

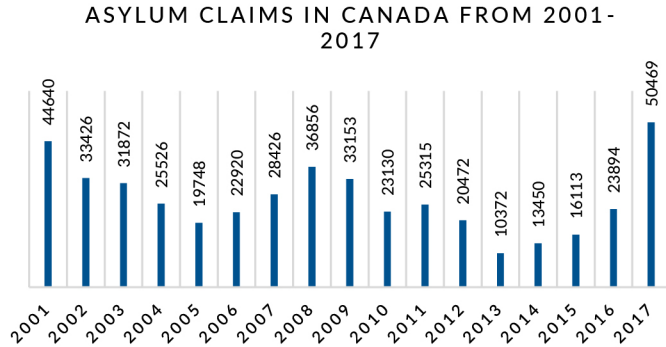


# Irregular Crossings at The Border: Challenging Myths and Preconceptions

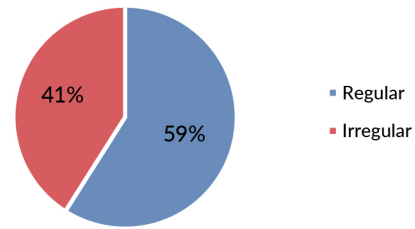
4/16/2018

## MOST ASYLUM SEEKERS ARRIVE BY REGULAR MEANS

Should they arrive irregularly to seek asylum, this is not a crime



2017 ASYLUM CLAIMS DISTRIBUTION



- ☒ In 2017, 50,469 claims were made: this is a peak compared to the last ten years, but comparable to the figure in 2001 of 44,640.
- ☒ Under Canadian law, it is not a crime to cross a border without authorization, **IF** this is to seek asylum.
- ☒ Due to the circumstances they are fleeing, asylum seekers are often compelled to enter a territory without the required travel documents or authorizations.

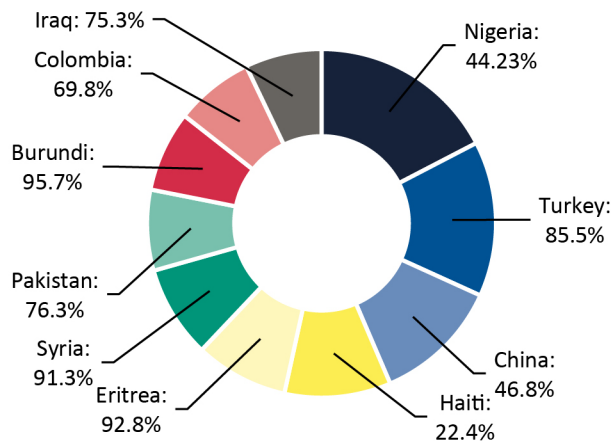
## MOST ASYLUM SEEKERS ARE RECOGNIZED AS FLEEING VIOLENCE OR PERSECUTION

Refugee status must be determined on a case-by-case basis

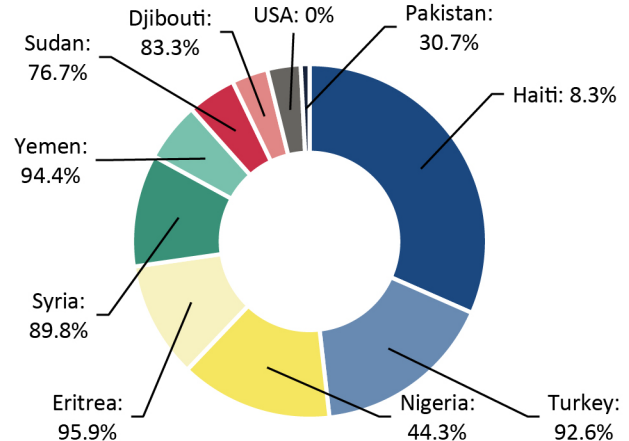
### 2017 Trends in Asylum Claims

- ☒ The national acceptance rate of asylum claims is 63.12 per cent
- ☒ The national acceptance rate of irregular asylum claims is 53.29 per cent

All Claims: Top 10 Source Countries by finalized claims (percentage: acceptance rate)



Irregular Claims: Top 10 Source Countries by finalized claims (percentage: acceptance rate)



