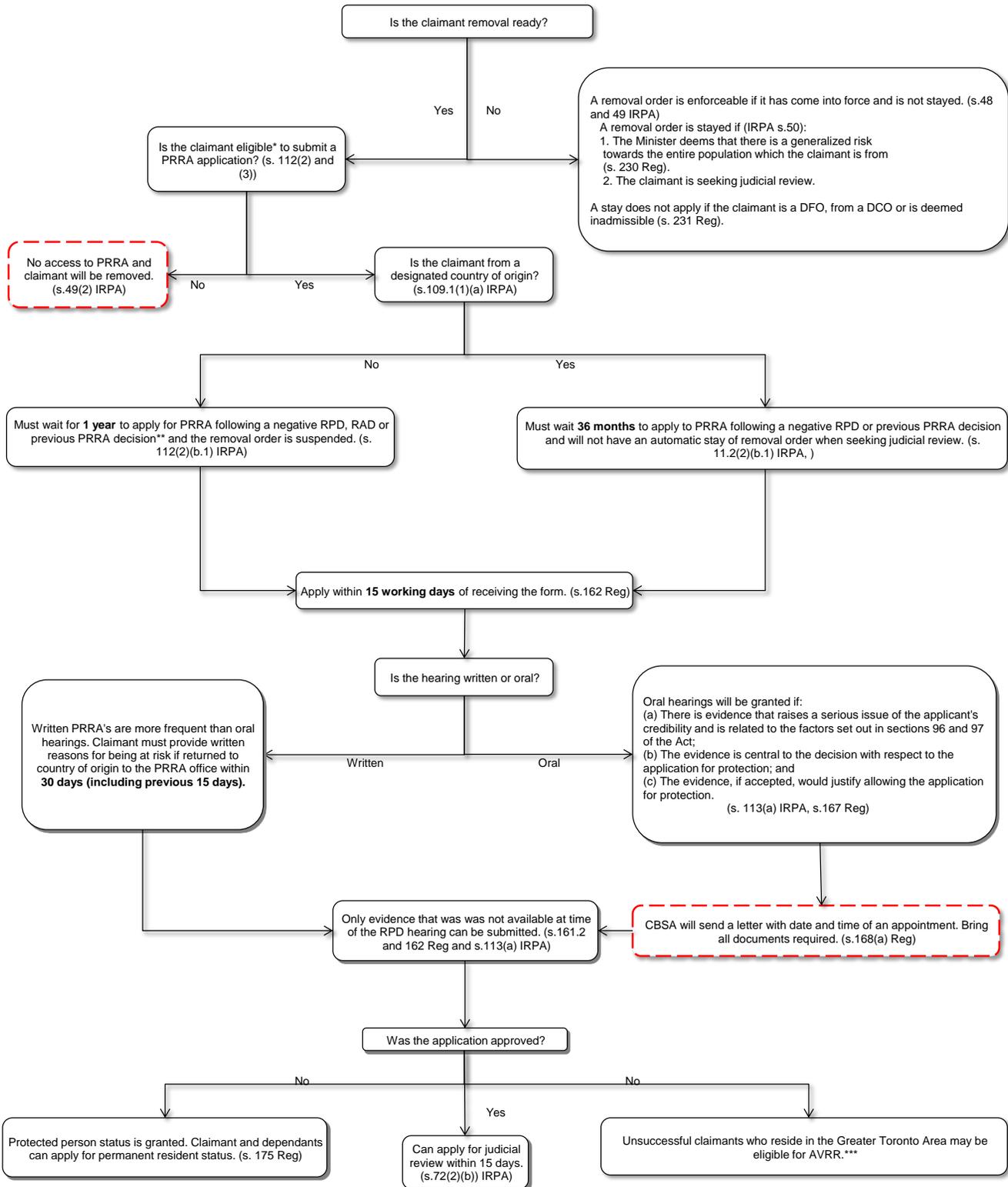
** If refugee status is vacated, applications for PRRA have no time bar

