

New Rules for Refugee Claims and H&C Applications

On June 29, 2010, Bill C-11 was passed. The Bill changes the Immigration and Refugee Protection Act in ways that will affect refugees and people applying to stay in Canada on humanitarian and compassionate (H&C) grounds.

NOW – new rules for H&C applications

Risk factors that are considered in a claim for refugee protection will **not** be considered in an H&C application unless the application was filed before June 29, 2010. **It is important to get legal advice before starting an H&C application.**

LATER – new rules affecting refugee claimants

The government says these changes will take effect 12 to 18 months from the date the Bill was passed. Some changes require amendments to the Immigration Regulations. Here are some of the new rules:

- A refugee claimant will have to give the details of their claim to an Immigration and Refugee Board (IRB) employee at an information-gathering interview. The claimant will then get a hearing in front of a different IRB employee. In most cases, the hearing is supposed to be held within 90 days of the interview.
- The Minister of Citizenship and Immigration will have the power to make a list of “designated countries” considered unlikely to produce genuine refugees. Claimants from these countries would be “fast-tracked” through the process.
- Refugee claimants will be able to appeal negative decisions to the Refugee Appeal Division of the IRB. But most appeals will be decided without an oral hearing. Only in limited circumstances will claimants be allowed to present new evidence or have an oral hearing.
- Refugee claimants who are refused will not be allowed to apply for a Pre-Removal Risk Assessment until at least 12 months after the final decision to reject their claim. But the government expects to remove them within 12 months of the final decision.

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To find out what community organizations and refugee advocates think about the changes and for links to more information, go to <www.ccrweb.ca/en/refugee-reform>.