

A Guide to Pre-Removal Risk Assessment Applications

This fact sheet is for you if:

1. Citizenship and Immigration Canada (CIC) decided you were not eligible to submit a refugee claim application in Canada.
2. You had an abandonment hearing and the Refugee Protection Division (RPD) of the Immigration and Refugee Board decided that you had abandoned your refugee claim application.
3. The RPD heard your refugee claim and decided that you were not a Convention refugee or a person in need of protection.

Pre-Removal Risk Assessment

A Pre-Removal Risk Assessment (PRRA) is a review by CIC of the risk you will face if you are sent back to your country. It is supposed to happen when CIC is ready to remove you from Canada.

If you apply for a PRRA, CIC will not remove you while it decides whether you would be in danger if Canada sent you back to your country.

If the RPD refused your refugee claim, you can also ask the Federal Court of Canada for a judicial review of that decision. You will need the help of a lawyer to do this (see “Note” on page 4). And you must act quickly. You have only 15 days from the RPD’s refusal of your claim to ask the court for a review.

How to apply for a PRRA

You cannot apply for a PRRA on your own. You have to wait until CIC calls you for an appointment. Then a CIC officer will ask you whether you want to apply for a PRRA or leave Canada voluntarily. This will happen when you are “removal ready.” That means CIC is ready to remove you from Canada, and you have a valid passport or travel document (or CIC thinks you can get one).

You have to be in Canada to apply for a PRRA.

When to apply for a PRRA

You have **only 15 days** after the **notification date** to give your completed PRRA application to CIC. The notification date is the day CIC gives you the form, or if it mails the form to you, it is 7 days after CIC puts the form in the mail.

If you miss the 15-day deadline, CIC can remove you from Canada at any time.

In addition to the application form, you will have to give CIC the reasons why you are at risk if CIC returns you to your country. You have **30 days** after the notification date to provide this information.

Thirty or more days after the notification date, a PRRA officer will decide about your case. If you miss the 30-day deadline for giving your evidence, but CIC has not yet decided your case, you should still give your evidence to CIC.

What to do	When to do it
Give CIC your completed PRRA application form.	Within 15 days of the notification date.
Give CIC the evidence to support your PRRA claim.	Within 30 days of the notification date.

Who cannot apply for a PRRA

You cannot apply for a PRRA if you —

- are being extradited from Canada,
- have already been recognized as a Convention refugee in another country that you can return to, or
- have already claimed refugee status in Canada, then returned to Canada within six months of when that claim was refused, withdrawn, abandoned, or not eligible.

Canada and the United States are working on an agreement that would make people who came here via the United States ineligible to have their refugee claims referred to the RPD. They would be excluded under a “safe third country” agreement between Canada and the United States. If this agreement is signed, these people will also not be eligible for a PRRA.

What you have to prove in a PRRA claim

You have to show a PRRA officer that you will be at risk if returned to your country. A person at risk is either a Convention refugee or a person in need of protection.

A **Convention refugee** is someone who has a well-founded fear of being persecuted in his or her country because of race, religion, nationality, membership in a social group, or political opinion.

A **person in need of protection** is someone who is in danger of being tortured or who faces a risk to his or her life or a risk of cruel and unusual punishment if the person returned to his or her country.

To prove that you are a person at risk if returned to your country, you must show *all* of the following:

- You are not able to get state protection from your country.
- The risk affects you personally, but it does not generally affect other people in your country.
- You face the risk in every part of your country.
- The risk is not the result of legal punishment, such as punishment for a crime, unless the punishment violates international standards.
- The risk is not just that your country cannot give you adequate medical care.

What evidence you can use to support a PRRA claim

If you made a claim for refugee protection that the RPD refused, you can only submit evidence that was not available at the time of your refugee claim hearing. The PRRA officer will also look at the evidence that the RPD used to decide whether you were a Convention refugee.

You can use any of the following types of written material:

- Articles from your country from newspapers, magazines, books, and websites
- Human rights reports about your country
- Legal documents, such as arrest warrants or court orders
- Medical and psychological reports
- Expert opinions on the risk you would face in your country
- Letters or declarations from witnesses with knowledge of the risks you face

You have to show how any information you provide could affect you personally. Sometimes, but not often, a PRRA officer may want to meet you in person to check your information.

If you were previously removed from Canada

If you were previously removed from Canada because your refugee claim failed, you can still apply for a PRRA. You must have been out of Canada for at least six months after your removal.

If you are a risk to Canada

Your application will be treated differently if you claimed refugee status and were found ineligible because —

- you were involved in organized crime
- of security reasons
- you committed serious crimes or human rights violations

In these cases, the PRRA officer will balance the risk to you if you return to your country against the risk to Canada if you stay here. You can stay in Canada only if the risk to you is greater than the threat you pose to Canadian

security. Unlike other people who make a successful PRRA claim, you will not be able to become a permanent resident. And if things change, Canada could still remove you.

What happens after you file a PRRA claim

Thirty or more days after the notification date, CIC will send you a letter with the date and time for an appointment. CIC will give you its decision in person. You must attend this appointment and bring any documents CIC requires.

If CIC accepts your PRRA claim

If CIC accepts your PRRA claim, you and your dependents can usually apply to be permanent residents of Canada. CIC will give you the application forms for this. You will have to pass criminal and security checks, and have all the documents that CIC requires.

If CIC rejects your PRRA claim

If CIC rejects your PRRA claim, it will remove you from Canada as soon as possible. If you think the PRRA decision was wrong, you may want to speak to a lawyer. You can apply to the Federal Court of Canada for a judicial review of the PRRA decision if it was based on a serious error. Unless you can convince the Federal Court to stop (“stay”) your removal while it decides whether to review your case, CIC can still remove you from Canada.

You will need enough money to take the case to court, and very strong evidence that you will suffer harm, to stop your removal.

Note: The Legal Services Society no longer pays for *all* judicial review applications. To get the help of a legal aid lawyer, you must show that you have good reasons for a judicial review, and you must be financially eligible. Contact your local legal aid office to find out if you qualify for help. For a list of legal aid offices and other sources of legal help, see fact sheet #2, *Legal Help and Other Services for Refugee Claimants*.

You can also apply to stay in Canada on **humanitarian and compassionate grounds**. This is called an H & C claim. See fact sheet #4, *A Guide to Humanitarian and Compassionate Applications*. You can make this claim at any time, not just if your PRRA claim fails. Even if you make an H & C application, CIC can still remove you from Canada before it makes a decision.

This fact sheet was adapted by John Blois. It is based on a similar publication originally produced by Community Legal Education Ontario (www.cleo.on.ca).

This fact sheet is one in a series for people who are making a refugee claim:

#1 *Starting a Refugee Claim*

#2 *Legal Help and Other Services for Refugee Claimants*

#3 *How to Fill Out a Personal Information Form*

#4 *A Guide to Humanitarian and Compassionate Applications*

#5 *A Guide to Pre-Removal Risk Assessment Applications*

These fact sheets are available in Chinese, English, and Spanish. You can read them online at www.lss.bc.ca (under “publications”). For copies, contact:

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This fact sheet explains the law in general. It is not intended to give you legal advice on your particular problem.



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