

KNOW YOUR RIGHTS

Immigration Arrest,
Detention and
Deportation



PARKDALE
COMMUNITY
LEGAL SERVICES



ACKNOWLEDGEMENTS

This guide was developed jointly by the Workers' Action Centre (WAC) and Parkdale Community Legal Services (PCLS). Written by Rathika Vasavithasan, with thanks to Jessica Chandrasekhar for assistance with reviewing the guide and Prasanna Balasundaram for consulting.

WAC is a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable jobs. Our members are workers in precarious jobs, recent immigrants, workers of colour, women, and young workers. Most of us don't belong to unions because we work in small workplaces, are temporary workers, on contract, independent contractors, or unemployed. WAC members educate and organize to win better working conditions. We believe that the leaders of this fight for decent work should be workers themselves. We must come together and use our collective power to change the systems and laws that keep our wages low and allow so many bosses to break the law. Through the collective efforts of WAC and our allies, we have been able to win important improvements in the rights of workers. Together, we can win fair wages and working conditions for all workers. Join our movement.

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Please note that this is a living document that was last updated December 12, 2025

Workers' Action Centre
720 Spadina Avenue, Suite 223
Toronto, ON M5S 2T9

416-531-0778
info@workersactioncentre.org
www.workersactioncentre.org

Parkdale Community Legal Services
Lower Level, 1229 Queen Street West
Toronto, ON M6K 1L2

416-531-2411
intake@pcls.clcj.ca
www.parkdalelegal.org



TABLE OF CONTENTS

Section 1: INTRODUCTION	1
Section 2: AM I AT RISK OF ARREST, DETENTION OR DEPORTATION?	4
I am a Mexican citizen - what happens if I came to Canada on an ETA?.....	5
Section 3: WHAT CAN I DO IF I THINK I AM AT RISK?	7
Maintaining and regularizing immigration status in Canada.....	7
▶ Appeals and Judicial Reviews.....	7
▶ Refugee and Person in Need of Protection Claims:.....	8
▶ Humanitarian and Compassionate (H&C) Application:.....	8
▶ Temporary Resident Permit (TRP) Application.....	9
▶ In-Canada Spousal and Common-Law Partner Sponsorship.....	10
▶ Renewing or restoring a temporary visa or permit:.....	10
▶ Open Work Permit for Vulnerable Workers (OWPVW) Application.....	11
▶ Other ways to maintain status with an open work permit.....	11
▶ Public Policies and Pilots.....	12
Section 4: DEVELOPING A STRATEGY TO DEAL WITH CBSA INTERACTIONS....	14
What is an immigration arrest warrant?.....	14
When does an immigration arrest warrant get issued?.....	15
What powers can police, CBSA and security guards have in arrest and detention..	15
▶ CBSA Officers.....	16
▶ Police Officers.....	16
▶ Security Guards.....	17
Understanding where CBSA may apprehend you.....	18
▶ What happens if CBSA comes to my home?.....	18
▶ What happens if CBSA comes to my shelter?.....	21
What happens if CBSA stops me in a public place (street, shopping mall, park, etc.)?.....	22
▶ What happens if CBSA stops me while I am driving or riding a bike?.....	23
▶ What happens if CBSA stops me while I am a passenger in a car?.....	24

▶ What happens if CBSA stops me on public transit?.....	25
▶ What happens if CBSA comes to my children’s school?.....	26
▶ What happens if CBSA comes to my workplace?.....	27
Section 5: MAKING A SAFETY PLAN FOR ARREST AND DETENTION.....	29
What are my rights if I am arrested or detained?.....	30
If I am arrested, can CBSA search or take my belongings?.....	31
Can I be released after arrest without being sent to immigration detention?.....	31
What happens if CBSA says I am not going to be released?.....	32
What happens to my children if I am detained?.....	34
What happens at a detention review hearing?.....	34
How can I get a lawyer for detention review hearings if I can’t afford one?.....	35
Who can be a bondsperson?.....	37
Section 6: REMOVAL ORDERS.....	39
What is a removal order and how is it issued?.....	39
What happens after a removal order is issued?.....	40
How can I make a Pre-Removal Risk Assessment (PRRA) application?.....	41
What happens if my PRRA is refused?.....	42
How can I stop my removal from Canada if I have been given a deportation date?.....	42
Section 7: WHAT ARE “SANCTUARY CITIES”	
OR “ACCESS WITHOUT FEAR” POLICIES?.....	44
Can I make a complaint about how CBSA treated me?.....	46
Appendix A: KEY TERMS AND DEFINITIONS.....	48
Appendix B: “INADMISSIBILITY” EXPLAINED.....	51
What are the grounds of “inadmissibility” in Canada?.....	51
How can I overcome inadmissibility?.....	52
Appendix C: UNDOCUMENTED WORKERS’ RIGHTS AT WORK.....	54
Appendix D: LIST OF RESOURCES.....	58
Appendix E: BENEFITS AND ENTITLEMENTS CHART.....	63

INTRODUCTION


The Government of Canada's 2026-2028 Immigration Levels Plan continues the previous plan's aim to reduce the number of temporary residents in Canada, including temporary workers and international students, as well as limit permanent residence based on refugee and humanitarian pathways.¹ Major changes to the international student program including ending extensions of Post-Graduation Work Permits (PGWPs), restricting eligibility for PGWPs going forward, and narrowing open work permit eligibility for spouses of international students and temporary workers have impacted the legal status of people already in Canada. Changes to processing of "low-wage" labour market impact assessments (LMIA) and capping intake in the new Home Care Worker immigration pilot further close-off these avenues for many workers already in Canada. In February 2025, border guards were granted explicit authority to revoke Electronic Travel Authorizations (ETAs), study permits and work permits² and a Border Plan with major new investment in security and enforcement was announced.³ The Canadian government then introduced Bill C-2, the *Strong Borders Act* in June 2025 and Bill C-12, the *Strengthening Canada's Immigration System and Borders Act* in October 2025.⁴ Bill C-12 became law in March 2026 and gives the Minister power to cancel, change or suspend permits for entire groups of people without individual hearings or due process. Immigration would also have new powers to seek and share information about migrants with other Federal and Provincial agencies, and cut-off

¹ Government of Canada, "2025 Annual Report to Parliament on Immigration" and "Annex: Canada's 2026-2028 Immigration Levels Plan" (20 November 2025), <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/annual-report-parliament-immigration-2025.html#annex>

² Government of Canada, "New rules to strengthen temporary resident document cancellations, and border security and integrity" (Newsroom, 12 February 2025), <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/new-rules-strengthen-temporary-resident-document-cancellations-border-security-integrity.html.ca>

³ [Government of Canada expands plan to strengthen border security - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/new-rules-strengthen-temporary-resident-document-cancellations-border-security-integrity.html.ca)

⁴ Government of Canada, *Strong Borders Act* (Bill C-2) text of bill (first reading): <https://www.parl.ca/DocumentViewer/en/45-1/bill/C-2/first-reading> and *Strengthening Canada's Immigration System and Borders Act* (Bill C-12) text of bill (royal assent March 26, 2026): <https://www.parl.ca/documentviewer/en/45-1/bill/C-12/royal-assent>



access to a refugee hearing for people who do not make their claim within one year of arriving in Canada (they may get a Pre-Removal Risk Assessment instead, which does not come with the same procedural protections).⁵

As a result, people living and working in Ontario may find themselves without status at the end of their temporary residence period, and with little options to renew their permits or gain permanent residence through refugee claims and economic migration pathways (although these avenues were closed to many working-class people even prior to these changes). Even if Bill C-2 and C-12 do not pass, there is a real fear that the government's aim to reduce temporary residents, including an expectation that people voluntarily “depart” Canada, will lead to increased enforcement in the years to come. This guide is intended to provide legal information to help undocumented and non-status people (or people at risk of falling out-of-status) living in Ontario to understand options to regularize status and plan for border enforcement interactions.