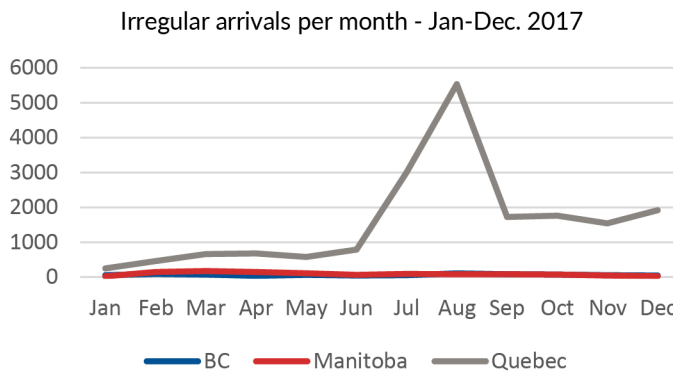


- ☒ As the statistics above show, amongst the top 10 source countries of asylum seekers, the highest acceptance rates by the IRB come from source countries in conflict.
- ☒ The national acceptance rate for asylum seekers has remained relatively unchanged over the last three years: around **63 per cent** of all finalized claims.
- ☒ Since the U.S. administration’s decision to stop renewing TPS designations for Salvadorans and Hondurans, and DACA status holders (mainly Mexicans), there has been speculations of spikes in their asylum claims to Canada. However, there has been no increase in claims made at the border by persons originally from such countries.

## CANADA’S BORDER REMAINS SECURE

### Asylum seekers are not a threat to public safety

- ☒ Claimants who cross the border irregularly are intercepted by the RCMP, once they reach Canadian soil.
- ☒ The RCMP is stationed full time at Roxham Road near the Lacolle border, where most of the 91 per cent of irregular arrivals take place, as the graph below demonstrates.



- ☒ Regardless of regular or irregular arrival, claimants are checked by the RCMP and CBSA for potential threats to public security and health.
- ☒ According to the CBSA in October 2017, **less than one percent** of claimants arriving irregularly had a serious criminal background.

## CANADA’S ASYLUM SYSTEM IS NOT BROKEN

### Appropriate measures are in place to adapt to the increase in asylum seekers

The Government of Canada adapted to the increase with measures that reduced congestions at land PoEs and strengthened asylum processing capacity:

- ☒ Processing capacity of claims increased in Canada by 50% since June 2017.
- ☒ The 2018 GoC Budget includes \$173.2 million to strengthen both border security and IRB’s processing capacity.
- ☒ Congestion at land PoEs were reduced through modifications in the eligibility examination process.



## UNHCR CANADA ASSESSES THE ASYLUM SITUATION REGULARLY

### Our communications are targeting misinformation

This briefing is based on the broad work of UNHCR’s Canada office on protection and border issues. We have dedicated activities to analyse and engage on issues related to the situation at the U.S.-Canada border and the Canadian asylum system.

Among other responsibilities, the Office produces and disseminates accessible infographics, charts and factsheets to asylum seekers. Many claimants who arrive irregularly relied on advice of friends, community members and internet information—often factually inaccurate or intentionally misleading—on how to obtain status in Canada upon entry. The documents provide asylum seekers (arriving from or transiting through the U.S.) information about the STCA, the Canadian asylum system, Canadian winter weather, etc.

We are in constant communication with the Government of Canada, provincial agencies, and civil society organizations to share information and analysis. Through our website and public information platforms, as well as social media, we will continue to promote public awareness. We will also be convening a roundtable event with stakeholders in Montreal, later this month. Stay tuned for more updates!

#### The Safe Third-Country Agreement (STCA) between U.S. and Canada:

Unless a claimant arriving to Canada from the U.S. meets an exemption of the STCA, he or she will be returned to the U.S.

