



# Canada's Refugee Protection Hearing Process

The Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB) determines claims for refugee protection made by people who are in Canada.

## How do claims for refugee protection come to the IRB?

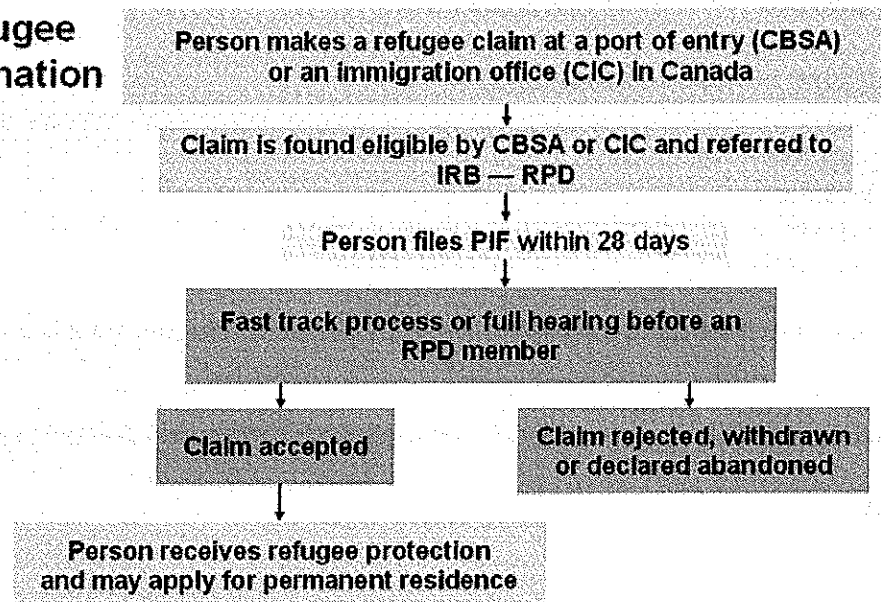
Claims for refugee protection are made to officers of the Canada Border Services Agency (CBSA) at a port of entry (border crossing, airport or port) or Citizenship and Immigration Canada (CIC) at one of its offices. All claims that are deemed eligible by an immigration officer are referred to the IRB for determination.

## Why does the RPD have to hear the claims referred to it?

Canada is a signatory to international agreements, including the *Convention Relating to the Status of Refugees*, the *International Covenant on Civil and Political Rights* and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Under these agreements, Canada has an obligation to decide refugee protection claims and to grant protection to those it finds to be Convention refugees or persons in need of protection.

## How are claims for refugee protection processed by the RPD?

### The Refugee Determination Process



*Any IRB decision may be reviewed by the FCC if leave for a judicial review is granted.*

## **What rights does a refugee claimant have when appearing before the RPD?**

A refugee claimant has the right to:

- be represented by counsel;
- present evidence, question witnesses and make representations; and
- an interpreter, provided by the IRB

## **What are the main features of a refugee protection proceeding?**

A refugee protection proceeding is:

- generally presided by one independent government-appointed member;
- non-adversarial inquisitorial process, whereby the member inquires into the basis of the claim;
- generally held in private;
- may be attended by a tribunal officer who assists the member by presenting evidence on the claim; and
- a UNHCR representative may attend in order to observe.

## **Who are Convention refugees?**

Convention refugees are persons who have left their home country and have a well-founded fear of persecution because of their:

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

## **Who are persons in need of protection?**

Persons in need of protection are those whose removal to their home country would subject them personally to a:

- danger of torture
- risk to their life, or
- risk of cruel and unusual treatment or punishment.

The RPD's role is to determine if a claimant is a Convention refugee or person in need of protection.

Decisions are based only on the evidence presented and are accompanied by reasons

August 2008

[www.irb-cisr.gc.ca](http://www.irb-cisr.gc.ca)