The guide provides legal information current up to December 12, 2025 only, and reproduces, updates and expands the information contained in the [Migrants Know Your Rights!](#) (2012, Immigration Legal Committee) and the [Migrants Know Your Rights Facing Immigration Arrest, Detention and Deportation](#) (2021, Butterfly and International Human Rights Program), both of which remain important sources of legal information and tools for organizing and safety planning.⁶


Please see [Appendix A](#) for a description of key terms and definitions used in this guide.

This guide provides general legal information and not legal advice. It is important to [get legal advice](#) about your specific circumstances.

In addition to speaking to a lawyer or registered immigration consultant about your specific circumstances for legal advice, it is important to remember that relying on legal

⁵ Bill C-12 (which contains many of the same provisions as Bill C-2) became law on March 26, 2026 after being rushed through Parliament despite migrant rights advocates calling for the withdrawal of both Bills. See: [MigrantRights.ca/VoteNOC12](#) and Migrant Rights Network Condemns Bill C-2's Anti-Refugee and Mass Deportation Provisions, 3 June 2025, <https://migrantrights.ca/c2pressrelease/>

⁶ Immigration Legal Committee (ILC), “Migrants Know Your Rights! A Guide to Immigration Arrest, Detention and Deportation” (2012), [kyr-english-pdf-final_036741645b7f266cc881aff0000960f99.pdf](#) [ILC KYR]; International Human Rights Program, Butterfly & No One Is Illegal Toronto, “Migrants Know Your Rights – Facing Immigration Arrest, Detention, and Deportation” (2021), <https://ihrp.law.utoronto.ca/sites/default/files/documents/Butterfly%20-%20Know%20Your%20Rights%20Guide%20-%20February%202021.pdf> [Butterfly and IHRP KYR]



rights is limited as legal systems are set up to work against migrant people. Making connections with trusted community members and organizations to strategize beyond the law is important to fight back against displacement of families and communities through immigration enforcement.


Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

AM I AT RISK OF ARREST, DETENTION OR DEPORTATION?

Steps in the removal process and risk of arrest, detention or deportation depend on what your immigration journey has been, and they are not the same for everyone. For example, if you made a refugee claim, then a conditional removal order would have been issued which could become enforceable after your claim is refused (you would already be in the system). If you came to Canada as a visitor and overstayed, and you never applied to Immigration and did not have any interaction with CBSA in the past, then you may not be in the system.

You may be at risk now or in the future for immigration arrest, detention or deportation if:

- Your visitor, study, work or temporary resident permit has expired, and you did not apply to renew it before it expired
- Your visitor, study, work or temporary resident permit was cancelled
- You did not follow the terms and conditions on your visitor, study or work permit
- You did not follow terms and conditions of release from a previous detention
- Your refugee claim or Pre-Removal Risk Assessment (PRRA) was denied
- Appeals of negative decisions on your immigration applications have been denied
- You received a date to leave Canada, but you did not leave
- You entered Canada without any identification or did not show any documents
- CBSA says you pose a danger to the public (usually because of criminal record)
- You made an application in Canada but then left Canada before it was decided and are trying to return
- You made a refugee claim in Canada, but later withdrew the claim or were found to have abandoned your claim by not taking necessary steps or meeting deadlines
- There is an immigration warrant for your arrest




There are other situations that may lead to a deportation process even if you have protected person or permanent residence status in Canada. For example, if you were granted refugee protection in Canada, but you later returned to the country against which you claimed, CBSA may start proceedings to take away your refugee status (and possibly your permanent residence). This guide does not go into the circumstances of people with protected person or permanent residence status who may be at risk of losing their status. If you are a protected person or permanent resident facing a risk of losing your status due to travel back to your home country, criminal convictions in Canada or not meeting the number of days you had to be physically present in Canada as a permanent resident, please get legal advice.

I am a Mexican citizen - what happens if I came to Canada on an ETA?

In February 2024, the government of Canada made changes to Electronic Travel Authorization (ETA) rules for Mexican citizens. Under the new rules, only people who have a valid non-immigrant US Visa or had a valid Canadian visitor visa in the last 10 years (not an ETA) are eligible to fly to Canada with an ETA. Everyone else must get a visitor visa.⁷

People who were already in Canada with a valid work or study permit did not have their ETAs cancelled. But people applying for a new study or work permit or extending their previous permits will have to fit the new rules. Even if you came to Canada with an ETA (and not a visa), you would be required to maintain your status inside Canada. For example, if you came to visit, the usual visitation period is 6 months (unless your passport was stamped differently) and you must apply to extend your stay within Canada prior to expiry (if you were not going to leave at the end of the six months). All the ETA does is allow you to fly to Canada: you still must convince the officer you are a genuine visitor, student or worker to enter and remain (including on extension applications).

⁷ Government of Canada, “Changes to electronic travel authorization (eTA) and visitor visa requirements for Mexican citizens”, (Newsroom, 29 February 2024), <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/eta-work-visa-mexico.html>



If you are a Mexican citizen currently in Canada and are thinking of leaving and trying to re-enter in the future, get legal advice before you leave about how these rules might impact you.

WHAT CAN I DO IF I THINK I AM AT RISK?

Try to regularize your status.

If you think you might be at risk, some immediate steps you can take include taking steps to maintain or regularize your status in Canada and connecting with community organizations resisting Canada's efforts to remove people from their families and communities.

Maintaining and regularizing immigration status in Canada


This is general information only, and it is important to get legal advice about your specific circumstances. As a starting point, you may be able to get free advice from a Legal Aid Ontario (LAO) clinic in your neighbourhood. You can find your clinic by entering your postal code on the LAO website here:

<https://www.legalaid.on.ca/legal-clinics/>. Not all community legal clinics provide help with immigration and refugee law issues, but they might be able to point you in the right direction and help connect you with resources.

Some options to maintain or gain status in Canada that you may want to discuss with a [lawyer, paralegal or registered immigration consultant](#) include:

► Appeals and Judicial Reviews

If your application to immigration is refused, it is important to get legal advice about what options you might have to appeal or judicially review the negative decision. For example, if your refugee claim is refused, you may be able to submit an appeal to the Refugee Appeal Division (RAD). Making the appeal to the RAD on time may give you protection from removal until the appeal is decided. Not every refugee claimant has the right to an appeal to the RAD (e.g. if you crossed from the United States at a land border and made a claim as an exception to the Safe Third Country Agreement). If you cannot appeal your refugee decision, or another type of immigration application is denied (such as an Humanitarian and Compassionate (H&C) or Pre-Removal Risk Assessment (PRRA) application), you may be able to make a judicial review application to the Federal Court of Canada instead (this may not get you automatic protection from removal, but might be important to exercise your other rights). There are very quick and



strict timelines for appeals and judicial reviews (usually 15 days after getting the negative decision in Canada) so it is important to get advice right away if you get a negative decision.

► **Refugee and Person in Need of Protection Claims:**

A refugee claim can only be made once in Canada, and it must be made before you are found inadmissible to Canada (so before a CBSA officer says you can't enter or remain in Canada). When you make a refugee claim, a conditional removal order will be issued (but nothing happens until a final decision is made on your case). If you made a refugee claim and it was refused, it is very important to get legal advice about whether you can make an appeal to the Refugee Appeal Division (RAD) or make a judicial review application to Federal Court. If you have a right to an appeal to the RAD and you file it in time, the automatic stay of removal continues until a decision is made on the appeal. If you don't have a right of appeal, you can make an application for judicial review to the Federal Court but may not have an automatic stay of removal. The appeal and judicial review must be filed within 15 days of getting the negative decision. If you have missed the 15 day limit, get legal advice about whether you can request an extension of time to make your case. But be aware that missing the deadline and asking for an extension of time means that you lose any automatic stay of removal that was in place, and CBSA could try to deport you while the appeal or judicial review is in-process.

Also, you can't make a refugee claim and a Humanitarian and Compassionate (H&C) application at the same time (see below for H&C applications). If you make a refugee claim and it is refused, you may be barred for a year from making a H&C (except if there is a risk to life due to inability of your home country to provide adequate health/medical care, or the best interest of a child would be directly impacted). Get legal advice about what option is best in your circumstances before making any application. The Refugee Law Office (RLO) of Legal Aid Ontario (LAO) may be able to help you with a refugee claim, or you may be able to get a LAO certificate to hire a lawyer to help with your refugee claim.

