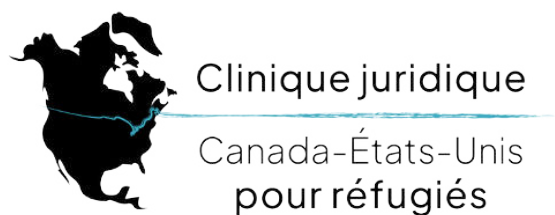




Canada-US
Border Rights Clinic



Clinique juridique
Canada-États-Unis
pour réfugiés

When a Refugee Claim is Found Ineligible: Information for service providers

Important: This resource includes information provided by team members of the Canada-US Border Rights Clinic, service providers across Canada and publicly available information from IRCC and CBSA. Each client's situation is unique. This document is for general information only and should **not** be taken as legal advice.

This document is up to date as of: April 6, 2026

Glossary of terms

Immigration, Refugees and Citizenship Canada (IRCC) - The federal government department that processes immigration applications and makes decisions on PRRAs.

Canada Border Services Agency (CBSA) - The federal agency responsible for immigration and border enforcement, detention, and removals from Canada. CBSA makes decisions about eligibility to make a refugee claim at the border.

Refugee Protection Division (RPD) - The division of the Immigration and Refugee Board that holds hearings and makes decisions about refugee claims.

Refugee Protection Identity Document (RPID) – An identity document issued to refugee claimants that includes a photo, confirms that they have made a refugee claim and indicates entitlement to IFH, federal health care coverage. It is issued to both claimants who are eligible to be referred to the RPD and claimants who are only entitled to a PRRR but it does not indicate this on the form.

Acknowledgement of Claim (AOC) - A document issued to confirm that a refugee claim has been made.

Administrative Deferral of Removal (ADR) - A temporary policy that stops removals to specific countries listed because conditions there make return unsafe. This list changes from time to time to reflect country conditions.

Temporary Suspension of Removal (TSR) - A formal suspension of removals to specific countries listed due to situations such as armed conflict or widespread human rights violations. This list also changes from time to time.

Interim Federal Health Program (IFHP) - A federal program that provides limited health care coverage to refugee claimants and certain other migrants who are not eligible for provincial health insurance.

Immigration Division (ID) - The division of the Immigration and Refugee Board that holds hearings and makes decisions about admissibility and release from detention.

What does “ineligible” mean?

A person who asks for refugee protection in Canada may have their claim found ineligible to be referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB).

Reasons for ineligibility may include:

- They previously made a refugee claim in Canada that was refused, withdrawn, abandoned, or found ineligible.
- They previously made a claim in one of the other “Five Eyes” countries (US, UK, Australia, New Zealand) and Canadian authorities have confirmed this through existing information sharing agreements.
- They are already recognized as a Convention Refugee in another country and can be sent back to that country.
- They are found inadmissible on grounds of security, human rights violations, serious criminality or organized criminality.
- They made a claim more than one year after their first entry into Canada after June 24, 2020, even if they left Canada and later returned (for claims made on or after June 3, 2025).
- They entered Canada irregularly, i.e. between official ports of entry, and made a claim after 14 days (for claims made on or after June 3, 2025)
 - **Important:** claims made within 14 days of entry are subject to the Safe Third Country Agreement. They will be returned to the US if they don’t meet an exception to the agreement.

If a claim is found ineligible, it will not be referred to the Refugee Protection Division of the IRB. Instead, the person may be placed in **removal proceedings**.

This resource is for situations when a person:

1. Makes a refugee claim at the border→ meets an exception to the Safe Third Country Agreement→ is allowed into Canada→ their refugee claim is found **ineligible** for one of the reasons above; or
2. Makes a refugee claim inside Canada→ the Safe Third Country Agreement doesn’t apply to them→ their refugee claim is found **ineligible** for one of the reasons above

