



| |
|--|
| Client I.D. Number |
| Claimant's first name(s) and family name(s) |
| PROTECTED WHEN COMPLETED |
| RPD file number (for IRB office use) |
| |

Basis of Claim Form

(for persons claiming refugee protection in Canada)

ANSWER ALL THE QUESTIONS ON THIS FORM.

- If you are making your claim at an immigration office inside Canada, complete this form and bring the completed form and one copy with you to give to the Officer who will decide if your claim is eligible.
- If you made your claim on arrival at a port of entry into Canada, complete this form and provide the completed form and one copy to the Immigration and Refugee Board of Canada (IRB). You must make sure that the IRB receives the completed form not later than 15 calendar days after the day that the Officer refers your claim to the Refugee Protection Division.
- Make sure that you make a copy of the completed form for yourself.

If the Officer or the IRB, as the case may be, has not received your completed Basis of Claim Form (BOC Form) by the dates mentioned above, the IRB will have a special hearing and may decide to declare your claim abandoned which means you would not be allowed to continue with your claim.

IMPORTANT NOTICE REGARDING COUNSEL AND DOCUMENTS THAT MAY SUPPORT YOUR CLAIM

You have a right to be represented by counsel at your own expense, but the counsel you choose must be available on the date fixed for the hearing.

You are responsible for obtaining and providing to the IRB any documents that may support your claim. Please see the appendix at the end of this form for details on providing documents to the IRB.

INSTRUCTIONS FOR COMPLETING THIS FORM

IMPORTANT: You can find instructions to help you complete your BOC Form both in the appendix at the end of this form and in the *Claimant's Guide* in your *Claimant's Kit*. Please read these instructions carefully. Before giving your original BOC Form to the IRB, **remove the appendix**. If you have written additional information on other sheets of paper, please provide those sheets of paper with your BOC Form.

PLEASE COMPLETE LEGIBLY. Print or type the details about your claim in the spaces provided below. If you need more space, use additional sheets of paper the same size as this form. On each additional sheet, write your name and Client I.D. Number (and IRB file number, if known) in the top right-hand corner, and write the page number at the bottom. Also, indicate which question you are answering on the additional sheet, and number the lines.

WARNING: It is a serious offence to provide false or misleading information. Your claim may also be rejected - and any favourable decision, if already given, revoked, if you give information that is not true or is misleading, or if you try to hide important information.

| |
|--|
| Date Stamp (for IRB office use) |
| |

WHO YOU ARE

| | | |
|-----------------------------------|--|---|
| 1a) Given or first name(s) | 1b) Family or last name(s) / surname(s) | 1c) Date of birth (year/month/day) |
| | | |

1d) Indicate what sex is identified on your passport

Male Female Other _____

If you do not identify with the sex/gender on your passport, you may self-identify your sex/gender: _____

| | |
|--|--|
| 1e) Nationality, ethnic and racial group or tribe | 1f) Religion and denomination or sect |
| | |

1g) List all languages and dialects you speak

WHY YOU ARE CLAIMING REFUGEE PROTECTION

When you answer the questions in this section, please explain everything in order, starting with the oldest information and ending with the newest. INCLUDE EVERYTHING THAT IS IMPORTANT FOR YOUR CLAIM. INCLUDE DATES, NAMES AND PLACES WHEREVER POSSIBLE.

If the information one of your accompanying family members wrote in this part of their BOC Form applies to you, you do not need to repeat that information here. Simply write the name and file number of the family member and explain that your refugee protection claim is based on the same information.

Attach two copies of any documents you have to support your claim, such as travel documents (including your passport) and identity, medical, psychological or police documents. Include certified translations in English or French for all documents in a language other than English or French. You must pay for these translations yourself. If you get more travel or identity documents after submitting your BOC Form, give two copies to the IRB **without delay**. A copy of any other document in support of your claim that you get after submitting your BOC Form must be received by the IRB and by the Minister, if the Minister is a party, **at least 10 days** before your hearing. Please read the appendix at the end of this form for details on providing documents to the IRB.

2(a) Have you or your family ever been harmed, mistreated or threatened by any person or group?