► **Humanitarian and Compassionate (H&C) Application:**

This is an application for permanent residence in Canada on humanitarian and compassionate grounds (because you are not eligible for any other immigration

category).⁸ Unlike a refugee claim, just submitting an H&C application does not by itself stop deportation and you may wait a long time for a decision on this type of application.⁹ If an arrest warrant exists and you submit an H&C application, CBSA will get all your information. It is important to get legal advice about how making an H&C application may impact you before sending it to immigration.

You can only make an H&C application from inside Canada (you cannot make it after being deported). If you make an H&C application and are then deported, there is a high chance that your H&C will be refused (it is very difficult to come back after being deported). You may be able to get legal aid to hire a lawyer to help with your H&C application, or many legal clinics also help people to make H&C applications. There are also fees that need to be paid to Immigration to make the application.


► **Temporary Resident Permit (TRP) Application**

Unlike an H&C, a TRP application gives temporary not permanent status. They are highly discretionary, time limited and can be revoked at any time. Immigration will consider any previous non-compliance with immigration law and the efforts you made to avoid falling out-of-status, and whether your need to remain in Canada outweighs any health and safety risks to the public.¹⁰ Some factors that immigration may accept as requiring your presence in Canada can include family ties, job qualifications, economic contribution, attendance at an event, etc. Immigration will also consider financial means and if a person will require social assistance. There is a 12-month bar on applying for TRP after a refugee claim is refused, withdrawn or abandoned. There are also fees that need to be paid to Immigration to make the TRP application.

⁸ Government of Canada, Guide 5291-Humanitarian and Compassionate Considerations, <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5291-humanitarian-compassionate-considerations.html>

⁹ As of December 9, 2025 IRCC indicates that the average processing time for an H&C application that has not yet been submitted could be more than 10 years! See “Check current IRCC processing times”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/check-processing-times.html>

¹⁰ Government of Canada, Temporary Resident Permit: Who can apply or make a request, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/inadmissibility/temporary-resident-permits/eligibility.html>



Immigration has public policies in place for issuing TRPs to [victims of family violence](#) and [trafficking](#). These are time-limited (now up to 12 months) and could be renewed if you continue to meet the eligibility requirements. There is no fee to apply, and you may also be able to get a work permit and/or study permit with a fee waiver. You would have to submit evidence about the abuse or how your circumstances fit Immigration's definition of "trafficking." Legal clinics may be able to help with this type of application (resources are listed below).

► **In-Canada Spousal and Common-Law Partner Sponsorship**


If you are married to a Canadian citizen or permanent resident or have lived with them in a "marriage-like" (common law) relationship for at least a year, you may be able to be sponsored. It is important to know that just being married (or having a child in Canada) does not stop deportation. And even though out-of-status spouses and common-law partners can be sponsored, **submitting a sponsorship by itself may not stop deportation if the sponsorship application is submitted after removal processes have already started.**¹¹ The timing of submitting the application is very important. Get legal advice about your circumstances and how submitting a sponsorship application may affect your immigration status.

If you are already being sponsored by your spouse, and your relationship breaks down due to abuse before the application is decided, you may be able to make an H&C or TRP application instead. Get legal advice about your options and the impact on your status before notifying Immigration about any sponsorship breakdown.

► **Renewing or restoring a temporary visa or permit:**

If your visitor, study or work permit is still valid but expiring soon, it is important to extend it before the expiry date. This is because you would then get "maintained status" and can continue to visit, study or work on the same terms as your old permit until a decision is made on the extension application (you cannot leave and re-enter Canada during this time). Note that not all permits can be renewed: for example,

¹¹ Government of Canada, Public Policy Under A25(1) to Facilitate Processing in accordance with the Regulations of the Spouse and Common-Law Partner in Canada Class, Section F, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/immigration-refugee-protection-act-spousal-policy.html#5f>



Post-Graduation Work Permits (PGWP) can only be extended in very narrow circumstances.¹² If your permit is going to be expiring soon, get legal advice before it expires on what your options might be. If your permit has already expired, get legal advice about whether you can make an application to restore your temporary status from inside Canada (you have to apply within 90 days of falling out of status and meet other requirements).

► **Open Work Permit for Vulnerable Workers (OWPVW) Application**

If you have a closed work permit that hasn't yet expired (or you applied to renew it before expiry), but you are experiencing abuse at work, you may be able to apply for an [Open Work Permit for Vulnerable Workers](#). There is no fee to apply. You can apply for this permit even if you have already left your job and have done unauthorized work, but you should get legal advice about how disclosing unauthorized work might affect you in the future before you submit the application. These permits are usually granted for a year and are difficult to renew. If your application is refused, get legal advice. You may be able to apply again with new/additional evidence (if your closed work permit is still valid), ask Immigration for reconsideration or file an application for judicial review at the Federal Court (within 15 days of getting the decision).


► **Other ways to maintain status with an open work permit**

You might also want to consider whether you fall into any of the following categories of persons who can apply for an open work permit from inside Canada.¹³ Immigration makes changes all the time, so please check and get advice about your specific circumstances at the time you are applying. You may be able to apply for an open work permit if:

- You are a refugee, refugee claimant, protected person or you're their family member included on their permanent residence application
- You are under an unenforceable removal order (e.g. you are awaiting a decision on a Pre-Removal Risk Assessment application, there is a suspension or deferral

¹² A PGWP could be extended if there were related passport renewal issues: <https://www.ircc.canada.ca/english/helpcentre/answer.asp?qnum=676&top=29>

¹³ Government of Canada, "Who can apply for an open work permit" (September 2025), <https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=177&top=17>




of removals to your country, or you have gotten first stage approval on an H&C application, etc.)

- You are a student who's no longer able to meet the costs of studies (destitute student)
- You have a temporary resident permit (TRP) of at least 6 months duration
- You are in Canada and being sponsored as a [spouse, common-law partner, conjugal partner or accompanying dependent child](#)
- You are an international student who graduated from an eligible [designated learning institution](#) and meet the requirements for a [Post-Graduation Work Permit](#) under the new rules
- You are a dependent family member of someone who applied for permanent residence in certain economic class or pilot pathways (including care work).
- You [are the family member of certain foreign workers in Canada](#) and meet the new program and occupation requirements if applying after January 21, 2025
- You [are the spouse or common-law partner of an international student](#) who is a Master's or PhD student, or studying in a listed eligible or professional program

► Public Policies and Pilots

It is a good idea to check if there are any public policy or pilot pathways that you might be eligible for, in addition to the above options.¹⁴ For example, there is a new [Home Care Worker immigration pilot](#) and public policy (although currently closed for applications from workers in-Canada). There is also a pathway for permanent residence for [child welfare survivors](#) who came to Canada under the age of 19 years old, as well a temporary policy to facilitate fee-exempt extensions of visitor, study and work permits for [Palestinian passport holders](#) already in Canada. However, there are often caps on application intakes (the Homecare cap for 2025 has been reached already), and public policies can be revoked at any time.

¹⁴ You can see the full list of current IRCC public policies here: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies.html>



Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

DEVELOPING A STRATEGY TO DEAL WITH CBSA INTERACTIONS


This section reproduces, borrows from and adds to the [ILC Migrants Know Your Rights!](#) document that provides detailed information to help strategize around CBSA interactions.

CBSA interactions may happen in different ways. CBSA may ask you to come in for a removal interview after an application is refused, or you come to the attention of CBSA in another way (e.g. through a traffic stop, or an employer reported you to CBSA). You may get a letter (“call-in notice”) that tells you the date and time of your appointment and asks you to bring all of your government issued documents (including work permit, study permit and drivers license), photographs and information about any immigration appeals or applications you have in process. The notice usually states that failure to attend the interview will result in a Canada-wide warrant being issued. Usually, a “Client Information Form” is enclosed that you are supposed to fill out and bring with you (this asks about your address, phone numbers, medical information, work and study information, etc. and is intended to track you in case you fail to show up for removal or an interview in the future).