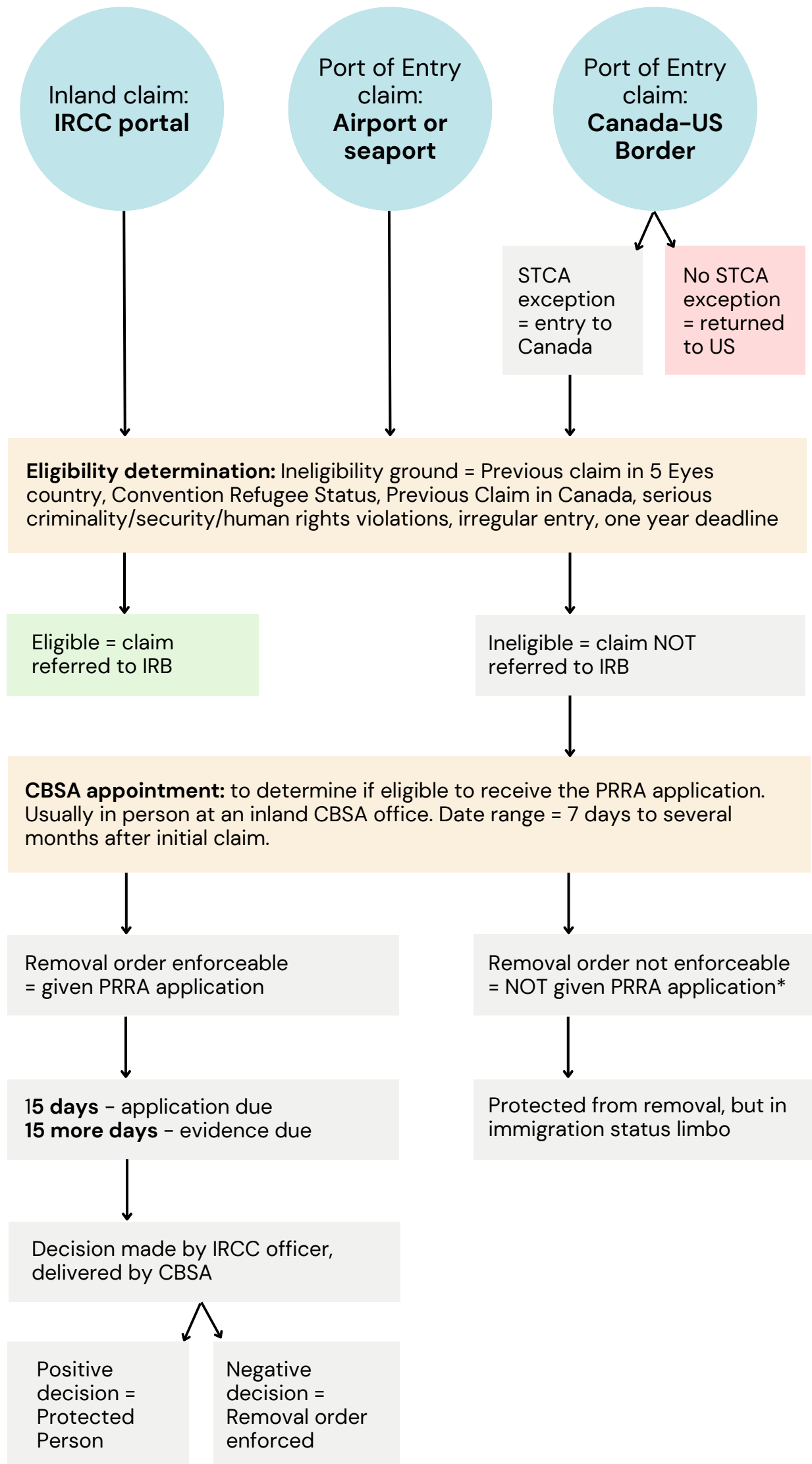
This resource is NOT for situations when a person:

1. Tried to enter Canada from the US→ CBSA found their refugee claim **ineligible** under the Safe Third Country Agreement and they were returned to the United States; or
2. Is facing removal from Canada after their refugee claim was refused and 12 months has passed since the refusal or the final refusal if an appeal or application for judicial review to Federal Court of the decision is made; or
3. Has never asked for protection in Canada and is now facing removal.

What happens next?

When a claim is found ineligible to be referred to the Refugee Protection Division, the person is put in removal proceedings. Before someone is removed from Canada, the **Pre-Removal Risk Assessment (PRRA)** is usually the process that is available to look at whether the person would be in danger if returned to their country of origin.

