UNIVERSITY OF OTTAWA REFUGEE ASSISTANCE PROJECT (UORAP)

Pathways to Permanent Residence:

Recent Changes in the Canadian Refugee System

MARCH 5, 2014

WWW.UORAP.CA

National Symposium on Intersections of Violence Against Women and Precarious Immigration Status, June 5 2014

The Law Foundation of Ontario
Building a better foundation for justice in Ontario

Agenda

- Who is a refugee?
- Introduction to UORAP & what we do
- Recent changes in the refugee system
- Potential challenges for women in the new refugee system

Who is a refugee?

- "someone who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.'"

  – UNHCR.org

- Refugee Claimants (inland and port-of-entry) versus Convention Refugees (resettled refugees)

- The refugee process in Canada

UORAP – who are we?

Mission : *To implement a project that will address key access to justice concerns following changes to Canada's refugee system.*

Funded by the Law Foundation of Ontario, and supported by key partners:

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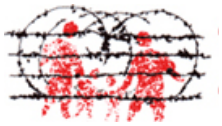

uOttawa

Led by four law professors at the University of Ottawa – Jennifer Bond, Adam Dodek, Peter Showler, and David Wiseman.

Our Resources

The Hearing Preparation Form	The Hearing Preparation Kit	The To Do List
outlines the elements of the claim and the evidence needed to prove it	explains how to use the HPF and provides other hearing preparation guidance	provides a template to help plan and keep track of evidence-gathering

Our Training Workshops

- Full-day training workshops for front-line refugee support workers

- Led by refugee lawyers and NGO leaders

- Refugee definition, gathering evidence, hearing preparation, & at the hearing

250+ trainees in **6** refugee centres

Recent Changes to Canada's Refugee System

The Protecting Canada's Immigration System Act

Implemented December 15, 2012

Changes for all claimants

- New intake forms
- New decision-makers
- New timelines for the refugee hearing
- New Refugee Appeal Division (RAD)
- New rules for accessing a Pre-Removal Risk Assessment (PRRA)
- New timelines for removals
- New rules for loss of refugee status
- Cuts to health coverage for refugee claimants and failed refugee claimants
- Must choose between refugee claim and Humanitarian and Compassionate Consideration application

New categories with additional changes

- Designated Country of Origin (DCO)
  - Faster timeline for refugee hearing
  - No RAD and no PRRA for 3 yrs
- Designated Foreign Nationals (DFN)
  - Mandatory detention; conditions on release
  - No RAD
  - 5-year delay for Permanent Residence or any travel document

Potential challenges for women in the new refugee system

Challenges presented by new law may be especially difficult for women and girls who are in or fleeing situations of violence, and/or making gender-based claims.

- **Time to prepare for hearing**
  - Building trust with a lawyer
  - Making a joint claim with an abuser who is a family member
  - Livelihood & childcare needs

- **Designated Foreign National** (DFN) claimants: Detention & delayed permanent residence, long-term family separation

- **Designated Countries of Origin** (DCO)claimants: rebutting presumption of "safe" country; added time constraints and appeal restrictions

- **Limited access to other protection** : 12- and 36- month bars on pre-removal risk assessment (PRRAs) and Humanitarian and Compassionate Consideration

- **Conditional permanent residence** in sponsorships

Thank You

Questions or Comments?

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