You can ask for an interpreter for this interview or can bring someone who can interpret for you (this can include family and friends but beware CBSA may ask for identification from everyone present at the appointment). The CBSA officer will ask questions about your immigration history and will determine whether you are “inadmissible” (see [Appendix B - Inadmissibility Explained](#)) and a report may be written up to issue a removal order. There is a risk of arrest and detention at CBSA interviews.

What is an immigration arrest warrant?

An immigration arrest warrant gives CBSA the power to arrest people for immigration reasons only. CBSA **does not** need an immigration warrant to arrest people who do not have any immigration status in Canada. But a warrant could still be issued for non-status people. If a warrant is issued, it is Canada-wide, and the police will also see a copy of the immigration arrest warrant in the Canadian Police Information Centre



(CPIC) system. Police officers may also arrest people for immigration reasons in some situations, or they may detain you and call CBSA (see information about [CBSA and police powers](#) below).

When does an immigration arrest warrant get issued?

A warrant can be issued if CBSA has reasonable grounds to believe you are inadmissible (including that you do not have status in Canada) and are unlikely to appear for removal proceedings. CBSA can also issue warrants if they believe you are a danger to the public (usually due to a criminal record for serious offences involving “violence, weapons, drug trafficking, human smuggling and trafficking, sexual offences and economic crimes”).¹⁵

Missing an appointment with CBSA is a common reason for a warrant being issued. This can include missing regular reporting, a “call in notice” to receive a decision or come to an appointment, or a Direction to Report for removal (e.g. the actual date you have to go to the airport for your deportation). You may not know that you have missed an appointment (for example, if CBSA has sent the letter to an old address).¹⁶ If you think you have missed an appointment, get legal advice before contacting CBSA. If much time hasn’t passed, it may be possible to explain the circumstances and reschedule (e.g. you were in hospital and missed the date), but you should get legal advice before contacting CBSA.


Many people do not know that there is a warrant for their arrest. A warrant cannot stop you from applying to regularize your status. But it is very important to get legal advice before submitting any application to Immigration to regularize your status because, if a warrant exists, your personal information will be communicated to CBSA.

What powers can police, CBSA and security guards have in arrest and detention

The *Immigration and Refugee Protection Act* (IRPA) authorizes both Canada Border Services Agency (CBSA) officers and police officers as “peace officers” in relation to

¹⁵ Government of Canada, “ENF 28: Ministerial opinions on danger to the public, nature and severity of the acts committed and danger to the security of Canada” (2017) at p. 15, <https://www.canada.ca/content/dam/ircc/migration/ircc/english/resources/manuals/enf/enf28-eng.pdf>

¹⁶ *ILC KYR* at p. 2.



immigration arrest and detention, although they have different roles and powers.¹⁷ Security guards are not peace officers and are not authorized to enforce immigration laws in Canada. This section provides some basic information about the roles and powers of CBSA officers, police officers and security guards in relation to immigration arrest and detention, but be aware that these agents do not always follow the rules and may lie to seek your compliance.

▶ **CBSA Officers**

CBSA officers are “peace officers” but only have authority to enforce immigration laws (not criminal laws). They are authorized to make arrests for violations of immigration law with or without a warrant in specified circumstances (please see the section on planning for CBSA interactions for further details about when a warrant is needed). CBSA officers must have reasonable grounds for believing that you are inadmissible and pose a danger to the public or are a “flight risk” (eg. won’t show up for appointments or removals) to issue an arrest warrant, or to arrest or detain you without a warrant for immigration violations.¹⁸ CBSA may also arrest non-status people without a warrant if they are not satisfied that you have satisfactorily established your identity during an immigration proceeding.¹⁹ But, CBSA also has broad powers to enforce immigration laws (so what is “reasonable” might be very broad), and they also have broad powers of search and seizure incident to arrest and detention.²⁰ CBSA officers are required to inform you about the reasons for arrest and right to counsel upon detention.

▶ **Police Officers**

Police officers are authorized to enforce criminal laws as well as some immigration laws relating to immigration arrest and detention. In Ontario, there is the Ontario Provincial Police (OPP) and municipal police services (e.g. Toronto Police Services (TPS), Peel Regional Police, etc.). Police officers may wear a uniform, or they may wear plain

¹⁷ IRPA ss. 138(1) and 142(1)

¹⁸ IRPA s.55(1) and 55(2)(a)

¹⁹ IRPA s.55(2)(b)

²⁰ *Butterfly and IHRP KYR* at pp.7, 15 and 27.

clothes, but must identify themselves if trying to search, detain or arrest you using their police powers.²¹

If there is an immigration warrant for your arrest, a police officer may be authorized to arrest you at the direction of a CBSA officer.²² In practice they will likely detain you and turn you over to CBSA to make the arrest. If the police stop you, and there is an immigration warrant, they may detain you even if no crime has been committed (e.g. the only violation is an immigration violation, although they need a valid reason to stop you in the first place). If there is no warrant for your arrest, but police suspect that you may be without status (due to racial profiling, having an expired permit, or working without authorization, or they have no record of you in their system), they may also try to detain you and turn you over to CBSA.²³ Depending on the situation, if CBSA does not come to the scene, they may ask you to attend an appointment at their offices on a later date. Get legal advice before going to any CBSA appointment.

► Security Guards


Security guards are not “peace officers” and are not authorized to enforce immigration laws. There is a separate law in Ontario called *Private Security and Investigative Services Act* that spells out the powers of security guards, and it does not give them the power to arrest or detain people for immigration violations.²⁴ You do not have to answer any questions or provide information about your immigration status to a security guard. But be aware that security guards may not always say that they are detaining you due to your status. They may say that they are detaining you on suspicion a crime has been committed on the property (such as theft or trespass) and try to make you wait until the police arrive. Being without status in Canada is not a crime. A security guard (or any member of the public) cannot detain you or make an arrest because they suspect you don’t have immigration status in Canada.

²¹ For a description of different law enforcement agencies and officers see: Butterfly Asian and Migrant Sex Workers, “Who is Who: Identifying Law Enforcers”, July 2027, https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_748f9f3d7c9a4139b999f5b4a26b9f7a.pdf [*Butterfly Who is Who*]

²² IRPA, section 142(1)

²³ *Butterfly and IHRP KYR* at p. 13.

²⁴ *Private Security and Investigative Services Act*, 2005, <https://www.ontario.ca/laws/statute/05p34>



Security guards can be in plain clothes or wear uniforms. If they are wearing a uniform, it must show their full name and license number on the front, as well as the name or logo of their employer, and it must clearly state “security” or “security guard.”²⁵ They must also present their license when requested by a member of the public (even if they are in plain clothes). Even though there are rules around what can and cannot appear on security guard uniforms, they may sometimes look like police or CBSA officers. Security guards are also allowed to carry a baton, handcuffs and a firearm (but only if they have a separate valid firearm license). In Ontario, a peace officer – such as a police officer – may also act as a security guard (and they do not require a separate license). Even though each role has different legal authorizations and limits, people with power don’t always follow the rules and it is important to document everything and get legal advice if you think you have been illegally stopped, detained or arrested (including racial profiling).

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Understanding where CBSA may apprehend you

► *What happens if CBSA comes to my home?*

This section reproduces and slightly modifies the [ILC Migrants Know Your Rights!](#) document, which remains an important source of information and tips to strategize around immigration arrest and detention.