This flow chart below outlines the most common scenarios for ineligible claimants:



Canada generally does not remove people to certain countries, known as “moratorium countries.” [See the full list](#) of countries with Administrative Deferral of Removal or Temporary Suspension of Removal.

Frequently Asked Questions about the PRRA process

How do I know if someone's claim was found to be ineligible?

- The person should receive a letter stating that their claim is **“not eligible to be referred to the Refugee Protection Division.”** It should include under what provision of the Immigration and Refugee Protection Act they were found ineligible. For port of entry claims, CBSA should provide this letter at the eligibility examination. For inland claims, IRCC may provide this letter through the online portal after the eligibility examination.
- The Refugee Protection Identity Document (RPID) does **not** indicate whether a claim has been found eligible or ineligible. Some clients may still possess the old Refugee Protection Claim Document which does indicate eligibility.
- CBSA and IRCC vary in how clearly they explain ineligibility. Many claimants leave their eligibility interviews confused about their status and what process applies to them.
- The person should receive a document called an **“Acknowledgement of Conditions”** at the eligibility interview. The second page usually includes details for an appointment at an inland CBSA office in the region where the person lives or plans to live. The person may not understand why this appointment has been scheduled.
- In some cases, the only reference to the PRRA in eligibility-examination documents may be found in the **Minister's Delegate's notes**, which may state that the person is eligible for a PRRA or the notes may refer the case to a CBSA removals officer to determine whether the person is eligible to be given a PRRA application to start the PRRA process.
- If they don't have any of the above information, you can make an Access to Information and Privacy (ATIP) request for a copy of their file.

What is a PRRA application and how is it different than a refugee claim?

- A PRRA is a written application to assess risk before a person is removed from Canada.
- In most cases, the PRRA uses the same legal test as a refugee hearing to consider a person's risk. [Learn more about the legal test.](#)
- Unlike an eligible refugee claim, which is decided by an independent board member of the Immigration and Refugee Board, a PRRA is decided by an IRCC officer.
- The PRRA process is different from the IRB refugee determination process and will be explained throughout this resource.

How and when does someone get a PRRA application?

- A PRRA must be initiated by CBSA after they determine that the person can be removed from Canada—**that is, once they have an “enforceable removal order.”**
- A person cannot download and submit a PRRA application on their own. They must be **“served”** with the PRRA application by a CBSA removals officer as part of removal proceedings.
- Appointments to receive a PRRA application are usually held in person at an inland CBSA office, though they may sometimes be virtual.
- CBSA will ask the person if they want to make a PRRA application. If they say they don't, they will be asked to sign a waiver that states they do not want to make a PRRA and CBSA will make arrangements for their removal from Canada.
- Timelines vary. A PRRA appointment may occur as early as **seven days** after the person made a claim or several months later. Service providers may need to advocate with CBSA to have an appointment scheduled.
- At this appointment, the removals officer should provide a PRRA application kit, which includes:

- The IMM5508 PRRA application form
 - The ***Notification Regarding a Pre-Removal Risk Assessment***, which explains how and when to submit the application and outlines key deadlines.
 - A printout of IRCC’s [5523 PRRA application guide](#).
- All family members who are 18 years or older must submit their own PRRA application.

How does someone access a PRRA if they crossed the border irregularly and know their refugee claim will be ineligible?

- A person in Canada after an irregular border crossing who needs protection—but expects their claim to be found ineligible—must still make a refugee claim through the IRCC portal to trigger the removals process.
- Their claim will be found ineligible for referral to the RPD, and they will be scheduled for an appointment with a CBSA removals officer. Again, timelines vary. If their removal order can be enforced, they will be given a PRRA application that they can make before they can be removed from Canada.

IMPORTANT: The [Safe Third Country Agreement \(STCA\)](#) continues to apply during the **first 14 days** after an irregular entry.

- If a person makes a refugee claim within those 14 days and does not meet an STCA exception, they will be returned to the United States and **will not be able to pursue a PRRA in Canada**.
- If a person makes a refugee claim more than 14 days after entering Canada irregularly, the STCA will not apply.

