

CANADA

This information sheet outlines key information for individuals impacted by the crisis in Afghanistan who require legal help.

This includes individuals who are currently:

1. In Canada seeking asylum/protection; or
2. In Afghanistan (or another country) and want to relocate to Canada

INDIVIDUALS ALREADY IN CANADA

In-Canada Asylum Program

The In-Canada Asylum Program provides refugee protection to individuals in Canada who:

- Have a well-founded fear of persecution based on race, religion, political opinion, nationality, or for being part of a social group (such as women or people of a particular sexual orientation); or
- Are at risk of torture, risk to their life, or cruel or unusual treatment or punishment in their home countries.

If you fear you could face one of these risks if you go back to your home country or the country where you normally live, you may be able to seek protection in Canada as a refugee.

To make a refugee claim, you:

- Must be in Canada
- Can't be subject to a removal order

Applications for refugee status in Canada are determined by Immigration, Refugees and Citizenship Canada (IRCC) and the Immigration and Refugee Board of Canada (IRB). IRCC decides if a refugee claim can be referred to the IRB.

Information about the process

To make a claim for refugee protection, you may either (1) make a claim at any port of entry to Canada; or (2) make a claim after you arrive in Canada.

Making a claim at any port of entry (airport, seaport, or land border)

You can make a claim for refugee protection when you arrive in Canada at any port of entry by completing an eligibility interview with an officer from the Canada Border Services Agency (CBSA), completing the application package and submitting fingerprints and a photograph.

Typically, you'll complete the forms provided by the CBSA officer when you arrive. However, it is possible that the officer requests that you come back to the port of entry or go to an inland office for an interview at a future date. If this occurs, the officer will give you:

- an information pamphlet;

- an acknowledgement of claim letter (which will help you get access to the [Interim Federal Health Program](#) and [other services in Canada](#)); and
- instructions about completing your medical exam.

The officer may also tell you to submit your refugee claim online (see below). If this is the case, you'll need the application number on your acknowledgment of claim letter, and the interview location given by the officer.

- If the officer decides that your claim is eligible, your application will be referred to the RPD for a decision. Once your claim has been referred you should receive the following documents:
- A Refugee Protection Claimant Document, to help you access the Interim Federal Health Program and other services in Canada.
- A Confirmation of Referral letter, which confirms your claim has been referred to the IRB. Along with the Confirmation of Referral, the referring officer should provide you with a copy of the [Claimant's Guide](#). Refer to [Important Instructions for Refugee Claimants](#) for additional information.
- A **[Basis of Claim Form \(BOC Form\)](#)**, which you must complete for each family member and submit to the RPD **no later than 15 days after the date your claim was referred**. Refer to the [Completing Your Basis of Claim Form page](#) for information about the BOC Form and what is required.

Making a claim after arriving in Canada

You can also make a claim for refugee protection after arriving in Canada by submitting your refugee claim [online](#). Note that if you have already made a claim, you don't need to resubmit it through the portal.

To submit a claim online, you'll need a scanner or camera to create electronic copies of your documents. You'll also need to create an online account to submit your claim and check on the status. You must submit a complete application including the Basis of Claim Form. If you are unable to submit your claim online, you may request to submit your claim on paper.

If the officer decides that your claim is eligible, your application will be referred to the RPD for a decision. Once your claim has been referred you should receive the following documents:

- A Refugee Protection Claimant Document to help you access to the Interim Federal Health Program and other services in Canada.
- A Confirmation of Referral letter, which confirms your claim has been referred to the IRB. Along with the Confirmation of Referral, the referring officer should provide you with a copy of the Claimant's Guide.

In your Basis of Claim Form, you will present your claim by providing details about who you are and why you are seeking protection in Canada. When you submit it, you should also submit other documents in support of your claim including identity documents and evidence of human rights conditions in your country. For example, you can submit high-quality copies of a passport, national identity card, birth certificate, marriage certificate, school transcript or certificate, driver's license, military document, or professional and religious membership cards. You should also submit available documents relevant to your claim such as proof of membership in political organizations, medical or psychological reports, police reports or documents, business records, news clippings, visas, travel documents, sworn statements from witnesses, photographs, notes or recordings of threats of violence

against you, or documents related to past moves. Furthermore, you can include evidence of the conditions in your country if available, such as reports that document country conditions that may relate to your claim such as political, social, cultural, economic, and human rights conditions.

Next Steps:

- The Refugee Protection Division (RPD) will send you a Notice to Appear by mail when your claim is ready to be heard.
- When a decision is made on your refugee protection claim, the RPD will send you a written Notice of Decision, along with an explanation of the reasons for this decision.
- If you receive a positive decision, you'll obtain "protected person" status. If IRCC or the CBSA does not appeal, this means you can stay in Canada, and you may be eligible to apply for permanent residence.
- If your claim is rejected, you may appeal to the Refugee Appeal Division within 15 days of receiving your Notice of decision.

Individuals are not eligible to make an asylum claim if they have been convicted of a serious criminal offence or had previous refugee claims denied by Canada.