REFUGEE APPEAL DIVISION



*A claim is ineligible to appeal to the RAD if: claimant comes from a designated country of origin, claimant arrived as part of a designated irregular arrival, claimant arrived to Canada through the United States and made a refugee claim at the border, manifestly unfounded cases, claims with no credible basis, abandoned or withdrawn refugee claims, claims with decisions on PRRA applications and claims, decisions that cause the cessation or vacation of refugee status, the claim was referred to the IRB prior to August 15, 2012 and re-hearings of those claims as a result of review by the Federal Court. (s.110(2) IRPA)

PRE-REMOVAL RISK ASSESSMENT

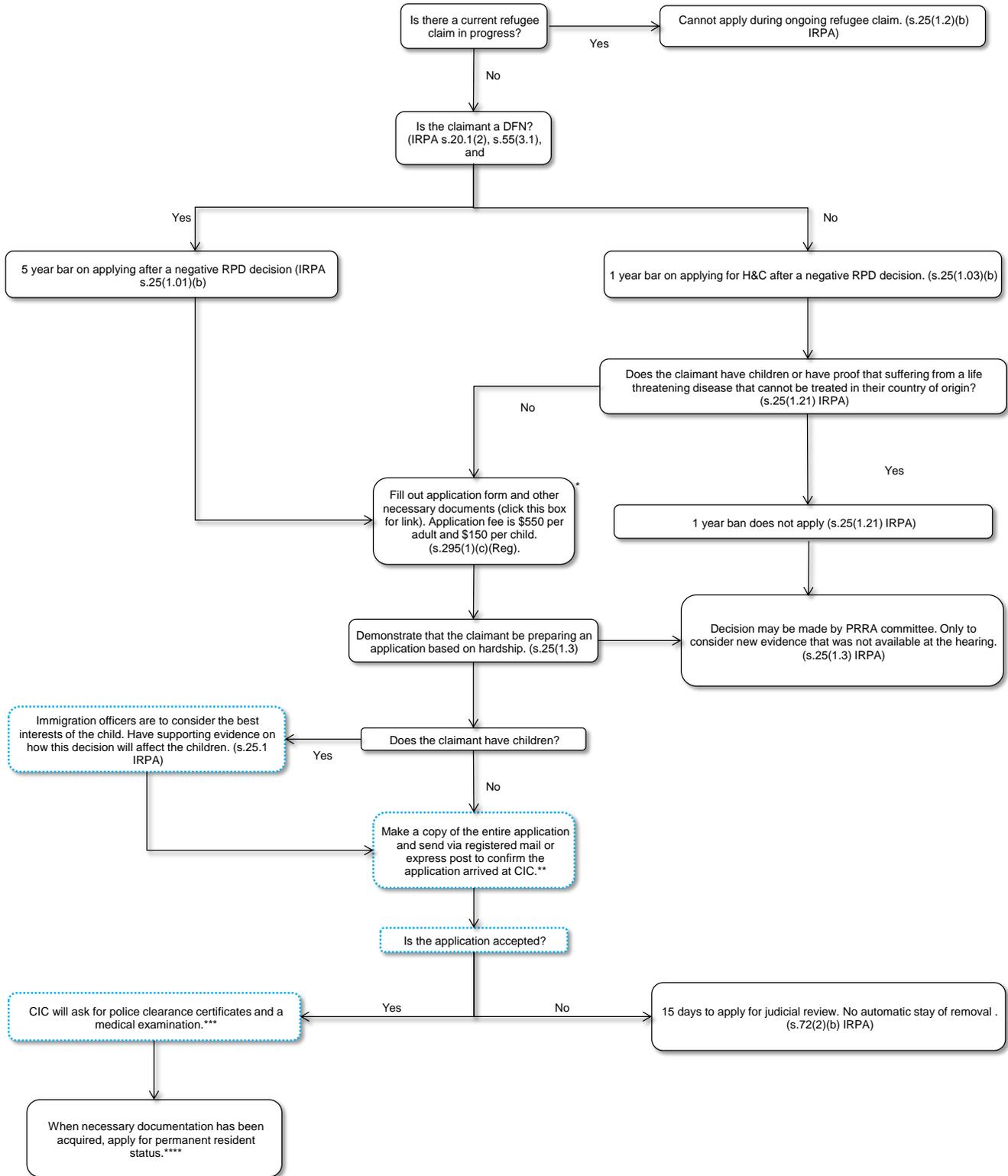


*A claimant is ineligible if he/she: was recognized as a Convention refugee in another country to which he/she can safely return; has previously made a refugee claim in Canada (6 months repelled; withdrew or abandoned a claim; was determined to be ineligible based on the Canada-USA Safe Third Country agreement; was being extradited; was involved in organized crime, committed serious crimes of human rights violations; or for security reasons.(s.112(2) and (3) IRPA)

