
Before your hearing

Applying for refugee status in Canada is complicated. This website has only basic information about the refugee hearing process. It is important to try to [get legal help](#).

Refugee lawyers know the laws that apply to your case and the rules that must be followed in presenting a refugee claim. A lawyer can help you:

- complete the forms
- prepare for your hearing
- represent you at your hearing

Some claimants have a family member or friend represent them at their hearing. The rules allow you to have someone who is not a lawyer, paralegal, or consultant represent you, as long as they do not charge a fee. But it is best to get legal help from someone who knows refugee law.

If you need help to pay for a lawyer

If you cannot afford to pay a lawyer, you may be able to get help from [Legal Aid Ontario](#) (LAO). Claimants who qualify can get a [legal aid certificate](#) to hire a lawyer. A certificate can pay for specific services.

A legal aid certificate can pay for:

- your lawyer's time
- an interpreter for appointments with your lawyer
- translation of documents for your claim
- medical or psychological reports

If you have a legal aid certificate, you should not pay for these services.

But there are limits to the amounts that LAO will pay. In some cases, a lawyer can ask LAO to pay more but they will often refuse.

Legal Aid Ontario offers lists of lawyers who accept legal aid certificates. You can [search](#) for refugee lawyers by location and language.

Working with your lawyer

It is important to trust your lawyer and speak openly with them. Your lawyer needs to know all the facts about your refugee claim. Tell your lawyer the truth no matter what others may have told you to say. Advice from others can be wrong and relying on it can cause problems for you.

When you go to an appointment with your lawyer, bring with you:

- all documents you were given at your eligibility interview, if you made your claim at a port-of-entry
- all your identity documents
- any other documents that might be relevant to your claim

If you do not have the originals, bring copies of your documents.

A lawyer who is helping you complete the Basis of Claim Form should:

- answer your questions about the refugee claim process
- go over the Basis of Claim Form with you before you sign it
- give you a copy of your completed Basis of Claim Form and any other documents given to the Immigration and Refugee Board (IRB) for your claim

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- talk to you about documents that you need to try and get, for example, identity documents, police reports, or medical reports

You should never be asked to:

- sign a blank Basis of Claim Form
- sign a Basis of Claim Form that has not been interpreted to you in a language that you understand
- sign a Basis of Claim Form that is not accurate or true
- say anything that is not true

Legal Aid Ontario has a publication for refugee claimants called **Client & Lawyer Rights and Responsibilities**. It is available in [many languages](#).

Keeping track of dates and contact information

Keep track of dates, including:

- if you made your claim at a port-of-entry, the date by which you must submit your completed Basis of Claim (BOC) form
- appointments with your lawyer
- the deadline for filing evidence with the [Refugee Protection Division](#) (RPD) of the [Immigration and Refugee Board](#) (IRB)
- the date of your hearing at the RPD

When you make your claim, [Canada Border Services Agency](#) (CBSA) or [Citizenship and Immigration Canada](#) (CIC) asks you for your address and contact information. If you do not have the information at that time, you must give it to the RPD as well as CBSA or CIC within 10 days of your eligibility interview.

Keep your address and contact information up-to-date with:

- the RPD
- CBSA or CIC
- your lawyer

Updating your information with the RPD is not enough. You must also let CBSA or CIC know of any changes to your address or contact information.

If you do not update your contact information, you could miss an important letter or phone call. This could cause serious problems for you.

Keep track of contact information for all the people and organizations helping you.

You can find information about time limits for filing documents and making applications to the RPD in:

- Basis of Claim Form
- Providing documents to the Refugee Protection Division
- If you have special needs
- If you need to change the date of your hearing
- Refugee claim process flow chart

It is important to meet the time limits in the refugee claim process. If you miss a time limit, get legal help right away. In some cases, time limits can be extended.

If you need to apply to the RPD to extend a time limit, there are rules about when you should apply and what you need to show to get the extension.

Basis of Claim Form

Filing the Basis of Claim Form

If you made your claim at a port-of-entry, you have 15 days from the date of your eligibility interview to file your completed Basis of Claim (BOC) Form with the Refugee Protection Division (RPD). You must give the original and one copy of your BOC Form to the RPD. Make sure you keep a copy of your completed BOC Form.

You can file the BOC Form by

- taking it to the RPD yourself,
- having a courier deliver it, or
- faxing it to the RPD if you have no more than 20 pages in total.

You cannot file your documents by email.

You should ask for proof that you filed the BOC Form with the RPD in case you need to prove that you filed it and the date.

If you file it or had a courier deliver it, you should include an extra copy. The RPD can date-stamp the extra copy. If you fax the Form, get a fax confirmation sheet. Bring proof of filing and the original BOC Form to your hearing.

If you cannot meet the 15-day deadline for filing your BOC Form

Write to the RPD at least 3 working days before the deadline and ask for an extension of time. Say why you need more time. If it is for medical reasons, you must include medical evidence. The Refugee Protection Division has [detailed rules](#) on the evidence you need to submit.

It is difficult to get an extension of time to file the BOC Form, especially if the request is not for medical reasons. If you do not hear back before the deadline, file your BOC Form even if it is incomplete. Say in your BOC Form that you will provide additional information as soon as you can.

Making changes to your Basis of Claim Form

You can make changes and additions to your Basis of Claim Form after you have filed it with the RPD. You might need to do this, for example, if you did not have enough time to complete the Form properly. The rules say you must do this no later than 10 days before your hearing date.

Gathering evidence to support your claim

How to begin

Try to get documents that can help prove your case. Talk to your lawyer about what kind of documents you can get and make every effort to get those documents right away.