Note: Canada has a [Safe Third Country Agreement](#) with the United States where individuals who want to make a refugee claim must do so in the first safe country they arrive in. This means that if you enter Canada from the United States at a land port of entry, you will not be able to make a refugee claim in Canada. Some exceptions apply, such as if you have family in Canada.

For further detailed information about the asylum process please see the government's [Claimant's Guide](#).

Extension of temporary permit to stay in Canada

If you are in Canada on a temporary residence permit (e.g. study permit, work permit, visitor record), you may be eligible to extend, renew or restore your temporary status.

Your application fees may be waived if you are an Afghan national who is

(1) currently in Canada as a temporary resident (even if your temporary resident status has expired); and

(2) applying to do any of the following:

- i) extend your temporary resident status
- ii) apply for work or study permit
- iii) renew your work or study permit
- iv) restore your temporary resident status, if you have lost it
- v) get a new temporary permit because your current one is expiring

For further detail, please see: Extension of your permit: Temporary public policy for Afghan nationals applying for temporary resident status - Canada.ca

INDIVIDUALS SEEKING TO RELOCATE TO CANADA DUE TO RISK OF HARM

Refugee and Humanitarian Resettlement Program

Individuals who are currently in Afghanistan (or other countries) and are at risk of harm may be eligible for the Refugee and Humanitarian Resettlement Program. Individuals cannot apply directly to Canada for resettlement; the United Nations Refugee Agency (UNHCR), along with private sponsors, identifies refugees for resettlement to Canada.

To be eligible for this program you must meet all the following requirements:

- You're an Afghan national;
- You're outside of Afghanistan;
- You don't have a long-term solution in a third country; and
- You're part of one of the following groups: women leaders; human rights defenders; persecuted religious or ethnic minorities; LGBTI individuals; or journalists and those who helped Canadian journalists.

Information about the registration and referral process

You should register for refugee status with either the United Nations Refugee Agency (UNHCR) or the government of the country in which you now live.

To resettle in Canada, you need to be:

- Referred by one of the following:
 - UNHCR
 - The government of the country in which you now live
 - One of the organizations the Canadian government works with for this program ([Front Line Defenders](#) or [ProtectDefenders.eu](#)); or
- Referred by a [private sponsor](#).

OTHER SPECIAL PROGRAMS FOR AFGHAN NATIONALS

Special Immigration Measures Program for Afghans who assisted the Government of Canada

To be eligible, you must meet all the following requirements:

- You're an Afghan national
- Your employment involved a significant and/or enduring relationship with the Government of Canada, which could be, but is not limited to:
 - Interpreters who worked with the Canadian Armed Forces
 - Local staff who currently or used to work at the Embassy of Canada to Afghanistan
- You or your eligible family members were in Afghanistan on or after July 22, 2021 (if you left Afghanistan before July 22, 2021, you are not eligible for this program)
- You're not inadmissible to Canada

Typically, there are 2 steps to applying for this special program:

1. Submit a web form:
 - Go to the [web form](#)

- From the first drop-down menu, choose “Situation in Afghanistan.”
 - From the second drop-down menu, choose “Ask about the Special Immigration Measures Program for Afghans who helped the Government of Canada.”
 - Complete the form. Include details about your work with the Government of Canada or the Canadian Armed Forces in Afghanistan, such as your job title or position; your identification number, if you had one; and the name(s) of your Canadian point(s) of contact (if possible).
 - Upload copies of any documents that show you worked with the Government of Canada and your passport and the passport for each eligible family member travelling with you (if possible)
 - Review and submit your request
2. Wait for the government of Canada to contact you

Eligible family members are:

- spouse or common-law partner
- a dependent child who is
 - under 22 years of age and
 - not married or in a common-law relationship
- a dependent child of a dependent child (a grandchild) who is
 - under 22 years of age and
 - not married or in a common-law relationship
- De facto dependents will also be eligible under this program. A de facto dependent is someone who
 - depends on a specific family for emotional or financial reasons (or both)
 - may live with the family as a member of their household

Permanent residence for extended family of former Afghan interpreters

Canadian family reunification programs let Canadian citizens and permanent residents sponsor eligible family members to enter Canada.

To be eligible, you must meet all the following requirements:

- You're an Afghan national
- You're outside Canada
- You were in Afghanistan on or after July 22, 2021
- You Afghan family member (the former interpreter) worked for the government of Canada or the Canadian Armed Forces; and immigration to Canada under the 2009 or 2022 public policies)
- You're one of the following family members to the former Afghan interpreter:
 - Their child (any age)
 - Their grandchild
 - Their parent or grandparent
 - Their sibling (including half-sibling)
 - Their sibling-in-law, under certain circumstances
- You have a valid passport or travel document, or valid identity document or statutory declaration

You can include the following family members in your application:

- Your spouse or common-law partner
- Your dependent child under the age of 22, if unmarried; or age 22 and over if has depended on you for financial support since before the age of 22 because of a mental or physical condition

- Your grandchild

More information on the application process can be found [here](#).