** The Minister of Citizenship and Immigration may exempt claimants from ban on accessing PRRA if there is a sudden change in country conditions. (s.112.2.1 IRPA)

***The assisted voluntary return and reintegration pilot program assists eligible unsuccessful refugee claimants who live in the Greater Toronto Area and wish to voluntarily return to their home country. For eligibility criteria and further information visit: <http://www.cbsa-asfc.gc.ca/media/facts-faits/100-eng.html>

HUMANITARIAN AND COMPASSIONATE REVIEW



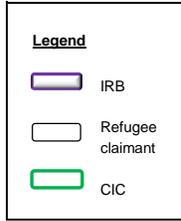
*Forms at <http://www.cic.gc.ca/english/information/applications/guides/5291ETOC.asp#5291E7>

**Mail to: CIC - Backlog Reduction Office, 1148 Hornby Street, Vancouver, B.C. , V6Z 2C3. For more information on backlog program see: www.cic.gc.ca/english/refugees/reform-backlog.asp

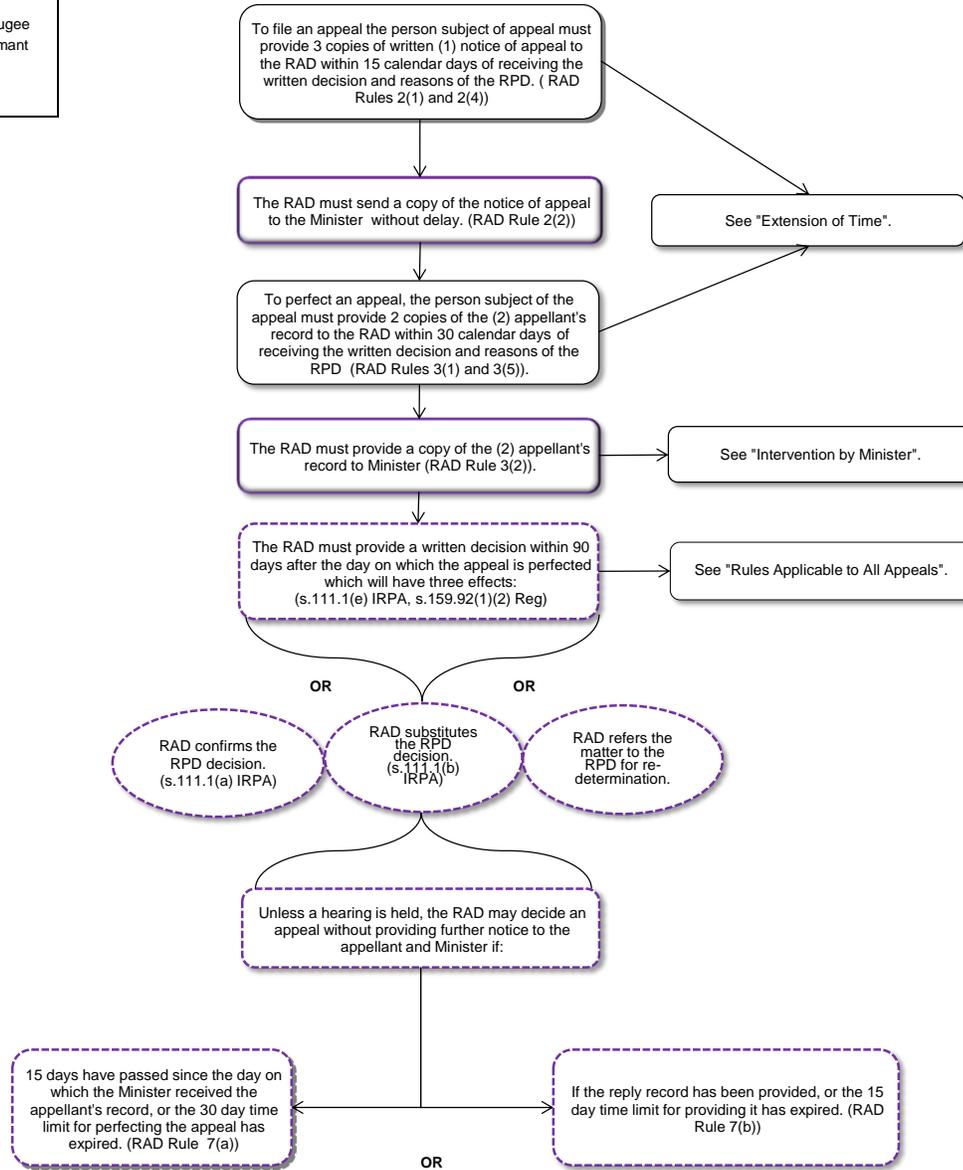
***Under "What Happens Next" at <http://www.cic.gc.ca/english/information/applications/guides/5291ETOC.asp#5291E7>