Yes No

If "YES" explain in detail:

What happened to you and your family.
 When the harm or mistreatment or threats occurred;
 Who do you think caused the harm or mistreatment or threats;
 What do you think was the reason for the harm or mistreatment or threats that occurred;
 Whether persons in situations similar to yours experienced such harm, mistreatment or threats.

(Indicate dates, names and places, wherever possible.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

...if you need more space, use additional sheets of paper the same size as this form.



2(b) If you returned to your country, do you believe you would be harmed, mistreated or threatened by any person or group?

Yes No

If "YES" explain in detail:

What would happen to you?
Who would harm, mistreat or threaten you?
What do you think is the reason you would be harmed, mistreated or threatened?
(Indicate dates, names and places, wherever possible.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(c) Did you ask any authorities such as the police, or any other organization, in your country to protect or assist you?

Yes No

If "NO" explain in detail why not.

If "YES" explain in detail:

Whom you approached for help;
What steps you took; and
What happened as a result.
(Indicate dates, names and places, wherever possible.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(d) Did you move to another part of your country to seek safety?

Yes No

If "NO" explain in detail why not:

If "YES" explain in detail:

Why you left the place that you moved to; and

Why you could not live there, or some other place in another part of your country, today.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(e) When did you leave your country? (Provide dates)

1. _____
2. _____

2(f) Why did you leave at that time and not sooner, or at a later time?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(g) Did you move to another country (other than Canada) to seek safety?

Yes No

If "YES" explain in detail:

Name of country;

When you moved to that country;

How long you stayed there;

Whether you claimed refugee protection in that country and, if not, why not.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(h) Give any other details that you think are important for your claim for refugee protection.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

...if you need more space, use additional sheets of paper the same size as this form.

2(i) Are children who are less than 18 years old claiming refugee protection with you?

Yes No

If "YES", check the correct box below and answer the question(s) that follow:

You are the child's parent and the other parent is in Canada.

You are not the child's parent:

If you are not the child's parent, do you have any legal documents or written consent allowing you to take care of the child or travel with the child?
If yes, what document(s) do you have? If not, why not?

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

You are the child's parent but the other parent is not in Canada:

If you are the child's parent but the other parent is not in Canada, do you have any legal documents or written consent allowing you to take care of the child or travel with the child? If yes, what document(s) do you have? If not, why not?

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

2(j) If a child, six years old or younger, is claiming refugee protection with you, explain in detail why you believe the child would be at risk of being harmed, mistreated or threatened if returned to their country. (Include only information that is specific to the child's situation and is different from the information you gave to support your claim.)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

...if you need more space, use additional sheets of paper the same size as this form.

COUNTRIES WHERE YOU ARE AT RISK OF SERIOUS HARM

3. List the country or countries where you believe you are at risk of serious harm.

| | |
|-----------|-----------|
| (a) _____ | (c) _____ |
| (b) _____ | (d) _____ |

YOUR CITIZENSHIP

4. List each country of which you are or have been a citizen.

| Country | Present status | How citizenship was acquired (e.g. by birth, by marriage, etc) | Date citizenship was acquired (year/month/day) |
|---------|----------------|---|---|
| (a) | | | |
| (b) | | | |
| (c) | | | |
| (d) | | | |
| (e) | | | |
| (f) | | | |

YOUR FAMILY

5. List your relatives, living or dead, in the order below. Use an additional sheet if you need more space.

- i. Your spouse(s), or your common-law partner, including your same-sex partner
- ii. Your children, including children born outside of marriage and adopted children
- iii. Your parents
- iv. Your brothers and sisters, including half-brothers and half-sisters

| Family or last name(s) / surname(s) | Given or first name(s) | Relationship (e.g. mother, son) | Date of birth ¹ | Citizenship(s) | Place and country where they live ² |
|--|------------------------|------------------------------------|----------------------------|----------------|---|
| (a) | | | | | |
| (b) | | | | | |
| (c) | | | | | |
| (d) | | | | | |
| (e) | | | | | |
| (f) | | | | | |
| (g) | | | | | |
| (h) | | | | | |
| (i) | | | | | |
| (j) | | | | | |
| (k) | | | | | |

¹ If you do not know the date, give the person's approximate age (___years)

