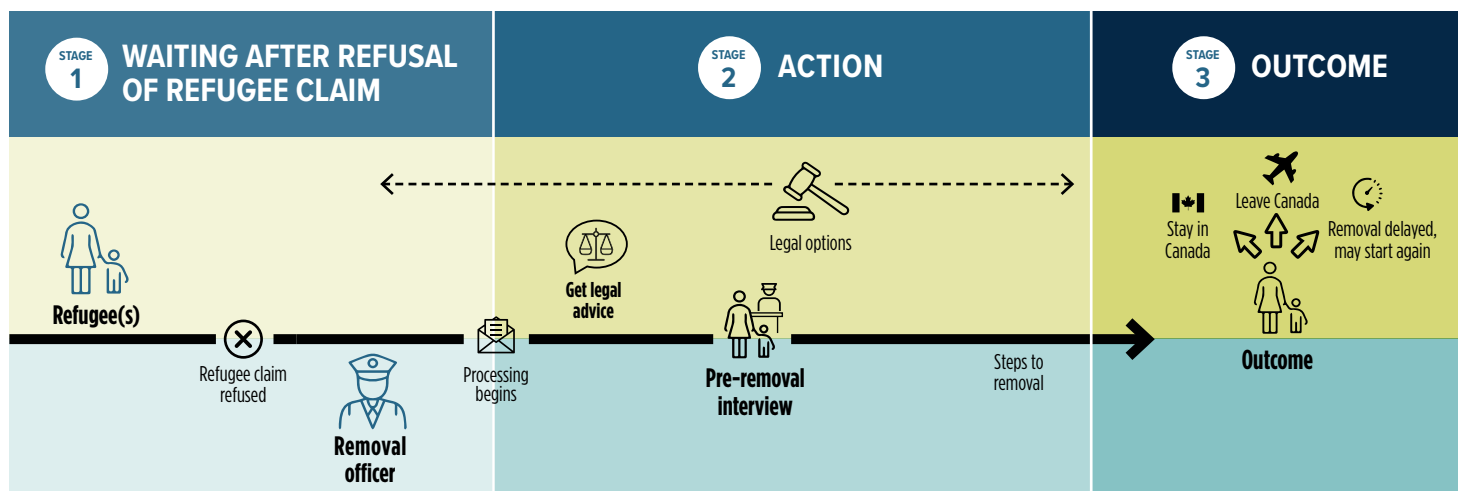


Removals Process: A Guide for People with a Refused Refugee Claim

NOVEMBER 2022



STAGE 1



Q: When will CBSA start working on my removal?

A: It is different in every case. It could take weeks, months, or years. You will know that CBSA is taking steps to remove you when you receive a letter telling you to attend an interview with CBSA.



Q: What should I do when I get the letter for an interview with CBSA?

A: You should ask for help, especially if you are afraid to go back to your country of citizenship. You can speak to a refugee support organization. They can help you prepare for your interview and understand your options.



Q: What does the CBSA removal officer do?

A: The removal officer plans your removal. They make sure you have a travel document (for example a passport), and arrange a ticket for travel. Removal officers have the authority to detain you if they think you will not show up for your flight. Removal officers do not make decisions about whether you are removed.



Q: How can I find a legal representative (a refugee lawyer or consultant)?

A: A refugee support organization can help you find an experienced legal representative. If you are in Ontario, this guide can help you: <https://stepstojustice.ca/steps/refugee-law/find-legal-help/>



Q: What if I don't have the money to pay a legal representative?

A: You can apply for legal aid. Legal aid can pay for a lawyer to represent you. Legal aid gets government funding, but they won't talk to CBSA about you. If you are in Ontario, there are also free community legal clinics, or you can speak to the Refugee Law Office (416-977-8111 or toll free 855-854-8111).



Q: What can I expect of my legal representative?

A: Your legal representative should explain what they are doing and give you copies of everything they submit. They should provide a written contract explaining what they will do and the cost. They should give you receipts for any money you pay.



Q: What if the legal representative tells me that my case is weak and that they will not make any application for me?

A: A good legal representative should give you an honest opinion. You can get a second opinion from another legal representative.



Q: What happens at the first interview with CBSA?

A: The removal officer will verify your personal information and tell you what steps you need to take. They might ask if you want to buy your own ticket or have CBSA buy the ticket for you. If the last decision on your refugee case was more than a year ago, the removal officer should give you the chance to submit a Pre-Removal Risk Assessment (PRRA). The removal officer has the power to detain you if they think you will not show up for your flight. You will not be removed on the day of your first interview.



Q: How can I prepare for the interview with CBSA?

A: Speak to a refugee support organization and a legal representative before your interview. They can talk to you about your options, for example whether you should pay for your ticket and whether you can make an application to stay in Canada. If you do not speak good English or French, bring someone you trust who can interpret. You can bring a friend or someone from a refugee support organization to support you.



Q: What information should I get in the interview with CBSA?

A: Ask for the name of the officer and their contact information. Take notes about what the CBSA officer told you. Make sure you understand what steps the officer asks you to take.



Q: What if I don't go to a scheduled interview?

A: CBSA will issue a Canada-wide warrant for your arrest. CBSA may visit your home and take other steps to look for you. If you didn't go by mistake, talk to your legal representative or a refugee support organization right away.



Q: What are some legal options that might help me get permission to stay in Canada?

A: A **humanitarian and compassionate application** for permanent residence is based on evidence of things like establishment in Canada, best interests of children, and humanitarian considerations. It is decided by IRCC. A **pre-removal risk assessment** looks at evidence of risk not previously considered in your refugee claim. It is decided by IRCC. A **request for a deferral of removal** can delay your removal to allow another process to finish. It is decided by CBSA. A **stay of removal** is an appeal of a negative decision on a deferral of removal or a request to delay removal until a Federal Court application can be decided. It is based on irreparable harm of enforcing your removal. It is decided by the Federal Court.



Q: What happens if I don't go to my scheduled removal?

A: CBSA will issue a Canada-wide warrant for your arrest. CBSA may visit your home and take other steps to look for you.



Q: Who can help me if I am still in Canada after my scheduled removal?

A: Refugee support organizations, a sanctuary group, or a faith group might be able give you practical or emotional support. If there are changes to your country conditions, your family, or your health, you should talk to a legal representative.



Q: What happens on the day of my removal?

A: If you show up to your removal, you go the airport or border on the scheduled day. You will be met by an officer who will give you your travel document before you leave.



Q: What happens when my removal is delayed?

A: Your removal can be delayed if you apply for a deferral or stay of removal and it is successful. If this happens, the removal is delayed until a specific date or until a specific event.