****Ibid

REFUGEE APPEAL DIVISION



Rules for a Person Who Is the Subject of an Appeal



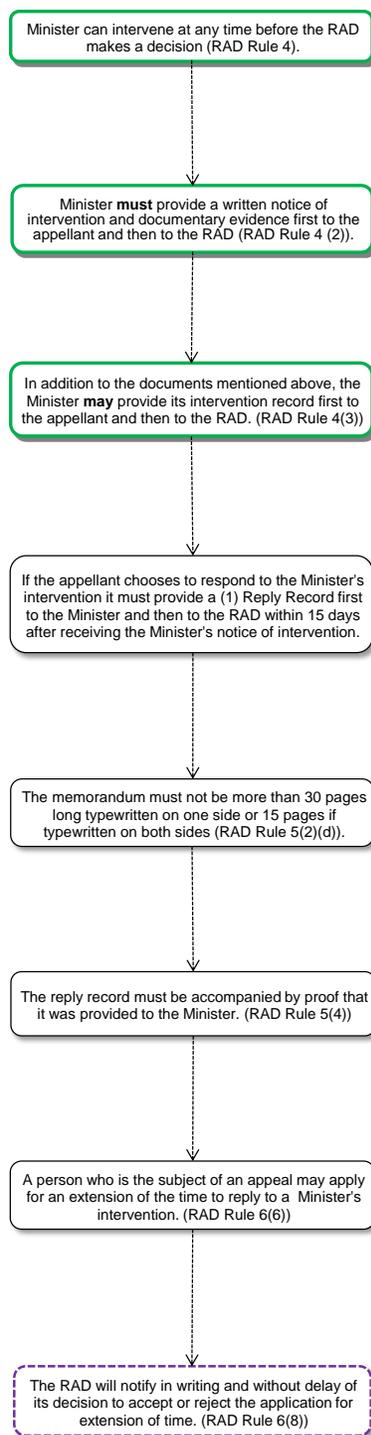
(1) The notice of appeal must contain: a) the person's name, telephone number and address, b) if represented, counsel's name, contact information and any limitations on counsel's retainer, c) the identification number given by CIC and the IRB, the RPD file number, the date of the notice of decision relating to the decision being appealed and the date that they received the written reasons for the decision, d) the language (either English or French), and e) the representative's contact information if the RPD appointed a designated representative (RAD Rule 2(3))

(2) The appellant's record (RAD Rule 3) must contain: a) the notice of the decision and written reasons for the RPD's decision that the appellant is appealing b) all or part of the transcript of the RPD hearing if the appellant wishes to rely on the transcript in the appeal, together with a declaration, signed by the transcriber, that includes the transcriber's name and statement that the transcript is accurate c) any documents that the RPD refused to accept as evidence, during or after the hearing, if the appellant wishes to rely on these documents during the appeal, d) a written statement indicating: i) whether the appellant is relying on any evidence referred to in subsection 110(4) of the Act*, ii) whether the appellant is requesting that a hearing be held** and if applicable whether they are making an application to change the location of the hearing, and iii) the language and dialect to be interpreted; e) any documentary evidence that the appellant wishes to rely on; f) any law, case law or other legal authority that the appellant wishes to rely on and g) a memorandum with the appellant's submissions that will include the errors that are the grounds of the appeal, where the errors are located in the written reasons of the RPD's decision or in the transcript or audio of the RPD hearing, how the documentary evidence meets the requirements of subsection 110(4) of the IRPA and how it is related to the appellant, the decision the appellant wants the RAD to make and why the RAD should hold a hearing if the appellant is requesting a hearing.