² If person is dead, give the date of death (year/month/day)

PREVIOUS PROTECTION CLAIMS

6. If you or any of your relatives listed in the question above, have claimed refugee protection or asylum in Canada or in any other country [including at a Canadian office in another country or from the United Nations High Commissioner for Refugees (UNHCR)], provide details here.

| Family or last name(s) / surname(s) | Given or first name(s) | Relationship (e.g. mother, son) | Date of claim | Country or UNHCR | Result ¹ | IRB file no. and CIC ² client ID no. |
|-------------------------------------|------------------------|---------------------------------|---------------|------------------|---------------------|---|
| (a) | | | | | | |
| (b) | | | | | | |
| (c) | | | | | | |
| (d) | | | | | | |
| (e) | | | | | | |
| (f) | | | | | | |
| (g) | | | | | | |

¹ For example: accepted, rejected, not completed

² Citizenship and Immigration Canada

VISA APPLICATIONS TO CANADA

| | |
|--|---|
| 7(a) Did you apply for a visa to enter Canada? <input type="checkbox"/> Yes <input type="checkbox"/> No | 7(b) If "YES", date of the application (year/month/day) |
| 7(c) At which Canadian office? | 7(d) Was the application accepted? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7(e) Type of Canadian visa applied for <input type="checkbox"/> Work <input type="checkbox"/> Visitor <input type="checkbox"/> Immigrant <input type="checkbox"/> Student <input type="checkbox"/> Other | |
| 7(f) Date visa was issued (year/month/day) and duration | 7(g) Date visa application was refused (year/month/day) |
| 7(h) Reason for visa refusal | |

WHERE YOU CAN BE CONTACTED IN CANADA

| | | | |
|------------------------------------|----------------------|-------------------------|---|
| 8(a) Street number and name | | | 8(b) Room, floor or apartment number |
| 8(c) City | 8(d) Province | 8(e) Postal Code | 8(f) Telephone number, including area code |

IF YOU MOVE, YOU MUST GIVE THE IRB YOUR NEW ADDRESS IMMEDIATELY. Please use the notification of client contact information form in your Claimant's Kit.

YOUR COUNSEL

9(a) Do you have counsel (for example, a lawyer, immigration consultant, family member or other person who will be helping you with your refugee protection claim before the Refugee Protection Division)?

Yes No

If "YES",

did your counsel help you to complete this Basis of Claim Form? Yes No

will your counsel be representing you at your refugee protection hearing? Yes No

9(b) Name of your counsel

9(c) Address

9(d) City

9(e) Province

9(f) Postal Code

9(g) Telephone number, including area code

9(h) Fax number, including area code

9(i) Email address

9(j) Check one:

9(k) Lawyer (or notary if practising in Quebec) Province: _____ Membership identification number

Member of Immigration Consultants of Canada Regulatory Council

9(l) Family member

Relationship

Other

The *Immigration and Refugee Protection Act* makes it an offence for any person not authorized under the Act to knowingly, directly or indirectly, represent or advise a person for consideration – or offer to do so – in connection with a proceeding or application under that Act. (Consideration includes money, or any other form of compensation or reward.)

If you get counsel or if you change counsel in the future, you must inform the IRB immediately. Please use the special form in your Claimant's Kit.

LANGUAGE AND INTERPRETER

10(a) Language you would like the IRB to use with you (for example, during your hearing and in documents)

Canada has two official languages: English and French. Please choose the official language you would like the IRB to use with you:

English French

10(b) Interpreter for your language or dialect

If you do not understand English or French, we will provide an interpreter for you at your hearing. Please write the language and dialect you want to use. If you do not need an interpreter, write "N/A" (not applicable).

_____ Language

_____ Dialect

If you want to change the language of your hearing [Question 10(a) above] or the language or dialect of interpretation [Question 10(b) above], you must inform the IRB in writing at least 10 days before your hearing. Please see the Claimant's Guide for more information.

YOUR DECLARATION AS A CLAIMANT

11. If you **DID NOT** require the assistance of an interpreter to complete this form, you must complete **DECLARATION A**.