If a CBSA officer comes to your home:

- CBSA officers may be in plain clothes (e.g. not wearing a uniform)
- You have the right to remain silent (can choose to say nothing) or deny them consent to enter your home

²⁵ Government of Ontario, Security Guard requirements, <https://www.ontario.ca/page/requirements-security-guards-and-private-investigators>

- o Officers may leave if they think no one is at home but be aware they may remain in the surroundings monitoring your home or waiting for you to leave your residence
- If you decide to speak to them, ask them who they are and what they want through the door. They may say that they have come to make an immigration arrest
 - o Do not open the door because, if you open the door, they may force their way in
 - o Ask through the door if they have a warrant, and to slip the warrant through the mailbox or under the door, or hold them up to a window for you to examine from inside your home
 - o If there is no other option, open the door a little to take them and then close the door again (keep a chain lock on if you have it)
- Look at the warrant(s):
 - o What type of warrant do they have?
 - Do they have an **immigration arrest warrant** (this will be signed by a Senior Immigration Officer)? The immigration warrant only allows CBSA to make an immigration arrest – it does not allow them to enter your home
 - To enter your home to make an arrest, CBSA must have a **judicial warrant** signed by a judge (an immigration warrant signed by an immigration officer is not enough). This warrant is called a “special entry” warrant or “Feeney” warrant.
 - o Are there any errors on one or both warrants? For example:
 - the warrant is not dated
 - the warrant is not signed
 - the person’s name is spelled incorrectly

- the person's date of birth is incorrect
- the address on the warrant is incorrect
- o Is the person named on the warrant in the house?
- If they do not have the special warrant allowing them to enter the house, or there's a mistake on either of the warrants, you have the right to tell them they do not have the correct warrant to enter your home or that the information on one or both warrants is incorrect
- Then ask them to leave (without opening the door)
 - o Be AWARE that CBSA has sometimes called the police to assist with gaining entry to a home saying there are emergency circumstances (warrantless entry)
 - o Even if they leave, CBSA may remain in the area, or wait for you to leave your residence
- If the officers have the TWO necessary warrants and ALL the information is correct, they may enter your home without your consent
- If the person named on the warrant is present, they may choose to leave the house (in which case they will be arrested)
 - o Given officers can arrest non-status people with or without a warrant (except protected persons), if they enter your home and the officer has reason to believe that others do not have status or may be inadmissible, there is a risk of arrest for the other household members as well
- Even if they have the necessary warrants, you may choose to wait until the officers force their way inside your home.
 - o It may take some time before the officers decide to force their way in which can provide you time to contact a lawyer and make any necessary arrangements. It can also provide time for other members of the household to make their own plan and arrangements (because, once the officers are in your house, they may arrest others who also don't have valid immigration status).

- o If they eventually do arrest you in your house after forcing their way in, it is more likely that CBSA will detain you rather than release you after arrest. The officers could prepare a report that says that you didn't cooperate at the time of arrest. CBSA may rely on this as evidence at a detention review hearing to say that you shouldn't be released.²⁶
- BE AWARE that physically preventing the officers from entering your home may lead to criminal charges (such as resisting or wilfully obstructing peace officer)
- If you decide to inspect the warrants (e.g. decide not to remain silent), you should be aware that anything you say may be noted by the arresting officer, and could be used against you in subsequent immigration proceedings (including detention review hearings and inadmissibility proceedings).²⁷

► **What happens if CBSA comes to my shelter?**

A shelter is not the same as a private home, and a lot depends on shelter staff and policies in place to deal with CBSA enforcement. Ideally shelters will respect residents' privacy and not communicate personal information to CBSA. Service providers, including City-services like shelters are bound by privacy laws and should get your prior informed consent before sharing your personal information (they should explain any risks or legal obligations to you before you share your information).²⁸ While having immigration status is not a requirement to access shelters in Ontario, they will ask about your immigration status in order to get the Basic Needs Allowance for shelter residents from Ontario Works. It is a good idea to ask staff at your shelter to find out how they deal with immigration and police officers.²⁹ You can also have a friend who has immigration status ask for you or connect with a local community agency that might be able to approach the shelter on your behalf.


Sometimes a letter confirming residence from a shelter can be used to support an immigration application (such as a TRP or H&C). You do not need to disclose information you are not comfortable providing for them to put it in a letter – the shelter

²⁶ *ILC KYR* at p.3.

²⁷ *ILC KYR* at p.4 and *Butterfly and IHRP KYR* at p. 31

²⁸ *Butterfly and IHRP KYR* p. 17

²⁹ *ILC KYR* at p. 4



staff can write the letter based on what they already know about your situation (and do not need information about your immigration history). It is important they provide this letter directly to you or your legal representative (and not mail it to Immigration or CBSA).

► ***What happens if CBSA stops me in a public place (street, shopping mall, park, etc.)?***

This section reproduces and adds to the [ILC Migrants Know Your Rights!](#) document. If you don't have immigration status, an officer can arrest you with or without a warrant in a public place. Be aware that resisting arrest, walking or running away while being questioned, or providing false identification information or documents could make your immigration situation worse and could lead to criminal charges.

As outlined in the [ILC KYR](#) document, if an officer tries to arrest you WITH a warrant in a public place:

- You have the right to ask to see the warrant
- Review the warrant and make sure that you're the person named on it, and that it is dated and signed
- Tell the officer if there is a mistake on the warrant or any information is missing
- If the officer still arrests you, make sure that you tell your representative about the incorrect warrant as this may help with the arguments you make at a detention review

If an officer tries to arrest you WITHOUT a warrant in a public place, they may be targeting you due to racial profiling or because the language you're speaking is not English or French. They may begin by asking you questions about your identity and immigration status:

- You have a right to silence and do not have to answer any questions when stopped in a public place
- You may choose to identify yourself with your name, address, and date of birth, because officers can say that you refused to answer questions about your identity, or you are not carrying any identity documents as a reason for arrest

- The officer may ask questions to find out whether you're here with valid immigration status or not.
 - If you've already identified yourself to the officers, and they keep asking you questions, you do NOT need to answer them. You could ask the officers, "Am I being detained or am I free to go?"³⁰
 - If you answer their questions, and they determine based on your answers that you're here without status, then they can arrest you without a warrant
- Keep asking if you are being detained or if you are free to go - they will either arrest you or they'll let you go

► **What happens if CBSA stops me while I am driving or riding a bike?**

This section reproduces and adds to the [ILC Migrants Know Your Rights!](#) document.³¹ If you're driving a car (or you're on a bike) in Ontario you are legally required to pull over and show your identification to the officer (only show your driver's license or other Ontario or Canadian issued ID). First ask the officer to identify themselves - CBSA officers may be in plain clothes and may not tell you why they are stopping you. The stop may be due to a warrant, or they may be racially profiling people in the area to figure out who may or may not have status. They may ask you questions about your immigration status. If you have provided your identification to the officer, you can choose to exercise your right to silence and decline to answer any further questions about your immigration status. You can also choose to answer any further question they ask by saying "am I being detained, or am I free to go?"

Traffic stops by police can also put you at risk of immigration arrest and detention, including where police are racially profiling neighbourhoods. For example, if the police pull you over and run a check on your driver's license or name and date of birth, they will see outstanding immigration warrants. Police may detain you and call CBSA to execute the immigration warrant. Also, if they can't find any record of you in their system, they may suspect you are here without status and turn you over to CBSA (you could be detained at that time, or CBSA may ask you to come in later for an interview at a CBSA office).

³⁰ *ILC KYR* at p.1

³¹ *ILC KYR* at p.7

► **What happens if CBSA stops me while I am a passenger in a car?**

As outlined in the [ILC KYR](#), if you're a passenger and not the driver, you have the same rights as if you're stopped in a public place (see above).³² This means:

- You have a right to silence and can choose not to answer any questions
- You do not have the same obligations as the driver to identify yourself (give ID documents, your name, address or place of birth)
- You may choose to identify yourself by giving your name, address and date of birth because “officers can arrest someone without immigration status if they don’t believe you have identified yourself correctly.”³³
- BE AWARE that identifying yourself could also lead to arrest if an immigration warrant for your arrest exists in their system
 - If the officer says they have a warrant for your arrest, you have the right to ask to see the warrant – ask them to hold it up to the window or roll down the window just enough to take the warrant
 - Review the warrant and make sure that you're the person named on it, and that it is dated and signed
 - Tell the officer if there is a mistake on the warrant or any information is missing
 - Errors on the warrant may not stop the officer from arresting you. But it is still important to tell the CBSA officer and your legal representative about the incorrect warrant because it may impact the arguments you make at a detention review
- If you choose to identify yourself, do not provide false information or documents about your identity (provide a Canadian or Ontario ID if you have one, rather than identification from your home country)
- If you have identified yourself and they keep asking you questions, you do not need to answer any further questions about your immigration status. Keep asking “am I being detained or am I free to go?”

