

9. As a True Refugee

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This is a “last chance” approach, if nothing else makes sense. It depends on Canada recognizing that you are not safe in Gilead, even though that’s where you grew up or previously fled to.

The very thing this book is most about turns out to be the hardest way to move to Canada. That’s why I described all the easier ones first.

Conversely, it is the best-described, because it’s *important*.

9.1 Introduction

The first step is showing you **are** a refugee

If you’re applying a refugee, part of the prove-you’re-a-refugee process depends on *how* you came here:

- Being sponsored as for “refugee resettlement”.
- Applying as a refugee at the border.
- Coming as a visitor or student and applying afterwards.
- Crossing the border illegally and later applying.

Crossing Illegally

The fourth approach *used* to be very common. Because of the so-called “Safe Third Country Agreement (STCA)”, refugees in the US used to come to Roxham Road in Quebec and cross. The RCMP had a detachment there, would warn them, then take them into custody and arrange for a refugee hearing. The Roxham crossing is shut down now, in part due to the cost to Quebec, and in part due to pointed requests from the US that Canada change the agreement.

Other refugees have try to sneak in across the great plains in the winter. That’s life-threatening, and has killed whole families.

Fortunately, US citizens are *not* blocked by the SCTA, so that particular hurdle doesn't apply to them. If you're not a citizen, though, you need to look out for this. See Section 9.4, below, for more on the STCA.

Applying When in Canada

<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-0174-inland-refugee-claims-portal.html>

The third of the four approaches is called an “inland refugee claim”. It's currently available to anyone who has been in Canada for *more than* 14 days. That also includes people who had crossed illegally. This is a different process than applying at the border subject to the SCTA, where the most recent amendments say you must apply *before* 14 days pass.

The process starts with, of course, a form. This is called an IRB Basis of Claim (BOC) form

- https://irb-cisr.gc.ca/en/forms/Documents/RpdSpr0201_e.pdf
- <https://irb-cisr.gc.ca/en/forms/Pages/RpdSpr0201.aspx>

Because of the probability of confusion and erroneous rulings, you *should* seek legal representation, which is yet another form to fill out,

<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/imm5476.html>

Finally you create an account on the IRCC Portal and complete your application on-line, from within Canada.. <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/imm5476.html> This *cannot* be done from the US

Bill C-12 added a new requirement that you must apply within one year of your first (ever!) entry to Canada. That applies to US citizens and non-citizens alike. See section 9.5, below.

Applying at the Border

<https://www.canada.ca/en/immigration-refugees-citizenship/services/asylum/border.html>

The second approach is like applying from within Canada, with a few organizational differences.

The first step is prove your identity and give biometrics scans or fingerprints if you're 14 years of age and up.

A border security office will pre-screen you. They will ask you about your background, why you came to Canada, and what dangers you face in your home country.

References:

- Unusually, there is no official guide on what questions will be asked. <https://myrefugeeclaim.ca/en/guide/start-your-refugee-claim/eligibility-interview/> is a good reference, collected from other government publications and previous immigrants.

It's probably best if you skip ahead and work through the IRB Basis of Claim form first, so you will have thought about many of the questions. Resources for *that* are below, in section 9.2, under Resources for Hearings.

If you pass the screening, you will be referred to the Immigration and Refugee Board of Canada (IRB) to formally fill out the BOC form. You have a maximum of two weeks to do this. In addition, you will usually need to fill out a medical report form, <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/medical-police/medical-exams/requirements-temporary-residents.html> which in turn may require a medical examination.

Being Sponsored as a Refugee

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/sponsor-refugee/private-sponsorship-program.html>

The first of the four possibilities is being sponsored. This the one for refugees instead of for family members.

If you're already a UN "convention refugee" in the US, you can be sponsored to come to Canada by:

- An established organization or church that wants to help refugees resettle in Canada, called a Sponsorship Agreement Holder (SAH)
- Groups of 5, ordinary citizens, often neighbours or co-workers, who sponsor individual refugees or families.
- Community Sponsors, small-scale organizations, associations or corporations that sponsor refugees to come to Canada.

Refugee sponsoring gets turned off and on. For right now, it was off in 2015, and restarted in 2016, with a target of 15,000 sponsored refugees a year.

Individual programs also can be temporarily turned off, too. Right now, groups of 5 and community organizations are paused, but pre-screened SAHs can keep sponsoring.

SAHs include religious organizations, cultural groups and humanitarian organizations. For example, the Anglican Diocese of Toronto, Humanity First and the World University Service of Canada Student Refugee Program, are all SAHs. There are more support groups mentioned in section 1.4, some of which are SAHs.

The full list of SAHs is <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/sponsor-refugee/private-sponsorship-program/agreement-holders/holders-list.html>

9.2 Steps for all four

Who gets in as a refugee? Three broad groups of people:

Status Category	Eligibility Details
UN Refugee Convention Refugees	People with established refugee status from UNHCR.
Protected Persons	Those facing persecution in their home country such as

Status Category

Eligibility Details

Vulnerable Persons

LGBTQ+ people from countries with laws criminalizing sexual orientation or gender identity.

People not yet formally recognized as refugees, such as LGBTQ+ people facing severe discrimination, or potential persecution.

The third category is probably the relevant one here. You may be in Gilead, but you are not yet a protected person.

To be vulnerable, a “person in need of protection”, you must be

- in danger of torture,
- at risk to your life, or
- at risk of cruel and unusual treatment or punishment.

The best way to know if you are going to qualify is to go through the form-filling process, see what’s needed, and then arrange to get all the needed information.