If you **DID** require the assistance of an interpreter to complete this form, you must complete **DECLARATION B**. **Make sure that all the questions and answers and instructions in the form, including this one, are interpreted to you before you sign DECLARATION B.**

DECLARATION A

I declare that the information I have provided in this form is complete, true and correct. I declare that I am able to read English and that I have fully read and fully understood the entire content of this form and all attached documents. My declaration has the same force and effect as if made under oath.

Your signature

Date (year/month/day)

DECLARATION B

I declare that the entire content of this form and all attached documents have been interpreted to me. I declare that the information I have provided in this form is complete, true and correct. My declaration has the same force and effect as if made under oath.

Your signature

Date (year/month/day)

It is a serious offence to provide false or misleading information. Your claim may also be rejected - and any favorable decision, if already given, revoked, if you give information that is not true or is misleading, or if you try to hide important information.

INTERPRETER'S DECLARATION

12. I, (print full name clearly) _____, hereby declare that I have accurately interpreted the

entire content of this form and all attached documents for the claimant from the English language to the _____

language (state dialect, if any). I am proficient in both of these languages (and dialect, if any) and was able to communicate effectively with the claimant. **The claimant**

has assured me that he/she understood the entire content of this form and all attached documents and the answers provided, as interpreted by me.

Interpreter's signature

Date (year/month/day)

Appendix

Instructions for Completing Your Basis of Claim Form

In order for you to get refugee protection in Canada, the Immigration and Refugee Board of Canada (IRB) must decide that you are a "Convention refugee" or a "person in need of protection." These terms are defined in Canada's *Immigration and Refugee Protection Act*, and you can find the definitions in the *Claimant's Guide* in your *Claimant's Kit*.

The purpose of your Basis of Claim Form (BOC Form) is to present your claim for refugee protection to the Refugee Protection Division of the IRB. All members of your family who are claiming refugee protection must provide their own BOC Form, even though your claims will be processed together. The information given in each person's BOC Form will be used to make decisions in the claims of the other family members. For more information to help you complete your BOC Form, please see the *Claimant's Guide* in your *Claimant's Kit*.

Answering the questions

- Please see the *Claimant's Guide* for more information before completing your BOC Form.
- The information you give in your BOC Form must be **complete, true and correct**. Your BOC Form will be used as evidence in your claim for refugee protection, and you will be asked questions about the information you give in the form. Your claim may be rejected if you give information that is not true or if you try to hide important information.
- Make sure that you understand the instructions and the questions, before you write your answers. If you do not understand a question, ask someone to explain it to you.
- **You must answer all of the questions in the form.** If a question does not apply to you, write "N/A" (not applicable) as your answer.
- Give details in all of your answers, and include dates and names of places and persons. If you need more space, use additional sheets of paper the same size as the BOC Form.
- Sign the applicable claimant's declaration at the end of the form when you are finished.

Language

You can obtain and complete the BOC Form in either of Canada's official languages: English or French. If you do not understand English or French, you will need to get an interpreter. Make sure that the interpreter reads all of the questions in the form to you and that the interpreter understands your answers. You and the interpreter must both sign the form when you are finished. The *Claimant's Guide* provides more information about choosing between English and French and about asking for an interpreter for your hearing.

Children less than 18 years old

- Children 6 years old or younger who are claiming refugee protection with a parent: Complete only the "WHO YOU ARE" section of the BOC Form. The form must be signed by the child's parent or the person named by the IRB to represent the child in their claim.
- Children 7 to 17 years old who are claiming refugee protection with a parent: Complete the entire BOC Form. The form must be signed by the child's parent or the person named by the IRB to represent the child in their claim.
- Children of any age under 18 who do not have an adult with them: The person named by the IRB to represent the child in their claim must complete the entire BOC Form and sign it.

Documents

You must show the IRB evidence of who you are by giving the IRB official documents with your name and date of birth on them. For example, you can give a passport, national identity card, birth certificate, school certificate, driver's licence, military document, professional or religious membership card. If you do not have documents like this with you, you need to do everything you can to get them immediately. If you still cannot get these documents, you will need to explain the reason for this at your hearing and show that you did everything you could to get them.