³² *ILC KYR* at p. 7

³³ *ILC KYR* at p. 6

Even if they do not have the legal right, CBSA officers may act aggressively, and you are the only person who can decide what is safest for you at that time – even if you feel forced to comply, you can say that you do not consent. For example, CBSA may ask you to roll down your window or step out of the car to talk to you. You may choose to exit (which may result in you being arrested and detained), or decide to remain in the car and wait for CBSA to take next steps. Be aware that CBSA may say that by exercising your right to silence (refusing to identify yourself or answer questions) or refusing to roll down the window or step out of the car means you didn't cooperate at the time of arrest. CBSA may rely on this as evidence at a detention review hearing to say that you shouldn't be released. It would be important to document and tell your legal representative about the CBSA officer's actions as it may impact the arguments you make at a detention review hearing.

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

► **What happens if CBSA stops me on public transit?**

TTC Riders has produced a [Transit Know Your Rights](#) document that outlines your rights while riding public transit. As outlined by TTC Riders, staff paid by the city (fare inspectors - now called Provincial Offences Officers, special constables, security guards) should not ask about your immigration status and have no authority to enforce immigration laws, but they might still ask. You may be asked to provide identification, but do not have to provide your immigration status information to TTC staff. They may call CBSA or police (if they allege a crime has been committed). TTC Riders' Know Your Transit Rights guide outlines the roles played by different transit staff, and how to handle searches and requests to provide identification. If CBSA is contacted, ask immediately to talk to immigration counsel (a licensed immigration lawyer or registered immigration consultant).

Resource	Contact info
TTC Riders – Know Your Transit Rights	https://www.ttcriders.ca/rights

Refugee Law Office – Legal Aid Ontario

Toll-free: 1-800-668-8258
GTA or Collect: 416-977-8111
Address: 20 Dundas St W Suite 730,
Toronto, ON (open 9am-5pm weekdays)

► **What happens if CBSA comes to my children's school?**

Non-status children under-18 years of age have the right to go to primary and secondary school in Ontario. Children should be able to attend school without fear of immigration enforcement, and schools should respect their student's privacy rights and not communicate personal information to CBSA. If you are facing challenges registering your child in school, or your child's school does not have a specific policy about CBSA enforcement and you do not feel safe approaching the school directly to ask about their policies, connecting with a community group who may be able to reach out on your behalf might be a good first step.

Resource	Contact info
S4 Collective	s4collectiveTO@gmail.com
Childhood Arrivals Support and Advocacy Centre of Canada (CASA)	https://casacentre.ca/ 1240 Bay Street, Suite 600 Toronto, Ontario M5R 2A7 Email: info@casacentre.ca *Provides free, confidential legal services
Justice for Children and Youth (JFCY)	GTA: 416-920-1633 ON Toll Free: 1-866-999-JFCY (5329) Monday, Tuesday, Thursday and Friday, 9am-12pm and 1-5pm (lunch closure) *Provides legal services to children and young people across the province of

	Ontario, including young people with no or precarious immigration status
Workers' Action Centre (WAC)	720 Spadina Avenue 2nd floor, Suite 223 Toronto, Ontario M5S 2T9 Tel: 416-531-0778
Migrant Workers Alliance for Change (MWAC)	Call our hotline on WhatsApp: 647-782-6633


Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

► **What happens if CBSA comes to my workplace?**

If you are experiencing abuse or are injured at work, there are laws that apply to anyone working in Ontario whether you're working with a valid work permit, Social Insurance Number or not. See [Appendix C](#) to learn more about these rights.

You may be at risk of immigration arrest if you're working somewhere without a valid work permit, or if the place you're working is not the same place named on your work permit. Whether CBSA officers enter your workplace (with or without your employer's permission) or wait for you outside, they will be able to question you in the same way that they can in a public place. You would have the same rights as if being questioned in a public place but exercising your right to silence may still lead to arrest.

If you have a trusted co-worker, you may wish to give them contact information for family members or a lawyer in case you're arrested at work. Trusted co-workers who have status may also be able to help plan in the workplace about what to do if CBSA shows up looking for non-status workers. Under immigration law, employers could face fines or penalties for hiring people who are not authorized to work in Canada. An investigation into the employer might also put non-status workers at risk of deportation.



In general, don't rely on your recruiter or employer for legal advice. Aside from asking questions about your eligibility to work (e.g. do you have a work permit), your employer should not ask you questions about your immigration history, place of birth or reasons for coming to Canada. Employers also do not need to see copies of your immigration applications (these would have your Unique Client Identification (UCI) number on them or contain personal details that they do not need to know).


Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Section
5

MAKING A SAFETY PLAN FOR ARREST AND DETENTION

In addition to considering what strategies you might use when confronted with CBSA, creating a safety plan in the event arrest and detention does happen may help you secure release and take care of the needs of your loved ones. Some things you might want to include in your Safety Plan Checklist (borrowed and modified from the [ILC KYR](#) and [Butterfly and IHRP KYR](#) documents):

- I have the number of a trusted lawyer or registered immigration consultant (memorized or written down in case my phone dies or is taken away from me)
- I have spoken to a trusted lawyer or registered immigration consultant and understand my options and the timelines that are involved
- I know what an immigration warrant looks like and what CBSA can and can't do with an immigration warrant
- My electronic devices (phones, laptops) are password protected (with a code and not fingerprint or facial recognition)
- I have someone I trust who knows my full legal name and date of birth as it appears on my ID (in case they need to reach me in detention)
- I have thought about whether to carry ID with me and understand the risks of having my ID on me, as well as the risks of not having any ID on me
- I have given a spare set of house keys to someone I trust and who can: access my important papers and tell others living at my house what has happened
- I have someone I trust who can: contact my lawyer, take care of my children or other family members and tell my work about my absence
- I have someone I trust who can help ensure that my rent continues to be paid or talk to my landlord (depending on length of detention), so I don't lose my housing
- I have found someone who can be a bondsperson for me who is: over 18 years old, a Canadian citizen or permanent resident living in Canada, has income




and/or assets, knows me well and can ensure my presence at an immigration proceeding

- I know my bondsperson's full legal name and address, and me or my legal representative have talked to my bondsperson about what will be expected of them
- I have found support from religious or community organizations, neighbours, and other allies who can rally together to help me get out of detention or fight my deportation
- I have read the rest of this guide and know what strategy I will use if confronted by immigration or police officers
- I will not depend on CBSA to accurately inform me of my rights, and will ask for an interpreter or lawyer
- I have a list of my prescriptions (including dosages) and the contact information of my doctor(s) (I understand the potential risks of sharing my medical information with CBSA)
- I will ask to talk to my legal representative before signing any travel document application or form CBSA asks me to sign related to my deportation (I understand the potential risks of asserting my right to counsel)

What are my rights if I am arrested or detained?

If you are arrested, you have the right to remain silent and the right to contact legal counsel, before answering any questions. The arresting officer may also tell you that you have the right to contact your home country's embassy or consulate however, if you are at risk in your home country this might put you at further risk or impact your immigration status (including possibly speeding up removal). You may decline to contact your home country's embassy (CBSA may ask you to sign a paper indicating that you declined). You can always get legal advice and contact your embassy or consulate later if that is best for your case.

Your access to a phone may depend on which facility you are detained at (e.g. an immigration holding centre versus Provincial or Federal jail). At an immigration holding centre phone calls might be free, but at a jail you may be charged for calls, must call



collect or may only be able to make calls during certain hours of the day. Your cell phone will be seized upon detention; however, you can request to access your phone to retrieve phone numbers or messages.

CBSA has used silence as evidence of non-cooperation, and this could be a factor in detention reviews that might prolong your detention.

If I am arrested, can CBSA search or take my belongings?

CBSA has broad powers to search and seize belongings in your possession if doing so is required to comply with Immigration objectives or there are reasonable grounds to believe they were improperly or fraudulently obtained.³⁴ CBSA should give you a form that outlines what documents were taken, the date and the reason for seizure (which could just be to comply with administration of the Act). If CBSA has reasonable grounds to believe documents are fraudulent or improperly obtained, they can seize them on that basis, and you may not be able to get these items returned.

Can I be released after arrest without being sent to immigration detention?

