



On the day of your hearing

Going to the hearing

What to bring

Make sure you bring all your **original documents** with you. Also bring any envelopes in which documents were sent to you.

If you have **evidence** that you did not file before the deadline, bring it to the hearing. You will have to explain why you could not file it on time. The Board member will decide whether to allow the new evidence. They will take into account how important it is and whether, with reasonable effort, you could have filed it on time.

If you have **witnesses** who will be testifying over the phone, bring their telephone numbers and a phone card if it will be a long distance call.

If you have **children** who are included in your claim and they are 12 years of age or older, you must bring them to your hearing as the Board member will need to identify them. If your children are under 18 years old, they will be asked to leave the hearing room before any evidence is heard.

Children under the age of 12 do not have to come with you unless the Immigration and Refugee Board has asked you to bring them. If you bring children who are too young to be left on their own, plan to have someone there who can look after them in the waiting room or go home with them if the Board member says they can leave.

Because there is no way to know exactly when the hearing will begin or how long it will take, bring with you any **medicines** you need to take during the day. You may also want to bring a **snack** or a meal. And it is a good idea to bring a bottle of **water**. Dress





neatly and comfortably. Be prepared to spend the whole day at the [Immigration and Refugee Board](#) (IRB), although most hearings only take half a day.

At the start of the hearing, you will be asked to promise to tell the truth. If you would like to take an oath on a **holy book**, you should bring the book with you.

Getting to the hearing

Plan to get to the [Immigration and Refugee Board](#) (IRB) at least **30 minutes before your hearing** is scheduled to begin. Public transport or traffic problems may delay you, so leave extra time for travel. Ask your witnesses to also get to your hearing 30 minutes before it is scheduled to begin. If you are going to be late for your hearing, call reception at 416-954-1000.

When you get to the IRB, **check in at reception**. Ask the receptionist for the room number and floor your hearing room is on. There are many cases heard on the same day and not all hearing rooms are on the same floor.

Meet your lawyer and any witnesses that are coming to your hearing and let them know the room number and floor for your hearing.

Other things to consider

If you do not have a lawyer, the Board member may ask you if you are ready and willing to go ahead with your hearing without a lawyer. If you say “no”, the Board member may postpone the hearing so that you have a chance to get a lawyer.

If you are **pregnant or nursing a baby**, speak to your lawyer about your needs. If you do not have a lawyer, tell the Board member as soon as possible about your needs. The Board Member should allow you the breaks that you need.

Consider bringing a **support person** that speaks your language with you to your hearing. It can be helpful to have someone with you while you wait. If you would like them to be in the hearing room, you can ask the Board member if they will allow this. But think about whether you would be comfortable with your support person hearing the evidence at your hearing.

If you have asked for an **interpreter**, it can be helpful to bring a support person who knows your language as well as English or French. They can tell your lawyer (or, if you do not have a lawyer, the Board member) if the interpreter is making serious mistakes.

In the hearing room

The hearing may be long and tiring for you. An average hearing lasts about 3.5 hours. Some hearings are not completed on the same day. Take a drink of water when you need one. There is usually a break half way through a hearing. But you can ask for a break if you need to use the washroom, take medication, have something to eat, or need a few moments to recover from speaking about difficult experiences.

You should turn off your cell phone and other electronic devices. You should not chew gum or eat in the hearing room.

The Board member

The Board member is not a judge and should be addressed as “Sir” or “Madam”. It is a good idea to be polite to the member, even if you get upset during the hearing.

The interpreter

You and the interpreter need to understand each other. Make sure the interpreter understands your language or local dialect. If you do not understand the interpreter,

or if they do not understand you, tell the Board member. You should point out any problems with language interpretation as soon as possible.

Promising to tell the truth

At the start of your hearing the Board member will ask you to swear an oath to tell the truth or make a solemn affirmation. Both these options are the same in law. If you want to promise on a holy book from your religion, you can bring it to the hearing room and let the Board member know.

Basis of claim Form

You will be asked to confirm that the Basis of Claim Form you filed is complete, true, and accurate. You should tell the Board member if:

- you did not get a complete, detailed interpretation of the entire Basis of Claim Form, or
- there are any mistakes in the Basis of Claim Form, or
- you did not agree to everything in the Basis of Claim Form before you signed it.

The order of questioning

For most of the hearing, you will be answering questions about your claim. If Minister's counsel is taking part in the hearing, they will ask questions first. If not, the Board member will ask you questions first, followed by your lawyer.

Answering questions

You will be asked questions about the issues that Minister's counsel or the Board member consider important to your case. They will start with some easy questions, like your name and where you live, before asking the more difficult questions.

When you are being questioned:

- **Listen carefully to the question.** Wait until the whole question is asked before you answer.
- **If you do not understand a question, say so.** You can also ask for a question to be repeated.
- **Answer only the question that is asked.**
- **If you do not know the answer to a question, do not guess.** Say that you do not know or do not remember.
- **If you are not sure of exact dates or other information,** say that you are not sure but will answer the question as best you can.
- **Speak slowly.** If you are using an interpreter, they need to be able to interpret every word accurately. The Board member will be taking notes and needs time to write.
- **Speak in a clear, strong voice.** The microphone in front of you only records what you say. It does not make your voice louder.
- **Do your best to describe in detail what happened to you,** even if it means talking about things that you normally keep private. The Board member has heard other refugee claims and has probably heard similar evidence before.
- **Do not exaggerate or add details** that go beyond what you can recall. If the Board member thinks you are not being truthful about something, they may **not** believe other things that you say.

- **Do not interrupt** when the Board member or anyone else is speaking. Only one person is allowed to speak at a time.

Some questions may be hard to answer or seem unfair. Stay calm and answer honestly. Take a deep breath or a drink of water when you need to.

If you do not go to your hearing

If you do not go to your refugee protection hearing, the Board will hold a special hearing. You can find the date of your special hearing on the Notice to Appear for a Hearing that you were given at your eligibility interview. The date will be no later than 5 working days after your refugee protection hearing date.

At the special hearing, you should explain why you did not come to your refugee protection hearing. You should try to bring evidence that supports your explanation — for example, hospital records. You should also be prepared to proceed with your refugee protection hearing right away. The Board can either:

- allow you to proceed with your claim, or
- decide that you “abandoned” your claim. This means you lose the right to make a refugee claim.

If the Board finds that you abandoned your claim, get [legal help](#) right away. You might be able to reopen the claim or ask the Federal Court to review the decision.

This information sheet gives only general information. You should get legal advice about your own situation.



For more information on refugee claims, visit refugee.cleo.on.ca. For more legal information visit the [CLEO website](#) and [Your Legal Rights](#).

