

Pre-Removal Risk Assessment (PRRA)

This fact sheet is for community workers and advocates who assist people facing removal from Canada. It explains the pre-removal risk assessment (PRRA) done by Citizenship and Immigration Canada. Throughout the fact sheet, “you” refers to the person who is facing removal. This is meant to make it easier to pass the information on to those who need it.

On June 29, 2010, the government passed a law to change the Immigration and Refugee Protection Act. There are new rules for applications to remain in Canada on humanitarian and compassionate (H&C) grounds. (The new rules do not apply to H&C applications filed before the law was passed). Other changes that will affect refugee claimants will be put into place no later than June 29, 2012. Whenever those changes take effect, some of the information in this fact sheet will no longer be accurate.

What is pre-removal risk assessment (PRRA)?

In a pre-removal risk assessment (PRRA), Citizenship and Immigration Canada (CIC) evaluates the risk you will face if you are sent back to your country. PRRA is supposed to take place when the Canada Border Services Agency (CBSA) is ready to remove you from Canada.

CIC decides whether, at that time, you are a Convention refugee or a person in need

of protection, and should not be removed from Canada. There are definitions of these terms on [page 3](#).

Immigration officers who decide PRRA applications are called PRRA officers.

You do not have to pay a fee to CIC for PRRA.

Who is eligible to apply for PRRA?

Almost anyone who is in Canada and who has been given a removal order can apply for PRRA.

For example, if you made a claim for refugee protection to the Refugee Protection Division of the Immigration and Refugee Board (IRB) and your claim was refused, withdrawn, or abandoned, you can apply for PRRA.

If the IRB refused your claim for refugee protection, you can also apply to the Federal Court. This is called an “application for leave”. If the application is successful, the Federal Court will judicially review the IRB decision.

You will need a lawyer if you are applying to Federal Court. **You must act quickly.** You must apply within **15 days** of receiving the negative IRB decision.

Who is not eligible to apply for PRRA?

You are not eligible for PRRA if:

- you are going through an extradition process,
- you have been found by Canada to be a protected person (a Convention refugee or a person in need of protection),
- you have been recognized as a Convention refugee in a country you can return to,
- you have already made a refugee claim in Canada and have returned to Canada less than six months after that claim was found not eligible, refused, withdrawn, or abandoned, or
- you are not eligible to have your refugee claim heard by the IRB because you made your claim at a Canada-United States border crossing. However, there are exceptions to this “safe third country” rule.

If you are not eligible for PRRA because you are a protected person in Canada or a Convention refugee elsewhere, CBSA will give you a form with a letter saying that you have 30 days to complete and return the form. This is your opportunity to explain why you would be at risk if you were to be removed from Canada.

When can I apply for PRRA?

You must be in Canada to apply for PRRA. Usually, you cannot apply until a CBSA officer gives you the application form.

You will get the PRRA application when CBSA considers you “removal ready”.

Removal ready means that you have a valid passport or travel document, or CBSA believes you can get one reasonably quickly, and the removal order against you can be enforced.

When you apply for PRRA, you must use the PRRA application form. The application form is available in English or in French. You have the right to make a PRRA application in either language.

You should get your completed PRRA application form to CIC within **15 days** of the “notification date”. This is the day you were given the PRRA application. The day after notification is day one.

If CIC gets your application by day 15, you cannot be removed from Canada before a PRRA officer decides your application. The PRRA officer must wait at least 30 days from the notification date before deciding.

If CIC gets your application form **after** day 15, you can be removed at any time.

It is important that you give CIC evidence that shows you meet the definition of Convention refugee or person in need of protection. You should get this evidence to CIC within **30 days** of the notification date.

Summary of PRRA application deadlines

From the day you are given the application (the notification date), you have:

- **15 days** to get the application to CIC
- **30 days** to get your evidence to CIC

Although you can submit evidence later, the PRRA officer can decide your application any time after the 30 days. If you have missed the 30-day deadline but have not received a decision, you should submit your evidence immediately.

In some circumstances, you must submit your application and the evidence supporting your application at the same time. This is the case if you are making a PRRA application and you were previously removed from Canada because your claim for refugee protection was refused, withdrawn, or abandoned. You can make a PRRA application only if you have been outside Canada for at least six months since your removal.

This is also the case if you have a removal order that was made at a port of entry when you tried to enter Canada. For example, if you were found to have used false documents to try to enter Canada and you did not make a refugee claim before a removal order was made against you, you will have to submit your PRRA application and the evidence supporting it at the same time. And, you could be removed before a decision is made on your PRRA application.

How do I get accepted under PRRA?

The PRRA officer must decide that you meet the definition of Convention refugee or person in need of protection. This is the same standard that the IRB applies when it decides someone's claim for refugee protection.

To be a **Convention refugee**, you must be someone who has a well-founded fear of being persecuted in your country because of:

- race,
- religion,
- nationality,
- membership in a particular social group, or
- political opinion.