* Section 110(4) of the IRPA establishes that only evidence that arose after the rejection of the claim, or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, may be presented at the RAD.

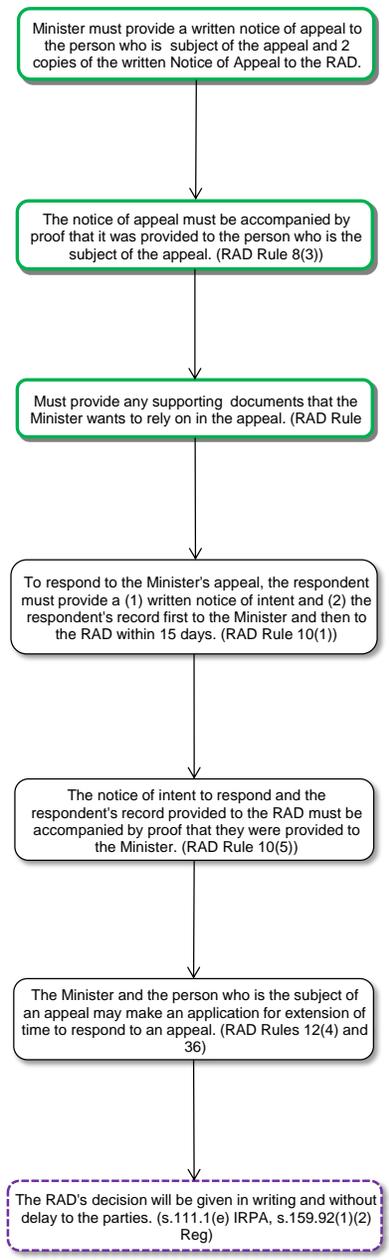
** Section 110(6) of the IRPA establishes that a hearing may be held at the RAD if there is documentary evidence that: a) raises a serious issue with respect to the credibility of the person who is the subject of the appeal; b) that is central to the decision with respect to the refugee protection claim; and iii) that, if accepted, would justify allowing or rejecting the refugee protection claim.

Intervention by the Minister



(1) The Reply Record must contain these documents: all or part of the transcript of the RPD hearing if relied upon during the appeal, together with a declaration, signed by the transcriber, that includes the their name and statement that the transcript is accurate; any documentary evidence that the appellant want to rely on and that was not provided with the appellant's record or by the Minister; any law, case law or other legal authority that the appellant wants to rely on and a memorandum, which should contain the grounds raised by the Minister, how documentary evidence meets the requirements of subsection 110 (4) or (5) of the IRPA and why the RAD should hold a hearing and if the appellant is requesting a change of location if applicable. (RAD Rule 5)