A CBSA officer can release you after arrest (and, even if you are sent to immigration detention, anytime before the first 48-hour detention review).³⁵ You can attend your CBSA appointment with a potential bondsperson so that if you are arrested, you can reduce your risk of being detained. If you are arrested by CBSA, the arresting officer has the option to impose terms and conditions on you without sending you to detention. Sometimes the arresting officer will briefly detain you, including overnight, while arrangements are made for a release plan CBSA approves of. You and CBSA have up to 48 hours to negotiate the terms and conditions of your release if you are arrested. Common conditions on release include not working or studying without a permit and reporting changes of address to CBSA before you move. Conditions may also include reporting regularly in-person to CBSA. They will take your photograph and fingerprints (so if you weren't in the system before, you will be in the system now). If you are asked to come to CBSA for an appointment and there is a risk of arrest, it is best to get legal advice beforehand.

³⁴ *Butterfly and IHRP KYR* at p. 26

³⁵ IRPA s. 56(1)

- **ReportIn:** CBSA is asking people to download and use the ReportIn mobile app.³⁶ The use of this app is voluntary, and CBSA has to decide if you are eligible for this type of reporting. CBSA may tell you that you can no longer report by phone (without the app) and have to report in-person if you do not use the app. This app uses facial comparison software and geographic data to verify identity and location. Your location will be shared with the CBSA when you submit a report and could be shared if you don't comply with your reporting condition (the app will know your location).

What happens if CBSA says I am not going to be released?

If CBSA is not going to release you after arrest, you may be taken to an immigration holding centre (Toronto, Surrey or Laval) or a Provincial or Federal jail. Generally, if being detained with children, CBSA will hold you at an Immigration Holding Centre. You may be taken to a jail if there are criminal charges or convictions, although some people with medical conditions have also been held in jails rather than the holding Centre. CBSA may also hold people in jails due to lack of space in holding centres. As of 2023, all provinces except Ontario have cancelled their contracts to detain people in provincial jails. While the Ontario government initially made similar promises, in 2024 they extended contracts with provincial jail until at least September 2025 (including at the Maplehurst Correctional Complex in Milton, Ontario).³⁷ Migrant advocates have indicated that people continue to be detained at the Toronto South Detention Centre (TSDC) in Etobicoke, Ontario, the Central North Correctional Centre (CNCC) in Penetanguishene, Ontario, and the Hamilton-Wentworth Detention Centre (HWDC) as well. In addition to ongoing detention of migrant people in Ontario jails, in June 2024 the Federal government changed Immigration laws to designate sections of Federal penitentiaries to be used for immigration detention (including the jail in Sainte-Anne-des-Plaines, Quebec).³⁸

³⁶ Canada Border Services Agency, Report to CBSA with the ReportIn application (2025-10-03), <https://www.cbsa-asfc.gc.ca/security-secureite/detent/ri-jmp-eng.html>

³⁷ Bridgit Bureau, CBC News, "Ontario extends contracts to jail migrants another year", 27 September 2024, <https://www.cbc.ca/news/canada/ottawa/ontario-extends-contract-to-jail-migrants-for-another-year-1.7334601>

³⁸ IRPA s.142 states that an area of a federal penitentiary can be designated as immigration station or used for immigration detention (this became law on Royal Assent in June 2024).

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Resource	Contact info
<p>Laval, Quebec Immigration Holding Centre</p> <p>Located approximately 30 km from the Montréal-Trudeau International Airport)</p>	<p>300 Montée Saint-François, Laval, Québec H7C 2S3</p> <p>Open daily: 2:30 pm to 4:30 pm and from 7 pm to 9 pm</p> <p>Telephone: (450) 661-4267</p>
<p>Surrey, British Columbia Immigration Holding Centre</p> <p>Located approximately 30 km from Vancouver International Airport</p>	<p>13130 76 Avenue, Surrey, British Columbia V3W 2V6</p> <p>Visitor Information: Monday-Friday: 2 pm to 4 pm and 7 pm to 9 pm Weekend/Stat holidays: 10 am to 12 pm and 3 pm to 5 pm</p> <p>Telephone: (778) 591-4101</p>
<p>Toronto, Ontario Immigration Holding Centre (Rexdale)</p> <p>Located approximately 8 km from Pearson International Airport</p>	<p>385 Rexdale Boulevard, Toronto, ON, M9W 1R9</p> <p>Visitor Information: Daily: 9:30 am to 11:15 am, 1:30 pm to 3:15 pm, and 7 pm to 8:45 pm</p> <p>Phone number: (416) 401-8505</p>

What happens to my children if I am detained?

If you're in immigration detention but have children who are Canadian citizens, your children have a right to remain in Canada, but "their immigration status will NOT prevent your own deportation or detention."³⁹ You may be able to keep your children with you at an Immigration Holding Centre, but this is not possible if you're detained in a Provincial or Federal jail. If you are not able to keep your children with you, and there is no one else to care for them, there is a risk they might be taken into custody of the Children's Aid Society. If your children are in an immigration detention centre with you, "you can ask to have them released at any time if there's someone who will care for them."⁴⁰ You could also argue that it is in your children's best interests to be in your care and not be in detention with you (e.g. you should all be released or not detained in the first place).⁴¹

If your children are also non-status or out-of-status, they may be detained with you (although this is supposed to be a last resort and all alternatives to detention must be considered in the best interests of the child).⁴² It may be that your children's best interests are to remain with you, but that does not mean in detention (e.g. it is in your children's best interests that you are all released).

What happens at a detention review hearing?


The Immigration Division (ID) of the Immigration and Refugee Board (IRB) will hold a detention review hearing within 48 hours of your detention. If you are not released at that hearing, you will automatically have another detention review hearing within 7 days of your detention. If you are still not released, you will automatically have detention review hearings every 30 days you remain in detention (you can also request an earlier review by writing to the ID). You have the right to counsel, an interpreter, disclosure of evidence from CBSA and the right not to testify at your hearing.

³⁹ *ILC KYR* at p. 3

⁴⁰ *ILC KYR* at p. 3

⁴¹ *B.B. and Justice for Children and Youth (JFCY) v Canada (Minister of Citizenship and Immigration)*, IMM-5754-15 (August 24, 2016) – Final Order on Consent. See JFCY: "The Order confirms that the best interests of a non-detainee child may be taken into account when determining whether to release or detain a person for immigration purposes", <https://jfcy.org/en/cases-decisions/bb/>

⁴² IRPA s.60. See: Canada Border Services Agency, National Directive for the Detention or Housing of Minors (2024-08-01), <https://www.cbsa-asfc.gc.ca/security-securete/detent/nddhm-dndhm-eng.html>



Detention review hearings are conducted by a Member of the Immigration Division (ID). You, your legal representative (if you have one) and a representative for CBSA will be present at the hearing. If you do not have a legal representative at your hearing, tell the ID Member that you need one. The ID will also provide an interpreter if you (or any witnesses) need one. If you do not understand the interpreter or have any concerns, it would be important to say so as soon as possible during your hearing.

It is CBSA's job to show that there are valid grounds for your detention, and why you should continue to be detained. The grounds for detention may be that you are a "flight risk" (will not show up for an appointment or removal), CBSA considers you to be a danger to the public (e.g. have a criminal record), or that you have not established your identity (but it could be established). If there are no valid grounds for your detention, you should be released. If the Member finds that there are valid grounds for your detention, they must still consider whether you should be released including factors such as how long you have already been detained, the best interests of any child affected, and what alternatives there are to detention, including releasing you with conditions and/or a bondsperson. The ID may also consider delays or errors made by you and/or CBSA in deciding whether to continue detention. For example, CBSA may argue that your exercising your right to silence means that you have been "uncooperative" with efforts to try to remove you from Canada, and that should justify your continued detention.

You cannot be made to testify at your detention review hearing. If you think there might be information you can provide that would help your case, you may choose to testify. But anything you say can also be used to justify your ongoing detention. You should discuss this with your legal representative before your hearing and decide what is best in your circumstances.

How can I get a lawyer for detention review hearings if I can't afford one?