Make a note of every phone call, email, fax, letter, or any attempt you make to get documents. Also keep track of all responses you receive. Evidence of your efforts to get documents can help you at your hearing. If you are unable to get documents to help prove your identity and your claim, you will have to explain at the hearing why you could not do so and what efforts you made.

When you get documents, give them to your lawyer immediately. The sooner you give the documents to your lawyer, the more time they will have to get them translated and filed in time to meet the Refugee Protection Division (RPD) deadlines.

Keep the originals of all your documents. Also keep any envelopes in which documents were sent to you, as you may need to show them during your hearing.

Identity documents

It is important to try to get documents that prove who you are. If [Canada Border Services Agency](#) (CBSA) or [Citizenship and Immigration Canada](#) (CIC) have identity documents of yours—for example, your passport—they will send copies to the [Immigration and Refugee Board](#) (IRB).

The best proof of your identity is usually a document issued by a government. For example, a passport, a birth certificate, a national identity card or residence card, or a driver's licence. Other types of identity documents include school records and a baptismal certificate.

If you cannot get any identity documents, talk to your lawyer about other options. You might need to try and get a statement from someone who knows you or has another way to confirm facts about you.

For example, someone who knew you before you came to Canada may be able to testify that you are who you say you are. Or someone from a community organization might be able to interview you and say that you speak a dialect that is specific to a region.

Other documents

Other types of documents that might help support your claim could include:

- proof of membership in an organization, political party, or religious faith
- police reports
- medical reports (from your country or from doctors who have seen you since you came to Canada)

- human rights reports, such as those from [Amnesty International](#) or [Human Rights Watch](#), or newspaper accounts that show what is happening in your country.

(The IRB's website may have a [National Documentation Package](#) for your country which contains documents on issues that are relevant to refugee protection claims from your country.)

Providing documents to the Refugee Protection Division

Translating documents in support of your claim

You will need to have documents translated if they are not in English or French. It is best to use a professional translator because a poor translation can seriously affect your chances of success.

Each translation should include a signed statement by the translator giving their name and the language (and dialect, if any) that the documents are translated from. The translator must also say that the translation is accurate.

Filing documents in support of your claim

The rules say that you must file copies of documents that you have in support of your claim with the [Refugee Protection Division](#) (RPD) at least 10 days before your hearing date. In the case of identity documents, you are supposed to file two copies of the document with the RPD.

All documents that you file should be on standard letter-size paper. Put your file number on all the documents that you file. Put all the documents together as a set and number the pages. Add a list that describes each document and include its page number in the set.

Keep the originals of the copies that you file with the RPD and bring them to your hearing. You can file documents by:

- taking them to the RPD yourself,
- having a courier deliver them, or
- faxing them to the RPD if you have no more than 20 pages in total.

You cannot file your documents by email.

You should ask for proof that you filed documents with the RPD in case you need to prove that you filed them and the date.

If you file them or have a courier deliver the documents, you should include an extra copy. The RPD can date-stamp the extra copy. If you fax the documents, get a fax confirmation sheet. Bring proof of filing to your hearing.

If you have been given a notice that Citizenship and Immigration Canada (CIC) or the Canada Border Services Agency (CBSA) is opposing your claim, you must:

1. File copies of your documents with CIC or CBSA **before** you file them with the RPD.
2. Include a written statement saying how and when you filed copies with CIC or CBSA and add it to the documents you file with the RPD.

Providing information about witnesses

Tell your lawyer if you think there are people who can give evidence that could help your case. If you have witnesses who will testify at your hearing, the rules say you must give the RPD certain information about them in writing at least 10 days before your hearing.

If a witness cannot attend your hearing, they might be able to testify over the phone or sign a statutory declaration (sworn statement) giving their evidence in writing.

If you have special needs

Going through the refugee hearing process will be stressful and can be difficult for most claimants. But some claimants have greater difficulty. If you think you are a [‘vulnerable person’](#), you can ask the [Refugee Protection Division](#) for special consideration in the hearing process. For example, you could ask for a female interpreter or Board member if you have experienced gender-based persecution, or request that a support person be allowed at your hearing.

To be identified as a vulnerable person, you should apply in writing as soon as the need is identified. You may need to provide a report from a doctor, psychiatrist, or psychologist to support your application. The rules say you should apply at least 10 days before your hearing date if you know by then that you will need special consideration.

Some claimants have a “designated representative” to help them understand the refugee claim process and make decisions. The Board appoints a designated representative if you are:

- under 18, or
- not able to understand what the refugee hearing process is about, usually because of mental health issues.

Family members often act as designated representatives. It is a good idea to talk to your lawyer about whether this is appropriate in your case. Professionals, such as social workers, can also be appointed.

If you need to change the date of your hearing

You can apply to change the date of your hearing but, in most cases, you will need to show 'exceptional circumstances' such as an emergency beyond your control. You will also need to show that you took reasonable steps to deal with it. If the emergency was medical, you must provide medical evidence.

You may also be able to change the hearing date if your lawyer is not available but only if you meet certain conditions. Your lawyer should apply within 5 days of your eligibility interview.

While you wait for your hearing

Contact your lawyer right away if you get any letters from immigration authorities. Send a copy to your lawyer. Your lawyer needs to see the letter to know what it says.

If you leave a telephone message for your lawyer, leave your full name and contact information even if they already have it. Say exactly why you are calling.

It is natural to feel stressed or anxious about your hearing. If you need help to cope with your stress or anxiety, you may want to talk to someone who knows about [refugee health](#).

You can receive [health care](#) and apply for a [work permit](#) or [social assistance](#) while you wait for your hearing. Children also have the right to [attend school](#).

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](#).