Exemptions include:

- family ties in Canada
- possession of a Canadian visa document
- whether the claimant is an unaccompanied minor

### UNHCR Canada Communication Products:

#### UNHCR WHO CAN GET REFUGEE PROTECTION IN CANADA?

YOU NEED TO SHOW THAT YOU CANNOT RETURN TO YOUR COUNTRY OF NATIONALITY (OR OF HABITUAL RESIDENCE) BECAUSE YOU FEAR PERSECUTION FOR AT LEAST ONE OF THE FOLLOWING REASONS:

<b>1. RACE OR NATIONALITY</b> <p>Examples: ethnic and language groups</p>	<b>2. RELIGION</b> <p>Examples: religious minorities, religious converts</p>
<b>3. MEMBER OF A PARTICULAR SOCIAL GROUP</b> <p>Examples: sexual orientation, gender identity, gender-based violence, family</p>	<b>4. POLITICAL OPINION</b> <p>Examples: journalists/bloggers, human rights activists, real or perceived government opponents</p>

OR IF YOU FEAR ONE OF THE FOLLOWING:

<b>1. RISK TO YOUR LIFE / CRUEL AND INHUMAN TREATMENT</b> <p>Personal risk (for example victims of crime and not revenge) that is not faced by the general population</p>	<b>2. RISK OF TORTURE</b> <p>Severe mental or physical harm committed by the authorities (or under their orders/with their consent) to get information or for punishment</p>
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#### UNHCR WHO IS ELIGIBLE TO CLAIM ASYLUM IN CANADA?

A Canadian official will decide if you are allowed to claim asylum in Canada through an **eligibility examination**.

**! YOU WILL NOT BE ALLOWED TO CLAIM ASYLUM IN CANADA IF YOU:**

- > Already have a refugee status in another country that you can return to.
- > Made a previous claim in Canada and your claim was rejected, abandoned, withdrawn or found ineligible.
- > Make your claim at an official border post (unless an exception applies, such as having a family member in Canada. Read our document: "Who can claim asylum at the border?").
- > Have crossed the border irregularly after having first been refused at an official border post.
- > Are not allowed in Canada on security grounds, because a serious criminal activity or for having committed human rights violations.

<b>✓ IF YOU ARE FOUND ELIGIBLE:</b> <ul style="list-style-type: none"> <li>&gt; Your case will be sent to the Immigration and Refugee Board of Canada (IRB).</li> <li>&gt; The IRB will evaluate your fear of persecution in your home country through a hearing and decide whether your asylum claim is accepted (read our document: "Who can get refugee protection in Canada?").</li> </ul>	<b>✗ IF YOU ARE FOUND NOT ELIGIBLE:</b> <ul style="list-style-type: none"> <li>&gt; At an official land border post, you will not be allowed into Canada.</li> <li>&gt; Inside Canada or at the airport, you will be asked to leave unless Canada has suspended removals to your country.</li> <li>&gt; Before you leave, you can ask for a pre-removal risk assessment (PRRA).  <small>*An immigration officer will review your written application and assess, prior to your removal, whether you are at risk in your country. If your application is approved, you will be able to stay in Canada.</small></li> </ul>
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#### UNHCR HOW TO PROVE YOUR LINK TO FAMILY MEMBERS IN CANADA

**CLAIMING ASYLUM AT A CANADIAN LAND BORDER POST**

To claim asylum at a Canadian land border post, you need to meet an exception to the Safe Third Country Agreement. One of these exceptions is having a close family member in Canada (read our document: "Who can make an asylum claim at the border?").

**WHAT DOCUMENTS DO YOU NEED TO BRING WITH YOU?**

**Before entering Canada:**

- Notify relatives.
- Relatives do not have to be present at the border, but relatives can be useful if able to prove family links.
- If not present they will be called & interviewed.

**Have your documents and identification cards ready:**

- Show originals or copies of your documents.
- An example of identity documents would be passport, birth certificate, national/country ID, or marriage certificate.

**Common Law relationships:**

- Must bring proof of cohabitation for at least one year.
- Proof can include shared ownership of residential property, joint leases, rental agreements, or bills for shared utility accounts (gas, electricity, telephone).

\*The information contained here is to be used as a guide to our legal advice. If you have any questions, please seek legal assistance.





APPENDIX: UNHCR 1-PAGER SAMPLE



# WHAT HAPPENS WHEN YOU CLAIM ASYLUM AT THE BORDER?

## CLAIMING AT AN OFFICIAL BORDER POST:



An immigration officer at the border will decide if you meet one of the exceptions under the Canada-U.S. Safe Third Country Agreement (STCA). Read our document [“Who can claim asylum at the border?”](#) and get legal advice before you claim asylum in Canada.

## CLAIMING AT THE BORDER IN-BETWEEN OFFICIAL BORDER POSTS:

