

FCJ REFUGEE CENTRE

Walking with uprooted people

The Impact of COVID-19 in the Immigration System: Measures in the Refugee Process

Francisco Rico-Martinez
Co-Director FCJ Refugee Centre



This presentation is possible
thanks to the support of

www.fcjrefugeecentre.org





FCJ | **Refugee Centre**
Walking with uprooted people

FCJ Refugee Centre serves refugees and others at risk due to their immigration status, and welcomes anyone asking for advice, counsel and support.



Settlement Program

**Immigration Help &
Refugee Protection**

Anti- Human Trafficking Program

Popular Education

Networking

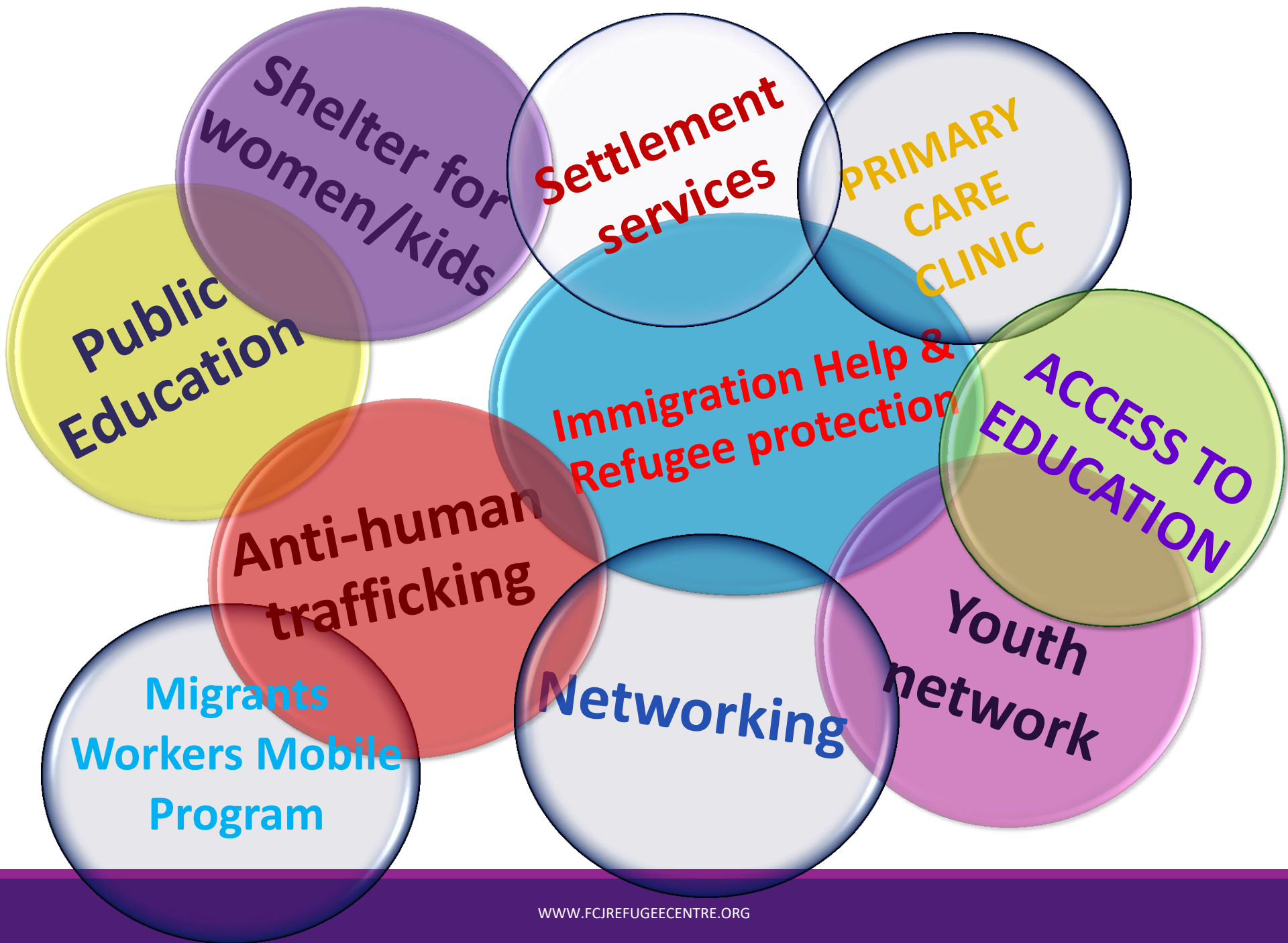
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WHO WE ARE...

Non-profit organization that serves refugees and others at risk due to their immigration status...



WWW.FCJREFUGEECENTRE.ORG



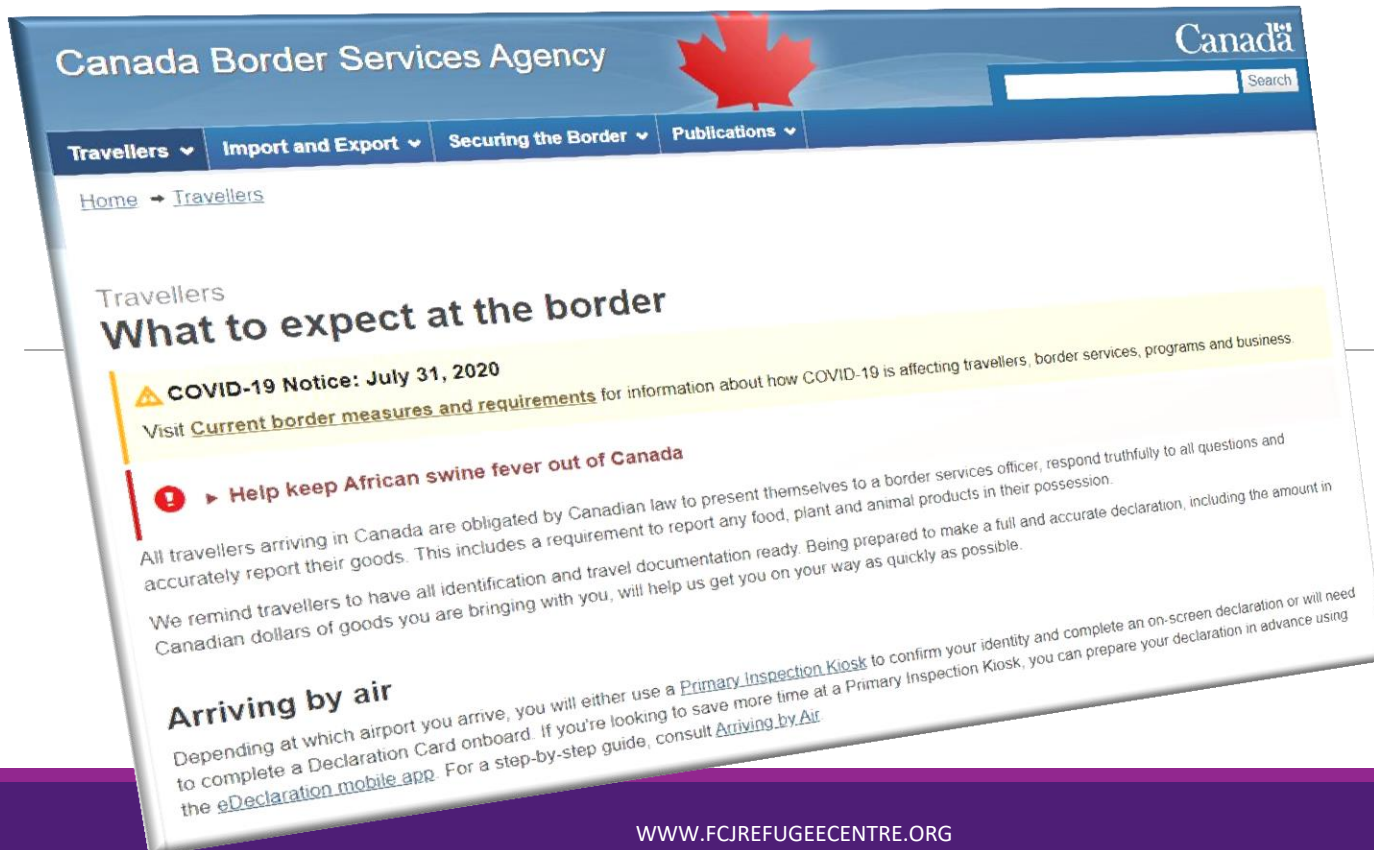
Agenda

The impact of COVID-19 on:

- a. CBSA procedures
- b. IRCC procedures
- c. IRB

The impact of COVID-19 on the immigration system: Canada Border Services Agency

<https://www.cbsa-asfc.gc.ca/travel-voyage/web-qaf-eng.html>



Canada Border Services Agency (CBSA)



TRAVEL RESTRICTIONS AND EXEMPTIONS

Arriving from the United States. If you are a foreign national arriving from the United States, to enter Canada, you must prove to the CBSA that you:

1. Are travelling for a non-discretionary (essential) purpose or are an immediate family member of a Canadian citizen or permanent resident (bring proof).
2. Are not presenting signs or symptoms of COVID-19
3. Have a plan to quarantine for 14 days, unless exempted

Arriving from a country other than the United States. You must prove to the CBSA that you:

1. Are listed as being exempted from travel restrictions (including immediate family members of Canadian Citizens and Permanent Residents)
2. Are travelling for a non-discretionary (essential) purpose
3. Are not presenting signs or symptoms of COVID-19
4. Have a plan to quarantine for 14 days, unless exempted

Making a claim at a land Port of Entry

If you meet an exception under the STCA (e.g. family member in Canada) you will be allowed to make a refugee claim (but need to comply with 14 days isolation requirements).

If you don't meet an exception under the STCA you will be sent back to the US. There are NO assurances from the US about not detaining, nor deporting the direct backs.

Those entering through irregular border crossings will still be returned to the U.S.



Canada Border Services Agency (CBSA)

REFUGEE CLAIMS

- ✓ Currently, CBSA is currently not holding any in-person eligibility interviews at the Airport.
 - ✓ If a claimant appears at PIA, CBSA proceeds with the eligibility interview... in some circumstances they may schedule the interview for a later date.
 - ✓ CBSA will contact individuals to schedule a new interview if:
 1. Their scheduled interview was cancelled because of COVID-19
 2. They submitted their Refugee Claim between March 16th and July 7th, 2020.

Canada Border Services Agency (CBSA)



PRE-REMOVAL RISK ASSESSMENT (PRRA)

- ✓ CBSA is still accepting PRRA applications at the moment. There is now an option to submit your application and provide updates online
 1. For submissions, you must register for the Canada Post epost Connect.
 2. For change of address: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/change-address.html>
- ✓ If you're eligible to apply for a PRRA, you still have a 15-day deadline to submit a complete PRRA application. This is the only way to make sure your removal order will be stayed.
- ✓ However, CBSA still acknowledges that COVID19 can cause disruptions to meeting this deadline.
- ✓ If you cannot submit your supporting documents within 30 days because of COVID-19, CBSA will automatically contact you to give you a new 30-day deadline

Canada Border Services Agency (CBSA)



PRE-REMOVAL RISK ASSESSMENT (PRRA)

Submitting a PRRA Online using epost Connect: vancouverBRO@cic.gc.ca

Write an email with the following

- a. Subject Line: EPOST SIGN-UP PRRA
- b. Email text:
 - 1. Your Unique Client Identifier (UCI number)
 - 2. Your Client Identification (ID)
 - 3. Or your full name as it appears on your passport or official document.
 - 4. The email address that you wish to use with epost Connect (if different from the one used for the request)

Canada Border Services Agency (CBSA)



PRE-REMOVAL RISK ASSESSMENT (PRRA)

- ✓ Wait 1 business day to receive an email from Canada Post inviting you to register online.
- ✓ Prepare your PRRA documents with the following online requirements:
 1. Follow the same guidelines for PRRA applications
 2. Do not exceed 25 Megabytes (MB). If larger split documents into smaller separate files.
 3. Must be in PDF format. (No WORD docs, JPEG, etc....)
 4. If a document requires your signature, please print out and scan the signed document.
 5. Make sure each document has enough information to link it to your file. For example, it must have either your UCI, date of birth, or your full name.
 6. Additional tips are to NOT add any text in the message box, all the information you wish to submit must be in the attached/submitted document file.
- ✓ Wait for a message, via epost Connect, from IRCC/CBSA if you need to submit additional information or if you need a PRRA Hearing.



Canada Border Services Agency (CBSA)

- ✓ Private or professional visits to the Toronto immigration holding Centre are still not allowed due to covid-19

COVID-19 EFFECT ON NUMBER OF IMMIGRATION DETAINEES

- ✓ At the beginning of May, the number of immigration detainees dropped by more than half.
- ✓ This was due to increased pressure to provide early release of detainees that presented little risk to public safety.

The impact of COVID-19 on the immigration system: Immigration, Refugees and Citizenship Canada, IRCC

<https://www.canada.ca/en/services/immigration-citizenship.html>



Immigration, Refugees and Citizenship Canada, IRCC

BIOMETRIC FOR ANY APPLICATION

- Biometrics collection services are currently unavailable
- As a temporary measure, you are exempt from giving biometrics if you are:
 - in Canada
 - applying or have an application in progress
 - applying to extend your stay as a student, worker or visitor
 - applying to restore your status as a student, worker or visitor
 - applying for a work or study permit
 - applying for a visitor visa
 - applying for a temporary resident permit
 - This exemption applies even if your application form for a work permit, study permit or visitor visa says it's for applicants outside Canada

Immigration, Refugees and Citizenship Canada, IRCC

VISITORS

- ✓ IRCC cannot process applications normally or provide accurate processing times.
- ✓ If you're eligible to travel, you must have a quarantine plan that shows how you will quarantine for 14 days when you arrive in Canada
- ✓ If you're already in Canada, and your visitor status is still valid you can apply online for a visitor record to extend your stay in Canada or restoration (if it expired)
- ✓ If your status (Visitor, worker, student) expired after January 30, 2020 and you are still in Canada you have until December 31, 2020 to apply to restore your status.



Can I keep working if my permit expires? How do I prove this to my employer?

Yes, if you applied for a work permit extension **before** your work permit expired, you can keep working until a decision is made on your application.

You must stay in Canada and meet the conditions of your original work permit. For instance, if you have an employer-specific work permit, you must still work for the employer named on that permit.

We do not provide confirmation that you have [implied status](#) in Canada. However, you should keep proof that you submitted the application before your work permit expired. This includes copies of the application, the fee receipt, and something that confirms the date it was sent and delivered.



Was this answer useful?

Yes

No

Immigration, Refugees and Citizenship Canada, IRCC



TEMPORARY WORKERS

- ✓ Temporary Workers are exempt from travel restrictions if they're coming for an essential (non-discretionary) purpose
- ✓ Situations that are considered essential travel:
 1. Have a valid work permit and normally live in Canada
 2. Workers who meet all of the following:
 - Have a letter of introduction for a work permit (open or employer-specific)
 - Have a valid job offer
 - Can work once you enter Canada and complete your 14-day quarantine (unless you're exempt)
- ✓ You cannot apply for a work permit at a Canadian port of entry during this time unless you meet these 3 conditions:
 1. Entering Canada from the United States
 2. Valid job offer and meet all other requirements to apply at a port of entry
 3. Quarantine for 14 days upon arrival in Canada

Immigration, Refugees and Citizenship Canada, IRCC



TEMPORARY STUDENTS

- ✓ Students applying for a study permit from outside Canada, must apply online
- ✓ Students have to make sure they have proof that they're exempt from the travel restrictions. IRCC will check the following:
 1. If student is already living in Canada
 2. Able to complete the quarantine
 3. Able to begin studying in quarantine time
 4. Student needs to be in Canada for their program (for laboratories, workshops)
 5. Pursuing their studies online is not an option at their school or not possible from their home country (due to internet restrictions)
- ✓ Documents required:
 1. A valid study permit, or
 2. A port of entry letter of introduction that shows student was approved
 3. A port of entry letter of introduction that shows you were approved for a study permit on or before March 18, 2020, if they are coming through USA

Immigration, Refugees and Citizenship Canada, IRCC

REFUGEE CLAIMS ... 5 things that you need to know

- ✓ IRCC offices are not interviewing refugee claimants in person
- ✓ Expired Refugee I.D. (Brown paper) is considered valid until further notice.
- ✓ The acknowledgement of claim letter (valid or expired) is the proof that the refugee claim was submitted to the IRCC and you are waiting for your brown paper/eligibility interview
- ✓ Inland refugee claims are done by email.
- ✓ Implied work permit status



KEY STEPS FOR REFUGEE CLAIMANTS: APPLYING FOR LEGAL AID



1) Calling earlier in the morning is recommended to reduce waiting time.

Call Toll free #: **1 800-668-8258**

Legal Aid # (Toronto only): **416-979-1446**

2) Two different agents do the assessment. The first agent ask basic questions and set up the Legal Aid account.

3) First agent provides the **client number**. It is important to remind clients to write this number down.

4) Second agent asks more thorough personal questions related to the reason for the refugee claim and financial circumstances. At the end, refugee claimants will receive **a CERTIFICATE #. It is important to remind them to Write this # down! Clients are also PIN Number for an online portal account.**



CHANGES TO INLAND REFUGEE CLAIM: STEP 1

Prepare an email with this information only:

- Subject line: Request to make a Refugee Claim in Canada: Passport number
- The body of the email should only include
 - name or names of refugee claimants
 - Their email they want to use to communicate
 - Explanation of why in the email.
 - They'll get an automatic reply to confirm their message has been received.

[IRCC.RefugeeClaim-Demandedasile.IRCC@cic.gc.ca.](mailto:IRCC.RefugeeClaim-Demandedasile.IRCC@cic.gc.ca)

- Follow the instructions to set up the account.



Immigration, Refugees and Citizenship Canada, IRCC

CHANGES TO INLAND REFUGEE CLAIM: STEP 1 (cont.)

- Shortly after sending the initial Refugee Claim request, they will get an email from Canada Post asking them to sign up for an account.

ALWAYS REMIND REFUGEE CLAIMANTS:

- Check your spam folder to make sure you don't miss it.
- Add this email domain to your safe sender list: connect@mdhs.epost.ca
- Follow the instructions to set up your account.

Immigration, Refugees and Citizenship Canada, IRCC



CHANGES TO INLAND REFUGEE CLAIM: STEP 2

1. Complete all forms from the application package
2. RC can still apply to work or study while they wait for a decision.
3. Upload the forms to their Canada Post Epost Connect account.
4. One of the immigration officers will make sure their application is complete. If it's complete, they will get:

- Acknowledgement of Claim** letter (proof that you are in the refugee process)

- Instructions to complete your immigration medical examination

- Schedule a date for an interview

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply.html#email>

Humanitarian & Compassionate Application

Refused claimants must wait for 12 months before applying for H&C

No idea how IRCC is processing new application

 Citizenship and Immigration Canada Citoyenneté et Immigration Canada

IMMIGRATION Canada

Applying for Permanent Residence from Within Canada

Humanitarian and Compassionate Considerations



IMM 5291E (01-2010)

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Appendices:

- Appendix A: Dependent Children
- Appendix B: Police certificates
- Appendix C: Sponsor's Instructions

Forms:

- Application for Permanent Residence from Within Canada – Humanitarian and Compassionate Considerations (IMM 5001)
- Supplementary Information – Humanitarian and Compassionate Considerations (IMM 5283)
- Instructions – Use of a Representative (IMM 5561)
- Use of a Representative (IMM 5476)
- Authority to Release Personal Information to a Designated Individual (IMM 5475)
- Document Checklist – Humanitarian and Compassionate Considerations (IMM 5280)
- Receipt (IMM 5401)

Sponsorship Forms:

- Application to Sponsor and Undertaking (IMM 1344A)
- Document Checklist – Sponsor (IMM 5287)

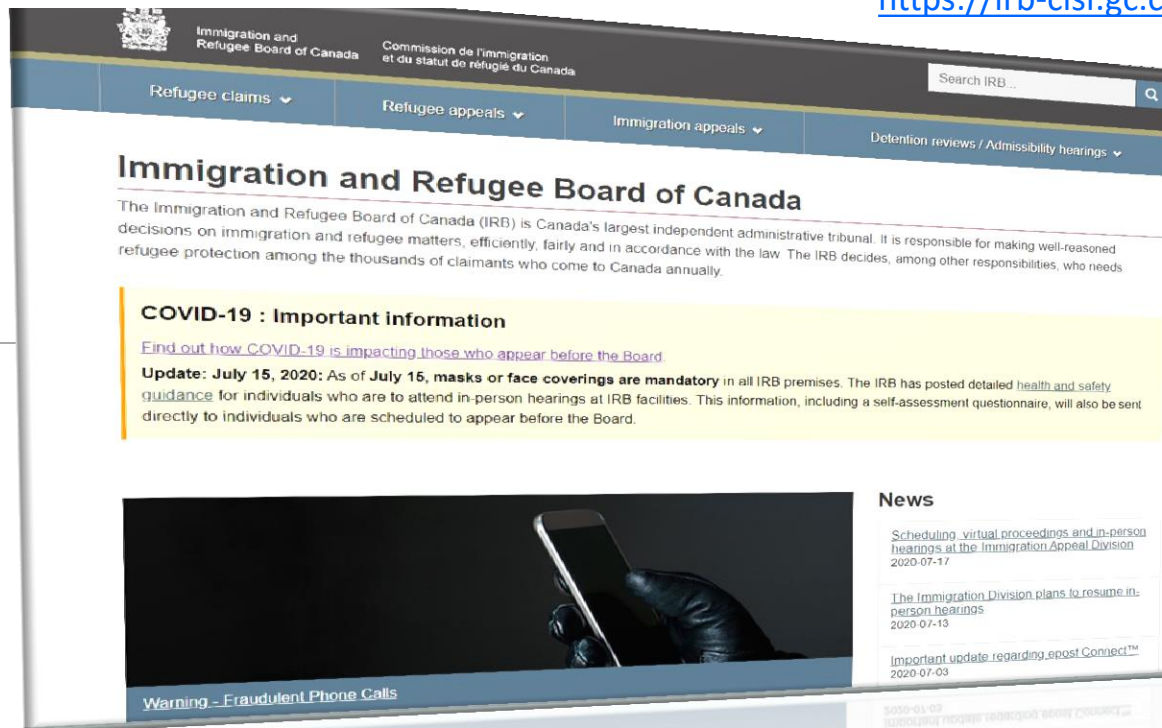
This application is made available free by Citizenship and Immigration Canada and is not to be sold to applicants.

Cette trousse est également disponible en français

Canada

IMMIGRATION AND REFUGEE BOARD (IRB) MEASURES

<https://irb-cisr.gc.ca/en/Pages/index.aspx>



THE IRB/REFUGEE PROTECTION DIVISION (RPD) FILE REVIEW PROCESS



- ✓ **Through the file review process the IRB is planning to be flexible and find a way to view as many cases as possible, to get to a positive decision **without a refugee hearing.****
- ✓ RPD is open to **lawyers identifying cases suitable for file review.** It is encouraged for counsel to send complete information on why a case is appropriate for file review.
- ✓ Case Management Conferences will be done through calls to resolve issues. These conferences could be held by members or by Adjudicative Claims Officers (ACOs) who have been in place for about a year **(triaging cases, preparing files and recommending for positive decision without a hearing.)**
- ✓ The IRB may send out positive decisions without reasons (from file review cases) with the option for the person to request reasons

AND REFUGEE BOARD (IRB) IN-PERSON OPERATIONS

- ✓ Hearings that were cancelled due to COVID-19 will be high priority for rescheduling
- ✓ A package of information will be prepared with new safety protocols. They will be posted on the website and sent out to claimants and counsels once hearing date is set.
- ✓ People will need to complete a questionnaire and screening test before entering building (no answer on how people who are not fluent in English or French will complete it).
- ✓ Appointments will be organized appropriately so people do not arrive at the same time. Upon arrival, claimants will be sent directly to the hearing room and there will be no waiting room. (It is important to make sure you arrive at the exact time of your scheduled hearing)

RPD Practice Notice on the Resumption of In-Person Hearings. See <https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/rpd-pn-hearing-resumption.aspx>. The RPD is planning to create a FAQ to accompany the practice notice.



AND REFUGEE BOARD (IRB) IN-PERSON OPERATIONS

- ✓ To practice social distancing, IRB will be using are videoconferencing within the building to conduct hearings (claimants in one room, member in the other and interpreter remote. Also, Minister's representative will participate remotely).
- ✓ IRB's intention is to reduce people at hearings. Children under the age of 12 will not need to appear unless requested.
- ✓ Claimants under 18 years of age do not need to appear unless required.
- ✓ Hearings that were cancelled due to COVID-19 will be high priority for rescheduling
- ✓ RPD is considering particularly vulnerable claimants

RPD Practice Notice on the Resumption of In-Person Hearings. See <https://irb-cisr.gc.ca/en/legal-policy/procedures/Pages/rpd-pn-hearing-resumption.aspx>. The RPD is planning to create a FAQ to accompany the practice notice.



PILOT PROJECT: REMOTE HEARING / VIDEO- CONFERENCING



- Videoconferences will be held using the Microsoft Teams videoconference application run by the Government of Canada's secure computer network.
- If at any point **before your hearing date** if you decide you do not want to participate, you can advise your lawyer and your hearing will be rescheduled.
- Claimants will be able to use their own computers, tablets, or cell phones to do the videoconference from their homes or offices.
- The claimant, counsel, interpreter and witnesses (if any) will connect to videoconference from their own homes or offices using their own personal electronic device of choice.
- The audio and video of the hearing will be recorded and data will be saved on the IRB's secured facilities.



Immigration and Refugee Board
Refugee Protection Division
Suite 400, 74 Victoria Street
Toronto, ON M5C 3C7
Fax: 416 954-1165

July 8, 2020

Diana Gallego
FCJ Refugee Centre
208 Oakwood Ave
Toronto, Ontario M6E 2V4
Tel: 416-469-9754 - Fax: 416-469-2670

RPD File: _____
UCI: _____

Pilot Project: Remote Hearing (Video-conferencing)

Subject: _____ : Remote Hearings Pilot Project for
Refugee Protection Claims

The Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB) is beginning a small-scale pilot project to hear refugee protection claims remotely by videoconference during the current pandemic. Participants in this remote hearing pilot project will be able to use their own computers, tablets, or cell phones to connect to the videoconference from their own homes and offices.

You are receiving this letter because you have expressed interest in potentially participating in the pilot project. We have determined that your claim may be appropriate for a videoconference hearing. Accordingly, we are contacting you to provide more information about this pilot project and to seek your written consent if you are able and willing to participate. You are encouraged to speak to your counsel about possibly participating in this pilot project. Your participation in this pilot project is completely voluntary and you are free to wait for a hearing to be scheduled in person when it is safe to attend the IRB premises again.

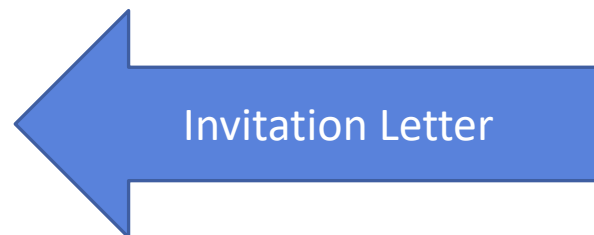
How will the videoconference hearings be held?

Videoconference hearings will be held using the Microsoft Teams videoconference application being run on the Government of Canada's secured computer network. The participants, including the claimant, counsel, interpreter and witnesses (if any) will connect to the videoconference from their own homes or offices using their own personal computers, tablets, or cell phones. The audio and video of the hearing will be recorded and all of the data will be stored in Canada on servers secured by the Government of Canada.

What do claimants and counsel require in order to participate in the pilot project?

If you would like to participate in the pilot project, you will need to have appropriate technology and an appropriate environment from which to connect to the videoconference. In particular, you should have the following:

- A home or office where you can participate privately
- A computer, tablet, or phone with a webcam



Remote Hearings Pilot Project Consent Form

Re: File TB9-09111

I consent to participating in the Remote Hearings Pilot Project and to having my claim heard by videoconference using the Microsoft Teams platform. I understand that participants in the project will use their own computers, tablets, or cell phones to connect to the videoconference from their own homes and offices. I have had the opportunity to speak with legal counsel about participating in this pilot project, including the risk of disclosure of my information in the event that a personal device's security is compromised. I understand that the RPD is not responsible for the security of personal devices used to participate in this hearing and I agree that the IRB will not be liable for any privacy or civil damages arising from a participant not having taken reasonable steps to safeguard and protect a personal device used at my remote hearing. I certify that:

- I have a home or office from which I can participate privately
- I have a computer, tablet, or phone with a camera (webcam) and access to high speed internet sufficient to reliably videoconference
- My home/office technology setup is secure and private and I will take the appropriate steps listed in the Government of Canada "Cyber Safe" recommendations
- I will have access to a telephone throughout the hearing
- I have counsel who has informed me that they can communicate with the RPD by fax, email or epostTM and that they will forward me all new documents that the RPD provides

Name (Please print) _____ Signature _____ Date _____

Interpreter Declaration (if applicable)

_____, (print full name clearly), declare that I have accurately interpreted the entire content of this letter and consent form into _____ (language) on this date _____. I am proficient in English and this other language and was able to communicate effectively with the claimant(s). Each claimant has assured me that they understand the entire content of this letter and consent form as interpreted by me.

Signature: _____

This form may be signed either by the claimant(s) themselves or by counsel acting on their behalf. Please attach additional sheets of paper, as necessary. If you do not wish to participate in a Remote Hearing, we would appreciate hearing why, so that we can improve our processes.

(July 3 2020)
en français

Information Form

The information form is a other document you have to fill out specifying the location from which each claimant and counsel will connect, email address and telephone where participants can be contacted during the hearing

CONSENT FORM

Once you agreed to participate you have fill out a consent form where you declare you qualify for the project and have access to the technology . It includes a interpreter declaration in case English is not your first language



Immigration and
Refugee Board of Canada
Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié du Canada
Section de la protection
des réfugiés

Remote Hearings Pilot Project Information Form

Re: File TB9-09111

Please specify the location(s) from which each claimant and counsel will connect to the hearing (e.g. counsel's office, a specified home address, etc.):

Email address for counsel:

Telephone numbers at which each participant will be reachable during the hearing:

How to return these forms

If you would like to be considered for participation in this pilot project, please complete and return these forms by July 22, 2020. Please send these documents to the RPD by Canada Post epostTM, by email or by fax. Emails may be sent to TFS1central.GTIScentrale@irb-cisr.gc.ca. Faxes to the RPD Registry can be sent to 416-954-0467. Additional RPD contact information can be found at <https://irb-cisr.gc.ca/en/contact/Pages/contact3.aspx>.

PILOT PROJECT: REMOTE HEARING

What is required?



- ✓ Appropriate and private environment to connect to videoconference (public spaces/networks such as cafes should not be used)
- ✓ Appropriate technology: computer, tablet, or phone with a webcam.
- ✓ Access to internet connection that is stable and fast (minimum of 1.5 Mbps).
- ✓ Technology must be set up to be secure and private. Including a legally licensed operating system with up-to-date security patches, as well as anti-virus and anti-spy software.
- ✓ Access to a telephone throughout your hearing.
- ✓ Claimant must have counsel who can forward documents.
- ✓ Counsel must be able to send and receive documents by fax or ePost when communicating with the RPD.

RAD Special measures for reopening

- ✓ The RAD reinstates the time limits for filing a notice of appeal or perfecting an appeal (effective Aug 19)
- ✓ This means that a notice of appeal or appellant's record due between January 1, 2020 to August 18, 2020 inclusive, must be submitted to the RAD by August 19, 2020.
- ✓ Where the time limit for filing a notice of appeal or appellant's record is later than August 19, 2020, the later date is the deadline.

RAD Special measures for reopening

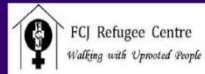
How to submit documents:

RAD will begin to use Canada Post's ePost Connect to receive electronic communication from registered users. In addition, the RAD will accept all documents via email at one of the following addresses or fax numbers:

- ✓ Western Region: IRB.RAD-W-O-SAR.CISR@irb-cisr.gc.ca
- ✓ Fax number: 604-666-9870
- ✓ Central Region: IRB.RAD-C-SAR.CISR@irb-cisr.gc.ca
- ✓ Fax number: 416-954-1511
- ✓ Eastern Region: IRB.RAD-E-SAR.CISR@irb-cisr.gc.ca
- ✓ Fax number: 514-283-0164

Count on us...
WE ARE OPEN

Please contact us
416- 469 9754
or WhatsApp #
437-217 3786



Connect with us

416- 469 9754
437-217 3786
647-971 2153 Migrant Workers
info@fcjrefugeecentre.org
www.fcjrefugeecentre.org
fcjrefugeecentre
@FCJRefugeeCentre
@RefugeeCentre

QUESTIONS

For more information
contact us:

Francisco Rico-Martinez:
franciscorico@fcjrefugeecentre.org
416- 469 9754 ext. 227

**BORDERLESS VOICES
PODCAST**

EPISODE #2

**HOW TO APPLY
FOR LEGAL AID**



**BORDERLESS VOICES
PODCAST**

Episode #4
Part 1

**GETTING
READY FOR YOUR
REFUGEE HEARING**

**BORDERLESS
VOICES
PODCAST**

EPISODE #6

**HOW TO APPLY FOR
SIN# AND SOCIAL
ASSISTANCE**