The form and it’s guide are

<https://irb-cisr.gc.ca/en/refugee-claims/Pages/ClaDemGuide.aspx>

<https://irb-cisr.gc.ca/en/forms/pages/rpdspr0201.aspx>


Just like for NAFTA visas, Immigration publishes their interview guidelines, to avoid blind-siding applicants: *Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics*, <https://irb.gc.ca/en/legal-policy/policies/Pages/GuideDir09.aspx>

They’re exhaustive, but genuinely hard to understand. A good immigration lawyer will help.

Resources for Hearings

- Queer Refugee Hearings Program Toolkit
 - This available as both a printable document (133 pages) and an interactive program. It contains the suite of question to expect, such as “27. When and how did you realize that your gender identity may be different than your assigned sex at birth?” The guide includes a list of support organization, by city.
 - <https://capitalrainbow.ca/qrhq>
- The519’s mock hearings, for practice. These are one-on-one rehearsals with a lawyer,

Sections

- 
- Meet the requirements
 - [What to expect at the border](#)
 - [If you are asked to complete your claim online](#)
 - [While you wait](#)
 - [After your hearing](#)

- <https://www.the519.org/programs/mock-hearing-program/>
- Refugee Hearing Preparation Guide, for all refugees. Contains a section on hearings
 - <https://myrefugeeclaim.ca/en/>
 - online “group tours” of the refugee process, at <https://myrefugeeclaim.ca/en/ready-tours/>
- Law Foundation of Ontario
 - Refugee Orientation meetings <https://www.fcjrefugeecentre.org/refugee-orientations-online/>
 - Safe Third country Agreement: refugee protection <https://www.fcjrefugeecentre.org/refugee-orientations-online/>

Clinics

- Canada-U. S. Border Rights Clinic. Visit to learn more about making a refugee claim at the Canada-U. S. border and to book a free consultation for legal advice. Online/phone, <https://canadaborderclinic.org/>
- The 519, as mentioned above, <https://www.the519.org>
- Immigration and Refugee Legal Clinic (IRLC) — <https://www.irlc.ca/>

Information

- Project Haven at UofT - The Asylum lab is a research organization, and project Haven is part of it. Two of its reports are notable:
 - The guide, <https://haven.utoronto.ca/index.php/a-guide-for-lgbtqi-asylum-seekers-crossing-the-canada-u-s-border/>
 - The Haven resource map, <https://www.google.com/maps/d/u/0/edit?mid=1Ycmn2RnXbPcceYpjzie8sCQDumshNyA&ll=52.54292139355158%2C-87.64755717922108&z=4Map>

9.3 Transgender Immigration Cases in Canada

The biggest roadblocks to a successful refugee claim for an 2SLGBTQI+ person are “men of good will, lacking in judgmentⁱ”. Our immigration officers expect “students, wealthy-ish business people, skilled workers and refugees”, typically meaning refugees from distant countries. They didn’t even get timely warnings that the *US* was becoming more and more dangerous, and so rejected a trans person in 2025.

It was appealed, and became *Jenkel v. Canada (Citizenship and Immigration)*, 2025 FC 1178 (CanLII) <https://www.canlii.org/en/ca/fct/doc/2025/2025fc1178/2025fc1178.html?resultId=70232845a72247aaa1231bc9e63c5a29&searchId=2026-02-07T15:50:47:814/321506ed2ae94f9b891a8a3beb7ecba8>

And yes, that is diametrically opposite to the law before March 2026, which said you can't apply after "irregular" entry until *after* you have been here 14 days. Think of this change as a booby-trap.

9.5 A Sidebar on the Safe Third Country Agreement (SCTA)

The SCTA is a bilateral deal between Canada and the US, to keep people from coming to Canada and continuing from here to the US. It is not directly relevant to US-born citizens, but it is to everyone else.

It is

- A substantial blocker for refugees transiting Canada for the US.
- Initially, a partial blocker to people transiting the US on their way to Canada.
- Not enough of a blocker to people transiting Canada on their way to the US, for the US government. They wanted more restriction.

The rules used to apply at customs points, but didn't block people crossing elsewhere. For example, Roxham Road. At the instance of the US, it was amended to close "irregular" crossing points. Think of this as adding US "exit controls", like the USSR once had.

The changes in C-12 also allow you to be expelled if you fail to apply for refuge in the first 14 days after you arrive "irregularly". The law up to March 2026 required you to hide out for 14 days instead: see Step 1 in <https://www.canada.ca/en/immigration-refugees-citizenship/services/asylum/border/eligibility.html> (which is only partially updated as of 30 March 2026)

Before Mr Trump's second term began, the courts did not immediately strike down the safe third country agreement, but instead left questions to the federal court to resolve. Since then, the courts have been told to take notice of new dangers from gender-based discrimination, against refugees arriving from the US.

Resources

- Exit Wounds, 2025, https://www.youtube.com/watch?v=ZQ_rE5MB0lg

This is a live document. These links will change. Always refer to the government pages for current rules. And please file an issue at <https://codeberg.org/tokugawa-behr/Fleeing-to-Canada/issues> so I'll know what needs updating.

In Short

This is not an easy process, but it can be worthwhile. Syn Amanuel fled Eritrea and writes "as a refugee, I hated Canada until one specific night. Now I see this as a stage in a journey. I'm sharing my

story to give hope, to tell those who just arrived that they won't always feel like a refugee”.

<https://www.cbc.ca/news/canada/calgary/syn-amanuel-first-person-refugee-1.6892865>

Other Resources

Chapter 10 contains more resources, for everyone *after* they arrive in Canada. For example, it includes help on resettlement, employment and healthcare

i Adams, H. (1918). *The education of Henry Adams*. Houghton Mifflin.