And, you cannot return or do not want to return because of your fear and the conditions in your home country.

Refugee claims can be based on persecution by government authorities. For claims based on persecution by others, you must show that the government is unable or unwilling to protect you.

To be a **person in need of protection**, you must be someone who, if you had to return to your own country, would more likely than not face:

- torture,
- a risk to your life, or
- a risk of cruel and unusual treatment or punishment.

If you face a risk to your life or a risk of cruel and unusual treatment or punishment, you must show all of the following:

- You are not able to get protection from the government in your country.
- The risk affects you personally and is not faced generally by other people in your country. For example, the risk is not the result of a famine or civil war.
- The risk is not the result of government laws, such as punishment for committing a crime, unless these laws violate international standards.

- The risk is not caused by the fact that you cannot get adequate medical care in your country.

To be either a Convention refugee or a person in need of protection, you also need to show that there is no place in your country where you would be safe from persecution or from the risk that you face.

The standard that is applied in deciding your PRRA application will be different if one of the following applies to you:

- you have been involved with organized crime,
- you are inadmissible for security reasons,
- you have committed certain serious crimes, or
- you have committed human rights violations or crimes against humanity.

In any of the above circumstances, the PRRA officer does not consider whether you meet the definition of a Convention refugee, but only whether to accept you as a person in need of protection. In making that decision, the PRRA officer considers how much risk you would face if you had to return to your country and how big a threat you pose to Canadian society. If the risk you face is greater than the threat you pose, your removal from Canada will be “stayed” (put on hold). But you could be removed later if circumstances change. Unlike other successful PRRA applicants, you are not eligible to become a permanent resident.

What evidence can I use to support my PRRA application?

If the IRB refused your refugee claim, the PRRA officer cannot consider evidence that was submitted at your IRB hearing.

The officer can only consider new evidence that:

- came up after the IRB decision,
- was not reasonably available at the time of the IRB decision, or
- you could not reasonably have been expected to produce at your IRB hearing.

If you want to submit evidence that was available when you had your hearing but was not submitted at that time, you will have to convince the PRRA officer that you had a good reason for not submitting it.

The rules about “new evidence” are complicated. These rules can make it difficult to have your PRRA application accepted if the IRB has already refused your refugee claim.

The type of evidence that you can submit to support your PRRA application includes:

- newspaper or magazine articles written after the IRB decision,
- human rights reports about conditions in your country released after the IRB decision,
- legal documents you got from your country after the IRB decision, for example, arrest warrants or court orders,

- expert opinions on the risk you would face if you had to return home, but these opinions should be based at least partly on information that became known after the IRB decision, and
- medical and psychological reports written after the IRB decision. You will have to explain why they were not written in time for your hearing at the IRB. One reason could be that the diagnosis came after the IRB decision.

You must show how the evidence establishes that you will be personally at risk. Most PRRA applications are decided on the basis of the written application.

You can ask to have a hearing with the PRRA officer, but the PRRA officer decides whether to grant one. The PRRA officer should give you a chance to answer questions at a hearing if:

- your credibility is a key issue, or
- your evidence, if believed, would justify accepting your application.

What happens if my PRRA application is accepted?

In most cases, if you are accepted, you can apply for permanent resident status. You will get an application form that you must fill out and send back to CIC.

On the application for permanent resident status, you must list your spouse or common-law partner and any dependent children. It does not matter whether they are inside or outside Canada—you must list them all. Your partner can be the same

sex as you or the opposite sex. In the same application, you can also apply for permanent resident status for these family members. This is your choice.

You will not automatically get permanent resident status. You must first pass criminal and security checks and have identity documents that are satisfactory to CIC.

What happens if my PRRA application is refused?

If your PRRA application is refused, CBSA will want to remove you from Canada as quickly as possible. You should contact a lawyer immediately.

You can make an “application for leave” to the Federal Court to try and have the Court judicially review the PRRA decision. But you could still be removed from Canada unless you can get the Federal Court to order that your removal be “stayed” (put on hold) until the Court decides whether to review the PRRA decision.

There may be other ways to stay in Canada legally. Get legal advice about your own situation. It is always possible to apply to stay in Canada on **humanitarian and compassionate (H&C) grounds**. There is no time limit for making an H&C application but you will have to pay a fee. Making an H&C application does not stop you from being removed. It is always best to get legal advice if you are considering an H&C application.

If you had a PRRA application refused some time ago but you were not removed from Canada, you may be able to apply again. But you will have to submit the PRRA application form and the supporting evidence at the same time. You will have

to rely on evidence that was not available or submitted in your previous PRRA application. You will also have to explain why it was not available or why you did not submit it. CBSA can remove you at any time before your application is decided.

This publication contains general information for people in Ontario. It is not a substitute for getting legal advice about your particular situation.

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