

# Refugee Claim Refusal in Canada: Your Immediate Next Steps

Navigating the 2026 Appeal  
Process with Dara Immigration  
Services.

A guide to the 15-day deadline, the Refugee Appeal  
Division (RAD), and avoiding deportation.

! Urgent Legal Information - Read Immediately



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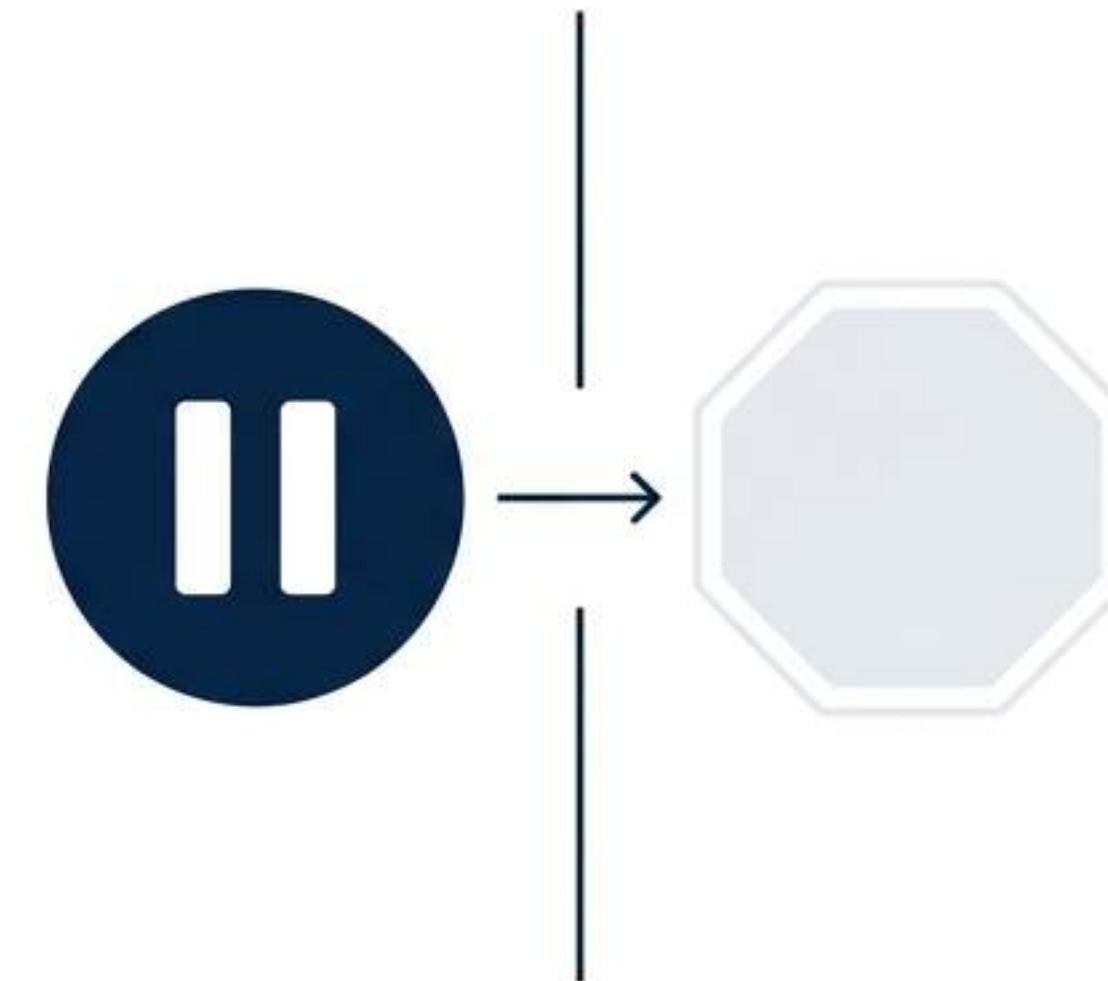


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# A 'No' Is Not Necessarily the Final Word



Receiving a refusal from the Refugee Protection Division (RPD) activates a "Conditional Removal Order." This means deportation is possible.



However, the Canadian legal system provides robust appeal mechanisms that can pause this process.



**The Stay of Removal:**  
If you file a valid appeal to the RAD, your deportation is stayed (paused) until a decision is made.

# The 15-Day Rule: The Critical Deadline



Days from receiving your written reasons to file a Notice of Appeal.



