



An irregular border crossing

A decision to make an irregular crossing is never taken lightly. In the winter months the isolated areas of Canada are extremely cold, and some people have lost fingers to frostbite. There are a few unscrupulous smugglers who may take advantage of a desperate person.

Making an inland claim is not a short cut. Refugee claimants must go through a strict screening process, and many will be refused in spite of their well-founded fear for their safety in their country of origin.



For more information:

<http://www.cic.gc.ca/english/refugees/inside/apply-who.asp>

<http://refugeeclaim.ca/preparation-guide/>

<http://ccrweb.ca/sites/ccrweb.ca/files/refugee-claims-from-us-info.pdf>

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Refugees entering Canada: The Safe Third Country Agreement



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Crossing the border at a Port of Entry

Canada and the USA have a treaty called the **Safe Third Country Agreement**.

A refugee who enters Canada from the USA at an official Port of Entry – a border crossing or an airport – cannot make a refugee claim in Canada. The refugee will be returned to the USA the same day. Canadian authorities must notify the US authorities. The refugee will never be able to make a second refugee claim in Canada.

However, Canada recognizes International Law and the right to seek protection from persecution.

Making a claim from within Canada

A refugee who enters Canada at an irregular entry point may make a refugee claim after they have entered Canada.

The refugee must report to the law enforcement officials immediately. A hearing at the Immigration and Refugee Board will be scheduled. At the hearing the Refugee Board will decide whether the person meets the refugee definition or faces torture, cruel and unusual punishment or a risk to their life in their country of origin.

There is no guarantee that Canada will grant refugee status.

You **can** make a claim at the border if:

You have a qualifying family member physically present in Canada. This family member must be a Canadian citizen, a permanent resident of Canada, a protected person or Convention refugee, a person subject to a stay of removal, a holder of a work permit or study permit, or a refugee claimant over 18. The family member can be a spouse, a common-law partner, legal guardian, child, father, mother, brother, sister, grandfather, grandmother, grandchild, aunt, uncle, nephew or niece.

You are an unaccompanied minor without a parent or guardian in the USA or Canada.

You have a valid Canadian visa.

You are a national of a country where visas are not required to enter Canada but are required to enter the USA (e.g. Mexico)

You are subject to the death penalty.