If you meet the criteria to have your application prioritized, contact Government of Canada. For further details, see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/afghans-canada/priority-processing-how.html>.

INDIVIDUALS WISHING TO RELOCATE TO CANADA WITH FAMILY LINKS

Family reunification

- You can apply for permanent residence to live in Canada with your spouse, partner or parent who will provide long-term care for you, if they are Canadian citizens, permanent residents or persons registered under the Indian Act.
- You must be outside Canada.
- Your family member sponsor must be at least 18 years old and must live in or plan to live in Canada with you.

Permanent residence for dependents of resettled Afghan refugees

You can apply for permanent residence in Canada if you're:

- The spouse, partner or dependent child of an Afghan refugee who has already been resettled in Canada.
- Your family member declared you as a dependent on their resettlement application
- You're currently outside Canada
- You're applying for permanent residence within a year of the principal applicant arriving in Canada

You may be eligible for family reunification if you have other relatives in Canada, under certain specific circumstances. More information can be found [here](#).

OTHER PATHWAYS – ECONOMIC MOBILITY PATHWAYS

There may be other ways to relocate to Canada depending on your profession or if you hold in-demand skills or occupation.

There is an organization linking Afghans in skilled occupations with employers in different countries called Talent Beyond Boundaries. More information can be found [here](#).

The government of Canada has created the [Economic Mobility Pathways Pilot](#) (EMPP), a complementary permanent residence pathway. Through the EMPP, partner organizations such as Talent Beyond Boundaries help skilled refugees located overseas connect with Canadian employers who need to fill critical labor shortages in sectors such as information technology, health care and others that require skilled tradespeople.

FREE LEGAL HELP

The provinces of British Columbia, Alberta, Manitoba, Ontario, Quebec and Newfoundland and Labrador offer immigration and refugee legal aid services, including legal information, advice, assistance and/or representation for eligible individuals who are already in Canada. A list of legal aid offices can be found [here](#).

The Canadian Bar Association (Pro Bono Initiative: Crisis in Afghanistan)

- Types of services or specialization: Legal consultation and advice
- Criteria for referrals: Service available to individuals who have an application in process with Immigration, Refugees and Citizenship Canada or who have received an invitation from the Government of Canada.
- Website: <https://www.cba.org/For-The-Public/Pro-Bono-Initiatives/Pro-Bono-Initiative-Crisis-In-Afghanistan>
- Email: contact through online form: <https://www.cba.org/For-The-Public/Pro-Bono-Initiatives/Pro-Bono-Initiative-Crisis-In-Afghanistan/Pro-bono-Afghanistan-Form>) | info@cba.org
- Contact number: 613-237-2925 | 613-237-1988 | Toll Free: 1-800-267-8860
- Address: 66 Slater St., Suite 1200, Ottawa, ON K1P 5H1, Canada
- Hours: Monday to Friday, 10 a.m. to 5 p.m. (ET)

The Refugee Centre – Legal Aid Clinic

- Types of services or specialization: Legal consultation and advice
- Website: <https://www.therefugeecentre.org/legal-aid>
- Email: book an appoint online through <https://trc-academic-aid-orientation.appointlet.com/> | info@therefugeecentre.org
- Contact number: 514-846-0005
- Address: 1610 Saint-Catherine St West #402 Montreal, Quebec, Canada H3H 2S2

Muslim Legal Support Centre

- Types of services or specialization: Legal consultation and advice
- Website: <https://muslimlegalcentre.ca/>
- Email: info@muslimlegalcentre.ca
- Contact number: 416-350-2914
- Address: Unknown

USEFUL RESOURCES

Canada's response to the situation in Afghanistan

- Immigration, Refugees and Citizenship Canada (IRCC) has a dedicated [website](#) with detailed information on the Afghan resettlement programs mentioned above, special measures for Afghan applications, and other temporary and permanent immigration pathways and family-based immigration.

United Nations High Commissioner for Refugees (UNHCR)

- The UNHCR Help Afghanistan Relocation Programmes' [website](#) has information on opportunities for Afghan nationals who have worked or been affiliated with Canada to apply for permission to travel to Canada.

DISCLAIMER

This information sheet outlines key information on Canadian asylum, refugee and immigration law and does neither intend to provide a comprehensive overview nor replace legal advice in the individual case.

The information contained herein is current as of February 2023 (the situation is fluid and may change at short notice). It is offered for informational purposes only and does not constitute legal advice. The information: (i) must be regarded as a practical guide for general information and not a process guide for determining the specific immigration requirements of the countries covered, (ii) should not be a substitute for a more in-depth analysis of applicable facts and circumstances (including, without limitation, criminal or health-related circumstances) conducted by competent professionals, and (iii) does not represent an opinion from Fragomen or any of its agents with regard to the laws of any of the jurisdictions concerned. The information herein does not guarantee the outcome or approval of any particular immigration application. These materials are subject to copyright by our firm with all rights reserved and shall not be disclosed in whole or in part in any form to any third party absent Fragomen's advance written consent.