Day 0: Decision

## Red Alert

**Miss this by 24 hours? You lose your right to appeal.**

The Conditional Removal Order becomes enforceable, and the Canada Border Services Agency (CBSA) will arrange deportation.



Day 15: DEADLINE

# Two Roads Forward: RAD vs. Federal Court

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## Refugee Appeal Division (RAD)

### The Standard Path

- Reviews errors of fact or law.
- Can overturn the refusal and grant refugee status or order a new hearing.
- Standard path for most claimants.

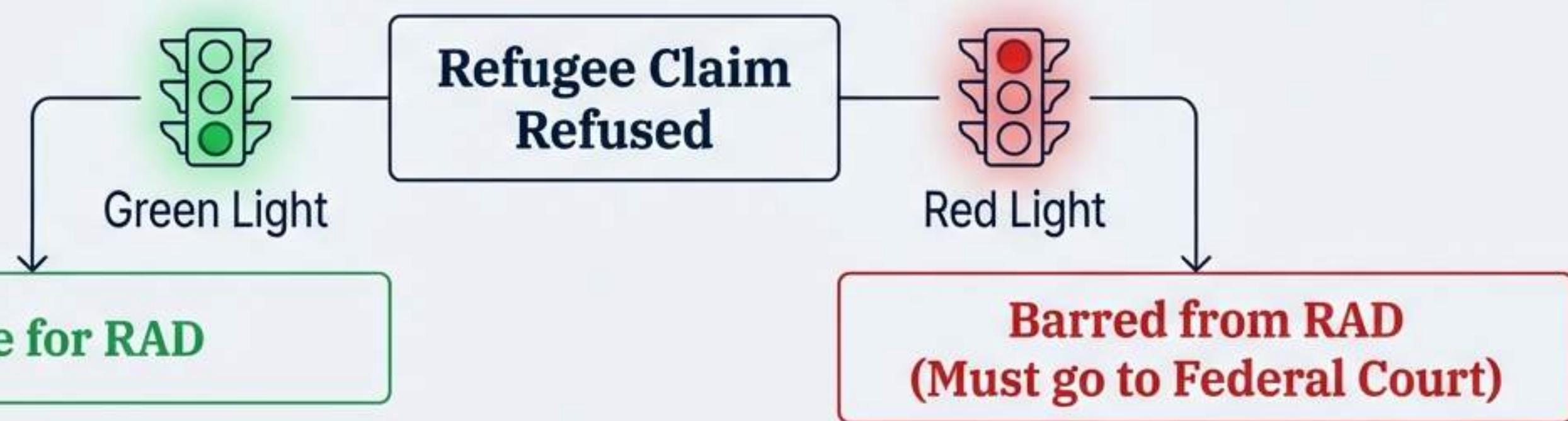


## Federal Court (Judicial Review)

### The Exception Path

- Reviews if the process was fair.
- Does NOT re-assess evidence.
- Requires a lawyer.
- The only option for those barred from RAD.

# “Are You Eligible for the RAD?”



- ✓ - You appeared for your hearing (did not abandon).
- ✓ - Decision did NOT state 'No Credible Basis' or 'Manifestly Unfounded'.
- ✓ - You are not a Designated Irregular Arrival.

- ✗ - STCA Exception (entered from USA).
- ✗ - Designated Irregular Arrival (group arrival).
- ✗ - Withdrawn/Abandoned claims.
- ✗ - 'No Credible Basis' finding in the RPD decision.



# Decoding Your Refusal Decision

Understanding why the RPD said no is essential for a successful appeal.



## Internal Flight Alternative (IFA)

The officer believes you can be safe in another city (e.g., moving from Bogota to Cartagena).

- **Challenge:** Prove it is unreasonable or unsafe to move.



## Credibility Issues

Contradictions found between oral testimony and the Basis of Claim (BOC) form.

- **Challenge:** Hard to overturn unless the officer ignored explanations.



## State Protection

Failure to ask police for help before fleeing.

- **Challenge:** Must prove police are corrupt or unable to protect.



Choose Your Path Carefully

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# The 45-Day Sprint: Step-by-Step

Day 1-5



## Consult Counsel

Contact Dara Immigration immediately. Review the "Reasons for Decision".



Day 15



## File Notice

Strict Deadline to file **three** copies of the Notice of Appeal to the RAD registry.



Day 45



## Perfect Appeal

Deadline to submit the Appellant's Record (legal arguments + new evidence).



# Making Your Case: The Appellant's Record

To “Perfect” the appeal means submitting your full legal argument.