What is the timeline to submit a PRRA application?

- A PRRA must be submitted **within 15 calendar days** of receiving the application from CBSA. This is an important deadline. If the PRRA is submitted after the 15th day, CBSA can try to remove the person from Canada before a decision is made on their PRRA.
- Additional evidence must be submitted **within 30 calendar days** of receiving the application from CBSA.
- Applicants may continue submitting supporting evidence until a decision is made.
- Deadlines are very short and may be particularly difficult to meet for people without legal representation.
- If the PRRA application is submitted on time, the person cannot be removed from Canada while they are waiting for a decision. If the application is submitted late, CBSA may be able to move ahead with removal.

How is a PRRA application submitted?

- Applications may be submitted **online or by mail**.
- Online: Applications are submitted using [Canada Post’s Connect Service](#)
- By mail: Applications must be sent to the address listed in the *Notification Regarding a Pre-Removal Risk Assessment*. According to IRCC’s operational instructions, mailed applications are considered submitted on the day they are postmarked.

Is there a fee to submit a PRRA application?

- No. There is no fee to submit a PRRA application

Do PRRA applicants get a hearing?

Some PRRA applicants will have a hearing with an IRCC decision-maker. Hearings may be held virtually (Microsoft Teams) or in person.

A hearing is required when:

- The claim was found ineligible to be referred to the RPD due to a previous claim in a **Five Eyes** country (for example, the United States). This is known as an “**Enhanced PRRA**.” A hearing is usually held. An officer may issue a positive decision without hearing but **cannot issue a negative decision without one**.
- In PRRA applications that don’t involve Five Eyes ineligibility, the decision is usually made based on paper submissions and evidence. In rare cases, the IRCC officer may decide they need to interview the applicant because they have questions about their credibility.

[Learn more about what happens at a virtual PRRA hearing](#)

Who makes the PRRA decision and how is it delivered?

- An IRCC officer makes the PRRA decision. The decision is then sent to CBSA to communicate to the applicant to come and get it.
- Decisions should be delivered in person by a Removals Officer at an inland CBSA office.
- Notices asking a person to come to CBSA to receive a PRRA decision are sometimes sent **only to the applicant**, not to their lawyer or representative.
- PRRA decisions are given verbally by the Removals Officer. The officer should ask the person if they would like the written reasons. If CBSA does not provide the written reasons the person can ask for them.
- Decision timelines vary widely. Service providers have reported between four months and four years, with additional delays between when a decision is made and when it is communicated to the client by CBSA. Applicants should keep this in mind if/when updating applications with new evidence.

What happens if a PRRA application receives a **positive** decision?

- A positive decision results in Protected Person status for most people. They can apply for permanent resident status.
- People who are inadmissible to Canada because of criminality, security or human rights violations, will have more restricted access to protection. A positive risk assessment does not guarantee that they can remain in Canada or apply for permanent resident status.
- CBSA should provide a document called a **Verification of Status** to prove that someone is a protected person. If this document is not given, the person should request it from CBSA. It can also be [applied for online](#).
- A Protected Person qualifies as an **anchor relative** under the Safe Third Country Agreement. A PRRA applicant does not.

What happens if a PRRA application receives a **negative** decision?

- A negative decision makes the removal order “actionable.” CBSA may begin removal arrangements quickly—sometimes **within weeks**.
- Legal options after a PRRA refusal are limited and time sensitive. People need legal advice right away in this situation, all of these options do not give them an automatic stay of their removal order:
 - They can file an application for leave and judicial review at the Federal Court within **15 days**.

- They can request that the same IRCC officer who made the decision [reconsider their decision](#).
- If 12 months have passed since the PRRA decision, they can file a second PRRA. A person may decide to file an application for permanent residence on **Humanitarian and Compassionate (H&C)** grounds, but these applications can take years to decide and having applied does not give a person a stay of removal.

Is submitting a PRRA application optional?

- Yes. A person may choose not to submit a PRRA application and may **waive their right** to a PRRA. They can do this by completing the *Statement of No Intention* in Section G of the PRRA application. If they do so, they need to understand that CBSA will take steps to remove them from Canada, sometimes immediately. They may be able to change their mind and submit the PRRA within the 15-day deadline if they have not been removed.