Attach two copies of all documents (identity, travel or other documents) that you have with you now to support your claim for refugee protection, including documents that are not genuine, documents that you got in an irregular or illegal way or by giving information that is not true, and documents you used that do not really belong to you. In addition to the documents listed above, you can include proof of membership in political organizations, medical or psychological reports, police documents, business records, news clippings, visas, and airplane, train or bus tickets. Include certified translations in English or French for all documents if they are in a language other than English or French. Translations are certified when they include the translator's name, the language and dialect, if any,

translated, and a statement that the translation is accurate, signed by the translator. You must pay for these translations yourself. You must bring the originals to your hearing (or give them to the IRB sooner if the IRB asks for them), unless the documents have been seized by Citizenship and Immigration Canada (CIC) or Canada Border Services Agency (CBSA). Please see the *Claimant's Guide* for more information.

If you get more identity or travel documents that support your claim after you have provided your BOC Form, give two copies to the IRB without delay.

If you get more documents, other than identity or travel documents, that support your claim after you have provided your BOC Form, give one copy to the IRB and a copy to the Minister, if the Minister is a party, at least 10 days before your hearing.

Deadline and process for submitting the BOC Form to the IRB

1. If you are making your claim at an immigration office inside Canada, you must bring the completed BOC Form and one copy with you to your eligibility interview.

2. If you made your claim on arrival at a port of entry (an airport, seaport or land border crossing), you must give your completed **original** BOC Form and one copy to the IRB no later than 15 calendar days after the date that the immigration officer gives you the blank BOC Form.

You can bring the completed BOC Form and the copy, yourself, to the IRB office listed on your Notice to Appear, or you can send the form by courier, fax (if the document is no more than 20 pages long, unless the IRB consents to receiving more than 20 pages) to that IRB office but you are responsible for them being received by the due date. **(Note: If the BOC Form is faxed to the IRB, the original must be provided at the beginning of the hearing.)**

Failure to provide the completed BOC Form to the IRB by the deadlines

If you made your claim on arrival at a port of entry and the IRB does not receive your completed BOC Form within 15 calendar days, you will have to go to a special hearing no later than five working days after the deadline and explain why the IRB should not declare your claim abandoned or, in other words, why you should be allowed to continue with your claim. The IRB may accept or reject your explanation. If it rejects your explanation, your claim will be declared abandoned which means you will not be allowed to continue with your claim, or make another claim for refugee protection in the future.

If you have counsel, **you** are responsible for making sure that your counsel meets the deadlines

Making changes

If your information changes or if you want to add information, you must inform the IRB. Underline the information you changed or added to your BOC Form, sign and date the changed pages, and send the original and one copy to the IRB. You must also sign a declaration stating that the information you have given in the BOC Form, together with the changes and additions you have made, is complete, true and correct. The IRB must receive these pages and the declaration at least 10 days before your hearing.

Your personal information

The confidentiality of the information you provide in this form is protected by the *Privacy Act*. Your personal information may be disclosed only in the circumstances where such disclosure is permitted under the terms of that Act and of the *Access to Information Act*.

Disclosure in other claims

Although the confidentiality of the personal information you give in your BOC Form is protected, your information may be used in other claims that are related to yours or similar to yours, even if the other person is not claiming refugee protection with you. Before releasing this information to another claimant, the IRB will try to inform you about this in writing. To make sure that you receive this information, remember to give the IRB your new address when you move, even after you have received a decision on your claim. The IRB will not release the information if there is a serious possibility that releasing it will put someone's life, liberty or security in danger or is likely to cause an injustice. If you do not want your personal information to be released, please explain on a separate sheet of paper why you think there is a serious possibility that releasing your information may put someone's life, liberty or security in danger or is likely to cause an injustice. Attach the sheet of paper to your BOC Form.

Disclosure to other organizations

The personal information you provide on this form is collected under the authority of the *Immigration and Refugee Protection Act* for the purpose of determination of your claim for refugee protection by the IRB. Your personal information may be shared with other organizations including the Canada Border Services Agency (CBSA), Citizenship and Immigration Canada (CIC), the Canadian Security Intelligence Service (CSIS) and law enforcement agencies, for the purpose of administration and enforcement of the *Immigration and Refugee Protection Act*.