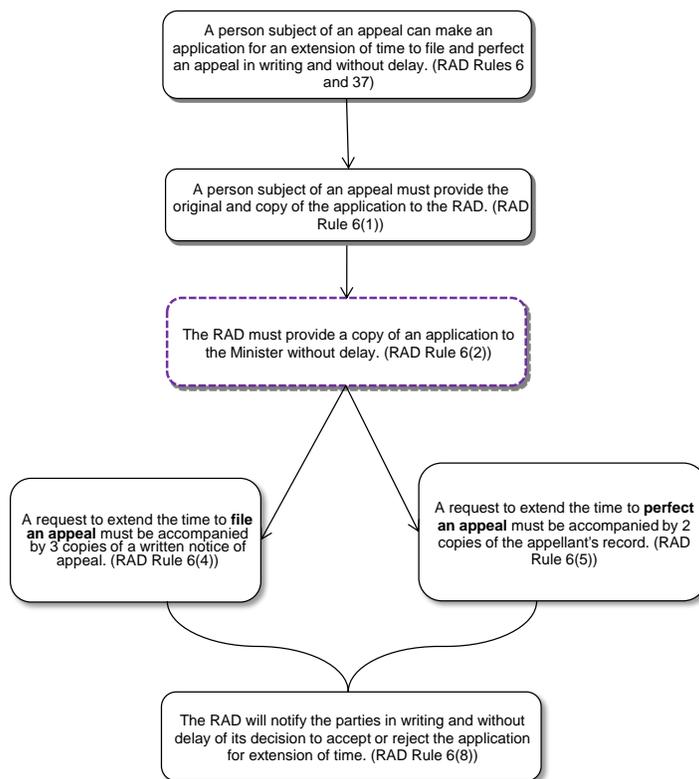
Appeals Made by the Minister



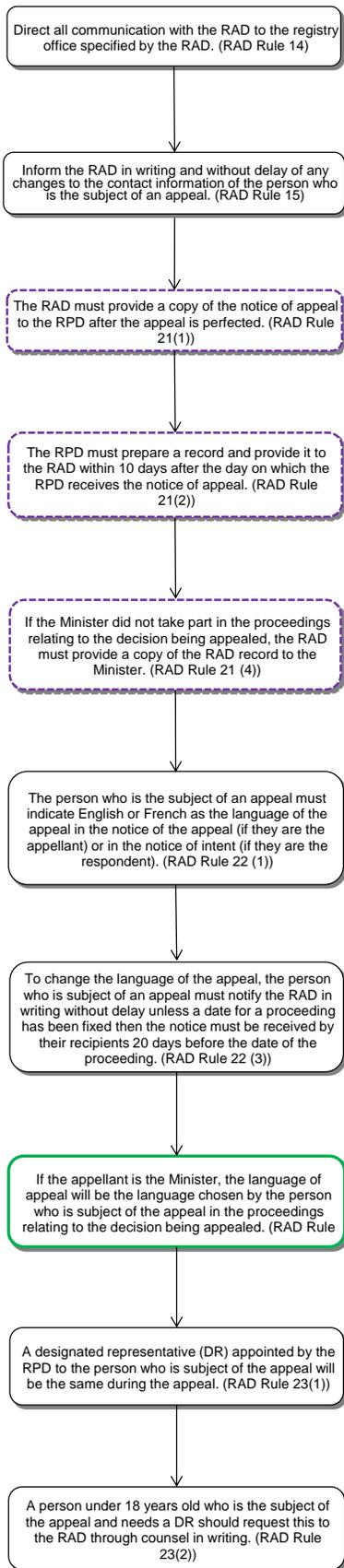
(1) The notice of intent must contain: the name, telephone number and address of the respondent, counsel's contact information and any limitations on counsel's retainer, the identification number given by CIC and IRB, the RPD file number and the date of the notice of decision, the language (English or French) to be used during the appeal process, and the representative's contact information if the RPD appointed a designated representative. (RAD Rule 10(2))

(2) The respondent's record must contain: a) all or part of the transcript of the RPD hearing if the respondent wishes to rely on this in the appeal together with a declaration, signed by the transcriber, that includes their name and a statement that the transcript is accurate; b) a written statement indicating whether the respondent is requesting a hearing and if they are making an application of change of location of the hearing, the language and dialect to be interpreted; c) documentary evidence that the respondent wishes to rely on in the appeal; d) any law, case law or other legal authority that the respondent wishes to rely on and e) a memorandum that includes the grounds on which the respondent is contesting the appeal, the decision the respondent wants the RAD to make and why the RAD should hold a hearing, if applicable. (RAD Rule 10(3))

