

## REFUGEE STATUS IN CANADA.

Any person from any country who can prove that he/she is a "Convention refugee" or a "person in need of protection" will receive refugee protection in Canada. Any person who receives refugee protection in Canada, can apply for Permanent Resident status in Canada immediately. After three years residence in Canada, that person can apply to become a citizen of this great country.

Every claim to refugee protection that is made in Canada is decided by the Refugee Protection Division of the Immigration and Refugee Board ("the Board") in an in-person hearing. Every claim to refugee protection in Canada that is made outside of Canada is decided by a Canadian Immigration officer in that Canadian embassy. This is called 'group sponsorship'.

Every person who claims refugee status is entitled to have a lawyer represent him or her at their refugee hearing before the Board or at the embassy. The claims of family members are usually heard together in one joint hearing. At a refugee hearing the refugee claimant and any witnesses testify orally and any relevant documentary evidence about the claim is presented. A lawyer assists the claimant to present all the relevant oral and documentary evidence, makes submissions as to why the claimant should be accepted as a refugee, and ensures that the claimant's right to a fair hearing is protected.

The most important factor in a successful refugee claim is thorough preparation, starting with preparation of the Personal Information Form or "PIF", which is a document setting out all the information about your claim. If the claim is made in Canada, the completed PIF must be submitted to the Refugee Board within 28 days from the day on which you are given the blank PIF. Proper preparation of the PIF is essential and preferably should be done with the assistance of a lawyer who is competent in refugee law and knowledgeable of the country situation.

Kumar Sriskanda is a qualified and experienced refugee lawyer located in Toronto who has successfully represented refugee claimants from most countries, especially from Sri Lanka, India, Pakistan and Bangladesh. Mr. Sriskanda also represents people who have been rejected by the Refugee Board and by the Immigration Officers in Federal Court. He is knowledgeable of the law and thorough with the political and social circumstances existing in those countries and also represents refugees from any country whose claims are based on their gender (such as abused women). Mr. Sriskanda does not need a Tamil interpreter as he speaks Tamil fluently. He has access to interpreters in other languages.

Mr. Sriskanda accepts Legal Aid, provided by the Province of Ontario. Only lawyers on Legal Aid's refugee panel can accept Legal Aid. Non-lawyers, such as consultants, cannot accept Legal Aid. If you qualify for Legal Aid (most Legal Aid

certificates are free), you should not have to pay for any part of your refugee case, including completion of the PIF, interpreters or translation of documents used as evidence in your claim. Mr. Sriskanda's office will assist you in applying for Legal Aid. If you are not eligible for legal aid, his services are available. Mr. Cohen also represents fee-paying clients at reasonable rates.

If you are claiming refugee status in Canada, you should indicate your intention to claim refugee protection to Canadian immigration authorities at the first available opportunity, such as upon arrival in Canada, even if you travelled to Canada on false documents. All claims are confidential and no information about your claim will be revealed to your country. You will not be removed from Canada before you have been given the opportunity to have your claim decided according to the law. If you are already in Canada and wish to claim refugee protection, regardless of your status in Canada (e.g., no status, visitor status), you should do so at the earliest opportunity by attending in person at a Citizenship and Immigration office. (If you are already the subject of a removal order, such as a deportation order, you should seek legal advice first. You may not be able to claim refugee status.) In Toronto inland claims can be made at: Citizenship and Immigration Canada, 5353 Dundas Street West, Etobicoke (Kipling subway station). Remember, you have only 28 days to submit your PIF. It is advisable to retain counsel before or as soon as you make your claim.

Since December 29, 2004, except for people who have close relatives already in Canada, refugee claimants may not claim refugee status in Canada at the US/Canada border (such as at Niagara Falls, Fort Erie-Buffalo or Windsor-Detroit) if they have travelled to Canada from their home countries via the USA. If you are already in the USA or are traveling to Canada via the USA, you must claim asylum in the USA. People who are citizens or have the right to live in more than one country must prove they have a refugee claim against all the countries of which they are citizens or in which they have the right to live.