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October 27, 2021

Via email: [martin.mundel@cic.gc.ca](mailto:martin.mundel@cic.gc.ca)

Martin Mündel  
Director, Asylum Program Division  
Immigration, Refugees and Citizenship Canada  
360 Laurier Avenue West  
Ottawa, ON K1A 1L1

Dear Mr. Mündel:

**Re: Canadian Refugee Protection Portal**

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to express our concerns about the new online Canadian Refugee Protection Portal (Portal).

The CBA is a national association of 36,000 members, including lawyers, notaries, academics, and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section has approximately 1,200 members across Canada practising in all areas of immigration and refugee law and rendering professional advice and representation in the Canadian immigration system to clients in Canada and abroad.

Immigration, Refugee and Citizenship Canada (IRCC) introduced the Portal on October 6, 2021 as the primary means for submitting a refugee protection claim. The CBA Section stands shoulder-to-shoulder with the Government of Canada in its commitment to access to justice and a robust refugee determination system. However, we are concerned that the Portal, as it is, will preclude many from successfully initiating refugee claims, undermining Canada's longstanding commitment to the protection of refugees.

The barriers it presents also lay the groundwork for refugees turning to unauthorized immigration representatives for assistance which, we are all too aware, often results in serious damage to refugee claimants and to the integrity of Canada's refugee determination system.

The substantive and technical issues with the Portal outlined below are unnecessary as they are resolvable if swift action is taken. We recommend that the Portal be withdrawn until these issues are comprehensively addressed.

Since the launch of the Portal, CBA Section members across Canada have raised several concerns:

- The Portal requires substantive information in support of the refugee claim, including precise dates and key allegations, simply to initiate the claim. Many refugee claimants will not yet have access to legal advice, public funding for legal representation, translation services or other services essential to properly pursuing their claim. This may lead to inadvertent omissions and subsequent allegations of misrepresentation against claimants, jeopardizing their eligibility.
- Lawyers are not permitted to log in using their own credentials, and instead must use the email and individual password for each refugee claimant. This presents an impediment to claimants obtaining legal advice and representation.
- Contact information for immediate family members must be provided. This raises privacy and safety concerns for vulnerable family members of claimants, and for claimants whose agents of persecution are family members.
- The Portal requires contact information for any parent, grandparent, child, aunt, uncle, cousin, sibling or stepsibling residing in Canada. This information is often unavailable or not readily accessible.
- The Portal requires claimants to have access to secure email and equipment such as a printer and scanner. Inability to access these will prevent some claimants from exercising their right to seek asylum in Canada or jeopardize their ability to prove the merits of the claim itself.
- The refugee claimant must have a Canadian telephone number to complete the Portal form. Many newly arrived claimants do not have a Canadian telephone or access to one.
- The Portal requests information on all previously held passports, which may not be available to claimants at this early stage of the process.
- Information cannot be saved, so claimants must complete the claim in one sitting. Information can only be added to each category chronologically. Users cannot go forward or backwards to make necessary edits.
- The Portal does not permit refugee claimants to check on the status of their claim.
- The Portal has numerous technical glitches and frequently denies access. This is particularly challenging for self-represented claimants who may not have the technological knowledge to navigate the system or multiple browsers.
- The Portal does not allow claimants to list English as their first language. Nor does it permit their interview to be held in English.
- The Portal does not allow claimants to leave the expiry date blank for their National Identity documents, many of which have no expiry date.
- The Portal does not allow claimants to list a period of detention of less than 24 hours.
- The Portal does not allow for arrival and departure from a place on the same day when listing travel history.
- Requiring exact dates (day/month/year rather than just month/year) for travel, address, work and education increases the likelihood of giving incorrect information, because of the difficulty of remembering exact dates.

- There is no publicly available guide advising what information to prepare in advance.
- It is unclear whether the Refugee Protection Division of the Immigration and Refugee Board will continue to process existing paper-based claims and, if so, whether the processing time will be longer than claims filed through the Portal.

Although we fully support the stated objective of reducing refugee claim eligibility determination delays, as constructed the Portal creates numerous obstacles to the successful initiation of a claim. This presents associated barriers for a highly vulnerable group to access justice. The lack of meaningful consultation with key stakeholders prior to IRCC introducing the Portal is troubling, especially because many of these obstacles would likely have been avoided through consultation.

Canada's refugee determination system must remain fully accessible. We offer our input now in hopes that these problems can be corrected, allowing this initiative to continue on a stronger footing. In the meantime, the Portal should be withdrawn. Many with a legitimate claim to refugee status in Canada are traumatized, suffering from a myriad of physical, psychological and emotional conditions. Computer literacy may be an issue, as well as access to technology and counsel when making the initial claim. Barriers preventing the initiation of the refugee claim preclude the claimant from work permit eligibility, further exacerbating settlement issues.

We are grateful for your ongoing collaboration and would appreciate an opportunity to discuss these concerns at your earliest convenience. Additional consultation may help to enhance and improve the Portal to the satisfaction of all.

Yours truly,

*(Original letter signed by Sarah Mackenzie for Kyle Hyndman)*

Kyle Hyndman  
Chair, Immigration Law Section