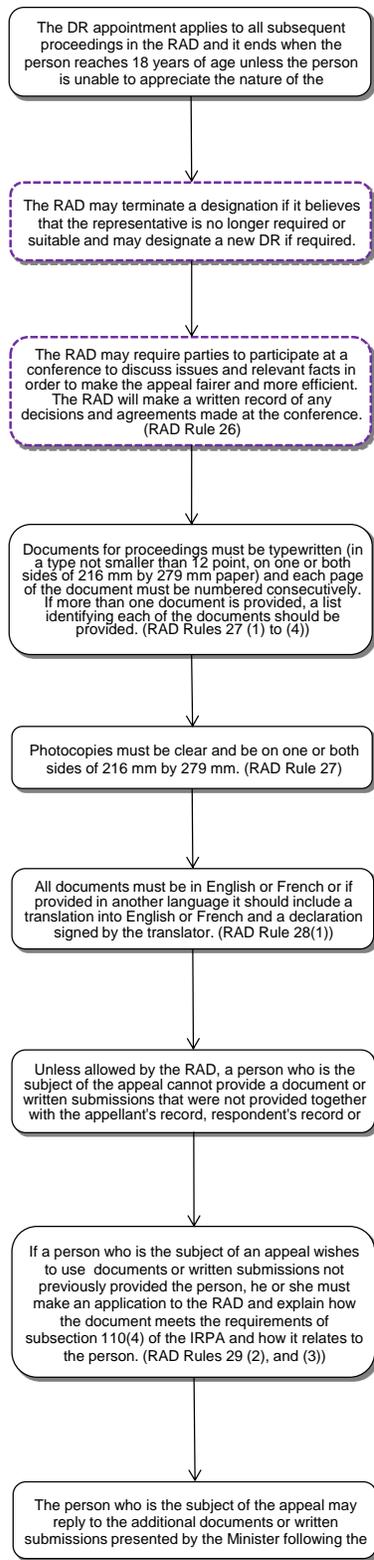
Extension of Time



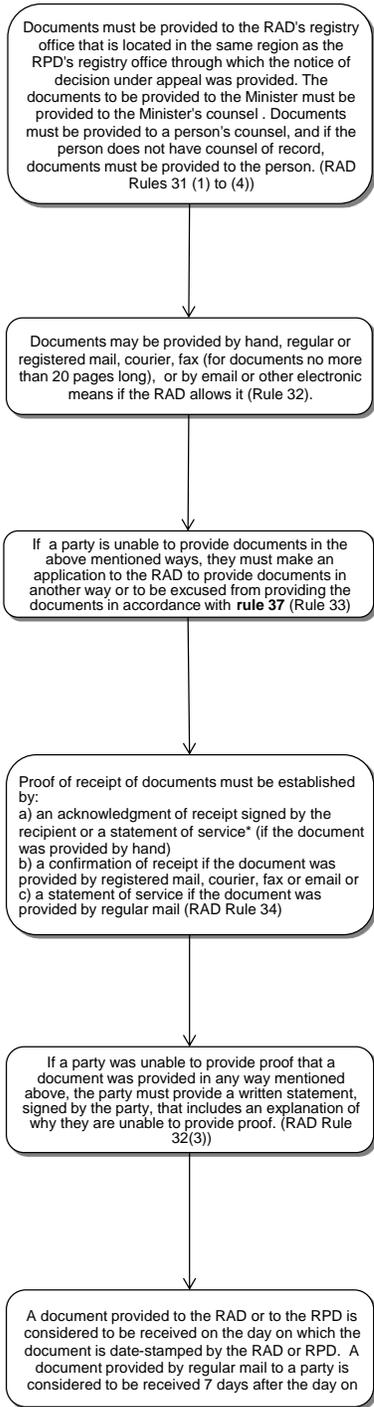
Rules Applicable to One-Member Panels



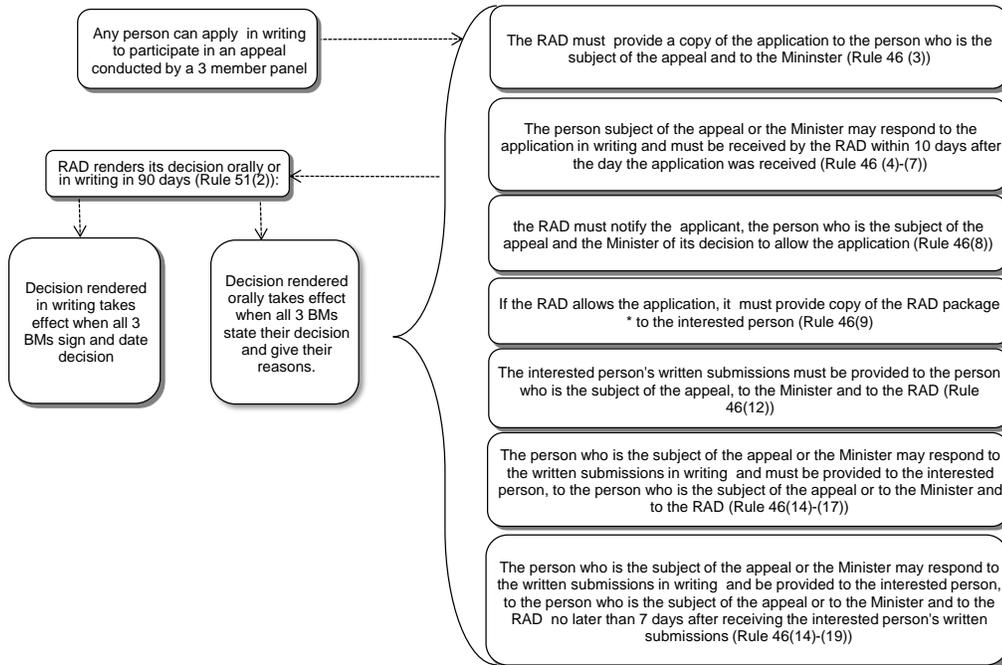
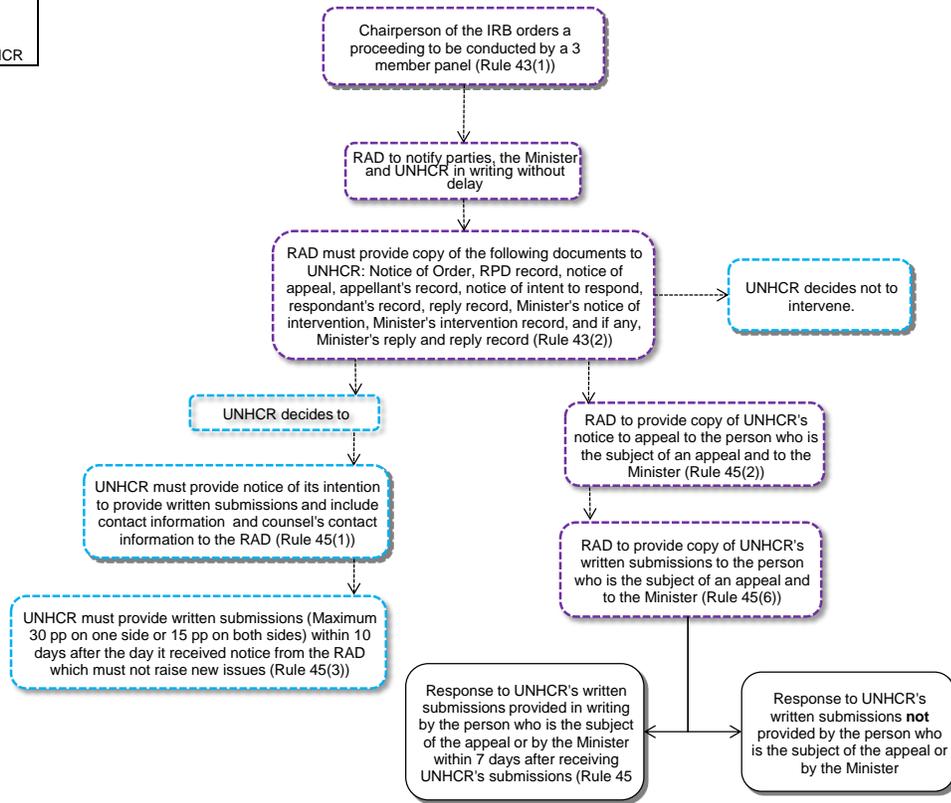
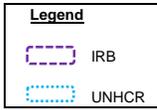
Rules Applicable to One-Member Panels (Cont'd)



Rules Applicable to One-Member Panels (Cont'd)



Rules applicable to three member panels



*The RAD package includes: the RPD record, the notice of appeal, appellant's record, notice of intent to respond, respondent's record, reply record, Minister's notice of intervention, Minister's intervention record, Minister's reply, Minister's reply record, written submission of any other interested person and UNHCR.