FREE GUIDE · LEXALTICO LLP

Refugee Claims in CanadaComplete Guide 2025

How to make a refugee claim in Canada. RPD hearings, RAD appeals, the Basis of Claim form, and what happens after a positive or negative decision. Updated 2025.

Refugee Claims in Canada Complete Guide 2025

Canada's refugee protection system is one of the most sophisticated in the world - but navigating it without legal representation is extremely difficult. This guide explains the refugee claim process from arrival through RPD hearing and RAD appeal.

What's in this guide

- Who qualifies for refugee protection
- How to make a refugee claim
- The Basis of Claim form
- The RPD hearing
- RAD appeal after a negative decision
- Federal Court judicial review
- After a positive decision - permanent residence
- FAQs

1. Who Qualifies for Refugee Protection in Canada?

Canada's Immigration and Refugee Protection Act (IRPA) provides two types of refugee protection:

2. How to Make a Refugee Claim

At the border when entering Canada, or at an IRCC office if already in Canada. You will receive an appointment date and the Basis of Claim (BOC) form.

Your written narrative of why you need protection. This is the most critical document in the entire process - it must be detailed, accurate, and legally sophisticated.

Reports from UNHCR, Amnesty International, Human Rights Watch, government country reports. You must establish the general conditions that support your fear.

© Lexaltico LLP. This guide is general information, not legal advice. Speak with a lawyer about your situation.

Documents supporting your personal experience: police reports, medical records, news articles about incidents, witness letters, etc.

Typically 3-5 hours. You testify under oath and answer questions from the RPD member and a Refugee Protection Officer. Your lawyer presents your case.

3. The Basis of Claim Form

- Your personal history - who you are, where you lived, your family situation
- What happened to you - the specific incidents of persecution or threat
- Why you fear return - what will happen if you go back
- Why state protection is inadequate in your country
- Why internal relocation within your country is not possible

4. The RPD Hearing

RPD hearings in Toronto are held at 74 Victoria Street. Most hearings are 3-5 hours. The format:

5. The RAD Appeal After a Negative Decision

If the RPD denies your claim, you have 15 days to file a Notice of Appeal with the Refugee Appeal Division (RAD) - and 45 days to file your full Appellant's Record.

- Review the RPD decision on its merits
- Consider new evidence not available at RPD
- Confirm, vary, or set aside the RPD decision
- Substitute its own decision for the RPD's
- Errors in the RPD's credibility assessment
- Failure to apply the correct legal standard
- Failure to consider relevant evidence
- New evidence of changed country conditions

6. Federal Court Judicial Review

If the RAD also denies the claim, you can apply to the Federal Court for judicial review within 15 days of the RAD decision. The Federal Court does not rehear the evidence - it reviews whether the RAD made a legal error.

Leave must be granted before a full hearing. The Court grants leave in approximately 20-25% of cases. Federal Court judicial review is technically complex and requires specialized immigration litigation

© Lexaltico LLP. This guide is general information, not legal advice. Speak with a lawyer about your situation.

experience.

7. After a Positive Decision - Permanent Residence

After a positive RPD decision, you are recognized as a Convention Refugee or Person in Need of Protection. You can apply for:

Immediate right to remain in Canada, work authorization, and access to refugee travel document. Your removal cannot be ordered.

Apply for PR using the Refugee and Humanitarian Resettlement Program (IMM 0002E). Currently taking 12-24 months to process. PR allows family sponsorship, travel on a Canadian travel document, and a path to citizenship.

8. Frequently Asked Questions

Need Help With a Refugee Claim?

Our Toronto immigration lawyers represent refugee claimants at every stage - BOC preparation, RPD hearings at 74 Victoria Street, RAD appeals, and Federal Court judicial reviews. Free initial consultation.

Our lawyers offer free initial consultations — no obligation to retain.

NEED TO SPEAK WITH A LAWYER?

Every situation is different. If anything in this guide raises a question about your own matter, speak with a Lexaltico lawyer — the first 30-minute consultation is free and confidential.

Call: +1 416 333 6200 **Email:** hello@lexaltico.com **Web:** lexaltico.com

© Lexaltico LLP. This guide is general information, not legal advice. Speak with a lawyer about your situation.