Can PRRA applicants access legal representation?

- PRRA applicants have the right to be represented by a lawyer, including at a hearing.
- Legal aid coverage exists in some provinces, but compensation rates are often low for some lawyers to accept PRRA cases. Many applicants remain unrepresented.
- Community organizations play an important role in supporting unrepresented applicants to navigate the PRRA process but cannot replace legal representation.

Why can't someone from a "moratorium country" apply for a PRRA?

- If the person is from a [country under an Administrative Deferral of Removal \(ADR\) or Temporary Suspension of Removal \(TSR\)](#), their removal order is usually unenforceable. It may be enforceable if the person is inadmissible to Canada for reasons related to serious criminality, organized criminality, security or human rights violations or if the person consents to their removal.
- PRRA is part of the removals process and is only available to people with removal orders that can be enforced.
- People from ADR/TSR countries are protected from removal but **cannot have their risk assessed for Protected Person status**, leaving them in prolonged immigration limbo.
- Some people in this situation apply for permanent residence on **H&C grounds** or through family sponsorship. The timelines for H&C decisions can be longer than 10 years.

Can a person who is inadmissible for reasons of serious criminality, organized criminality, security concerns or human rights violations apply for a PRRA?

- In a limited number of cases, the CBSA or Immigration Division may have found the person inadmissible because of serious **criminality, organized criminality, security concerns, or human rights violations**.
- In some of these situations, the PRRA will consider a more limited set of risks. This type of PRRA is sometimes called a **"restricted PRRA."**
- It is highly recommended that people in this situation have legal representation

Identity documents for people with ineligible claims

- **Refugee Protection Identity Document (RPID):** Issued at the eligibility examination. It does not show whether a claim is eligible or ineligible for referral to the RPD, as this document is issued to people in both circumstances. Issued by CBSA (port of entry claims) or IRCC (inland claims).
- **Acknowledgement of Claim (AOC):** Issued electronically for inland claims made through the IRCC portal, usually within **5–10 business days**. Issued by CBSA at the land border in some cases if eligibility can't be determined right away. It provides access to IFHP and some services.

If inland eligibility interviews are significantly delayed, service providers may advocate with local IRCC offices. Issues can also be raised at:

ircc.asylumtechsupport-supporttechasile.ircc@cic.gc.ca

Work permits for people with ineligible claims

People with ineligible claims do not receive work permits automatically. CBSA or IRCC may not explain to them that they need to apply for it separately.

- They may apply for an **open work permit** after receiving their RPID.
 - Fees total **\$255** (\$155 application fee + \$100 open work permit holder fee).
 - Processing times can be very long. [See IRCC website for current processing times.](#)
 - Some PRRA applicants receive a PRRA decision before their work permit is issued, which can be especially difficult for people without access to legal aid.
 - Applying for a work permit can be difficult without help. This is especially true for people from **moratorium countries**, which can delay the processing of their work permit application, or result in a refusal if biometrics can't be completed without the RPID.
 - A person who has submitted their PRRA application after the 15-day deadline is not entitled to work in Canada and CBSA can take steps to remove them before a decision is made.
-

Social services for people with ineligible claims

- **Health care:** People with ineligible claims have access to the **Interim Federal Health Program (IFHP)** until removal. Proof of coverage is provided through the AOC or RPID. IFHP is generally responsive to coverage errors.
 - **Social assistance:** Access varies by province. Some provinces provide assistance to people with unenforceable removal orders. Caseworkers may be unfamiliar with ineligible claims, and advocacy is often required to ensure receipt.
-

Additional Resources

- [IRCC guide on applying for PRRA](#)
- [IRCC Operational Instructions on the PRRA for IRCC staff](#)

- Community Legal Education Ontario (CLEO)
 - [General PRRA](#)
 - [Completing a PRRA/evidence to include](#)
 - [Enhanced PRRA](#)
- Wallace, Simon. [*Getting It Right the First Time: Exploring the False Economy of Bill C-12's Refugee Process Shortcuts*](#). October 17, 2025. SSRN.