**Legal Arguments:** Identifying errors in law or fact.

**New Evidence:** **STRICT RULES APPLY.**



**The Evidence Rule:** You can only submit NEW evidence if it was not reasonably available during the first hearing. You cannot simply resubmit old evidence or add things you forgot.

The RAD decides based on this record.



# Life While You Wait: Work and Status



## Work Permits

Yes, you can renew your claimant work permit (\$0 CAD fee).

Your status as a 'Refugee Claimant' continues as long as the appeal is filed on time.

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## Deportation Status

If eligible for RAD, your Removal Order is STAYED (paused). You cannot be deported until a final decision is made.



**Warning: If you miss the 15-day deadline, the stay is lifted immediately.**

# Investment & Timing (2026 Estimates)

Category	Gov Fee	Time	Notes
RAD Appeal	\$0 CAD	6–12 Months	Service fees apply
Federal Court (JR)	\$50 CAD	6–12 Months	Requires Lawyer
H&C Application	\$575 CAD	<b>24+ Months</b>	Humanitarian grounds
Work Permit	\$0 CAD	3–4 Months	For active appellants

Legal fees are separate and higher for appeals due to complexity.



# Last Resort Options



## Pre-Removal Risk Assessment (PRRA)

If all appeals fail and you face removal, PRRA checks for NEW risks that have arisen since the hearing.



## Humanitarian & Compassionate (H&C)

Generally barred for 12 months following a final refugee refusal. Exceptions exist if the safety of a child is involved.



## Federal Court (Post-RAD)

If the RAD rejects the appeal, you may seek "Leave for Judicial Review" at Federal Court (Lawyer required).



# Frequently Asked Questions

## Do I need a lawyer for the RAD?

You can use an Immigration Lawyer or a specialized RCIC-IRB licensee.

## What if I miss the 15-day deadline?

You **lose appeal rights**. Extensions are rarely granted without exceptional reasons.

## Can I apply for H&C immediately?

No, usually there is a **12-month bar** after a refusal.

## Can I stay in Canada?

Yes, as long as the appeal is active, your removal is stayed.



# Your Crisis Management Checklist



## Read the Decision

**Do not ignore** the “Notice of Decision” letter.  
**The clock starts** the day you receive it.



## Calendar Day 15

Mark the **deadline** to file the Notice of Appeal.



## Consult Counsel (Day 1-5)

Contact Dara Immigration for an **immediate review** of the RPD's reasons.



## Gather New Evidence

Identify any evidence **not previously available** that impacts your safety.



# Why Choose Dara Immigration Services?

A Refugee Claim Refusal is a legal emergency. We specialize in crisis management for refused claimants.



## Rapid Assessment

We quickly review reasons for decision to identify errors.



## RCIC-IRB Licensed

Authorized to represent you before the Refugee Board.



## Strategic Arguments

We craft the Appellant's Record to challenge specific legal errors.



# Do Not Let a Procedural Error End Your Journey

The difference between a successful appeal and deportation is often the quality of arguments filed in the first 45 days.

**Contact Dara Immigration Services immediately for an urgent review.**



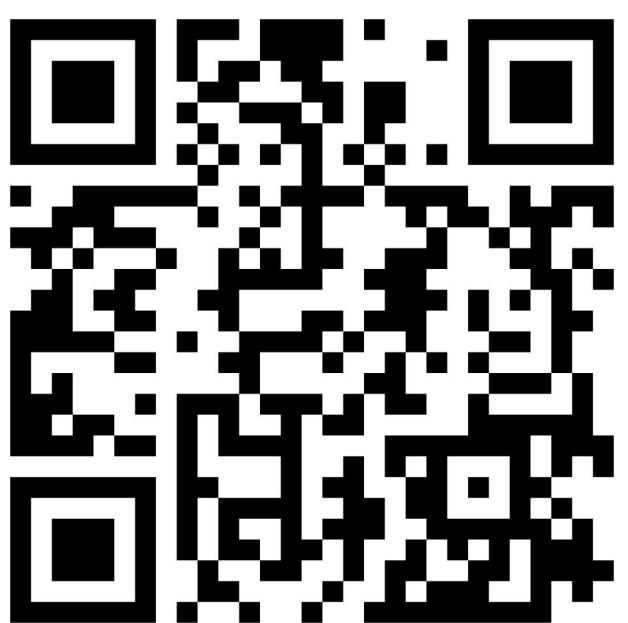
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