If you can't afford a lawyer, you may be able to get a lawyer through the Immigration Detention Representation Program (IDRP) of Legal Aid Ontario (LAO). Lawyers from the Refugee Law Office (RLO) in Toronto, Hamilton and Ottawa, or private bar lawyers on a roster with the IDRP represent people at the 48-hour hearing, as well as any other hearings if they remain in detention.

If you are being detained, the CBSA officer may ask you if you need a lawyer. Say yes even if you think you already have a lawyer. This is because CBSA will provide a list of people to the Immigration Division (ID) in advance of detention review hearings. If you are in Ontario, the ID will let the Legal Aid Ontario detention representation program know who needs a lawyer, and someone from the program will contact you if you are on the list. Do not rely on CBSA to provide you accurate information or advice about your legal rights. If they do not ask you about legal representation, tell them you need a lawyer.

Another reason why it is important to say you need a lawyer and get on the list is because some lawyers may help with an immigration application (such as humanitarian and compassionate), but they will not do the detention review. So, even if you think you have a lawyer, tell CBSA that you need one, so you get on the list for the IDR program. While you are waiting for the IDR lawyer to contact you, you can check with your lawyer if they will do the detention review hearing or not (you can also ask the lawyer if they will take legal aid or if you will need to pay privately for their help with the detention review if they do not take legal aid).

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)


Resource	Contact info
Hamilton Refugee Law Office	110 King Street West Suite 780 Hamilton L8P 4S6 Telephone: 905 528 0134 Toll-free: 1 877 449 4003 *Ask for an interpreter
Ottawa Immigration & Refugee Law Office (part of Ottawa Integrated Legal Services Office)	275 Slater Street Suite 1101 Ottawa K1P 5H9 Telephone: 613 569 7448

	*French language services available, and can ask for an interpreter for other languages
Toronto Refugee Law Office	20 Dundas St. West, Suite 730 Toronto, ON M5G 2H1 Telephone: 416 977 8111 *French language services available, and can ask for an interpreter for other languages
Legal Aid Ontario (General Line)	1-800-668-8258 between 9 a.m. and 5 p.m., Monday to Friday

Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Who can be a bondsperson?

A bondsperson is someone who can demonstrate that they know you personally, is a Canadian citizen or permanent resident (living in Canada) and is over 18-years old. The Immigration Division and/or CBSA will question them to see if they are someone who can ensure that you will follow the conditions of your release, including leaving Canada if ordered deported. They may be asked to pay a deposit (cash bond) and/or sign a promise to pay in the future if you breach any conditions of release (performance bond). There is no fixed amount for the bond (it will depend on the circumstances and the bondsperson’s income and/or assets). The money for the bond must come from the bondsperson themselves (you cannot pay your own bond). There may be other conditions imposed, such as living with the bondsperson after release from detention. It would be very important for you and/or your lawyer to speak to the bondsperson beforehand to make sure they know what is required (because they will be asked questions by the Immigration Division and/or CBSA to assess whether they are suitable).



If a bondsperson paid a cash bond, they would have to apply to CBSA to get their money back once the conditions of release have been satisfied (usually when you are landed as a permanent resident of Canada). The bondsperson will lose their cash bond or be required to follow through on the performance bond if you breach any of your conditions of release.

If your relationship with your bondsperson breaks down, or the bondsperson thinks they can no longer fulfil their obligations, they may contact CBSA or apply to the Immigration Division to remove themselves as a bondsperson. There is a risk of detention if you do not put forward a suitable alternative to detention at that time.

If you are already in detention and do not have any individual who can be a bondsperson, it may be possible to get an organization to agree to supervise your release. CBSA currently has partnerships with the Toronto Bail Program, the John Howard Society and the Salvation Army to supervise eligible migrants upon release from detention.⁴³ However, not everyone qualifies for these programs and these options come with many conditions. It is important to understand your rights and obligations before entering into an agreement with an organization that has an agreement with CBSA to provide supervision services. If you have a close relationship with another organization (such as a church or community centre), it might be best to find out whether an individual at that organization might be willing to act as your bondsperson (i.e. rather than the organization trying to enter into an agreement with CBSA). Please get legal advice about your options to make sure you understand all of the potential benefits and risks before presenting a release plan to CBSA or Immigration Division or signing any document.

⁴³ Canada Border Services Agency, Community Case Management & Supervision (2018-07-24), <https://www.cbsa-asfc.gc.ca/security-securite/detent/ccms-gccs-eng.html>

REMOVAL ORDERS

What is a removal order and how is it issued?

After confirming the facts, the officer will write up a report saying why you are inadmissible and then will send that report to a higher level CBSA officer called a Minister's Delegate for review. There is generally very little that can be done to stop them from writing up a report, because if the facts are correct (e.g. you overstayed, you have convictions), a report will be written and forwarded to the Minister's Delegate. The Minister's Delegate decides whether a removal order will be issued. This can happen the same day or you may be told to come back for another appointment. Generally, the Minister's Delegate issues a removal order for people without status in Canada (they must refer it to the Immigration Division for a hearing only if there are very serious grounds of inadmissibility such as war crimes).

There are three types of removal orders that could be issued:

- **Departure order** means that you will be given 30 days to leave Canada voluntarily (no permission to return needed, but the order will be part of your immigration record and will be considered when deciding future applications). If you do not leave in 30 days, the departure order becomes a deportation order.
- **Exclusion order** means that you must leave, and you would need permission to return for the period of exclusion (usually one year but could be 5 years if the basis is misrepresentation). If CBSA pays for your removal flight, you would have to pay back the deportation fee to return to Canada in the future. Even though you won't need permission after the exclusion period passes, the exclusion order becomes part of your file, so Immigration will see this and consider the past situation when assessing your future applications.
- **Deportation order** means that you will always need permission to return to Canada. This means applying for an Authorization to Return to Canada and paying the fee, plus paying the deportation fee for CBSA removing you from Canada.

What happens after a removal order is issued?

People without immigration status in Canada do not have a right to appeal their removal order to the Immigration Appeal Division (IAD), but they can apply to the Federal Court for judicial review within 15 days of getting the order if there is an error. This does not stop CBSA from trying to deport you.

Depending on your circumstances, CBSA may not be able to move forward with deportation until you are given a Pre-Removal Risk Assessment (PRRA) application. Other factors that may prevent CBSA moving forward include lack of travel documents for yourself or your minor children, appeals that have an automatic stay of removal or other court proceedings that need to finish first (such as family or criminal court).

There are also countries to which CBSA cannot remove people to because they are on a [Temporary Suspension of Removal \(TSR\) or Administrative Deferral of Removal \(ADR\) list](#) (countries can be added and dropped anytime, and CBSA might still try to deport to another country or region that you would have the ability to enter and remain). Even if you are from a country that is on these lists, the deferral will not apply if you are inadmissible for criminality, serious criminality, security or international human rights violations. Right now, a TSR is in place for Afghanistan, the Democratic Republic of Congo, and Iraq, and an ADR is in place Somalia (Middle Shabelle, Afgoye, and Mogadishu), the Gaza Strip, Ukraine, Syria, Mali, the Central African Republic, South Sudan, Libya, Yemen, Burundi, Venezuela, Haiti, Iran, Sudan and Lebanon.

CBSA may pressure you to apply to renew your travel document from your home country or sign a travel document application form allowing CBSA to renew it for you. It is important not to sign anything without talking to a lawyer and understanding how this may impact your immigration status and applications. For example, if you are alleging that you are at risk in your home country, applying to renew your passport can put you at risk and undermine that application. If CBSA gives you anything to sign, tell them you want time to review the document with a lawyer (and interpreter if needed).

You cannot make a refugee claim once a removal order is issued. You can still make an H&C and spousal sponsorship application (although may not stop removal) and a TRP application, and if the removal order is unenforceable (such as a statutory or administrative deferral is in place), you may be able to apply for an open work permit.

How can I make a Pre-Removal Risk Assessment (PRRA) application?

A Pre-Removal Risk Assessment (PRRA) application can only be made once a removal order has been issued. If you made a refugee claim, and it was refused, you may not be eligible for a PRRA if it has been less than 1 year since the refusal (there are exceptions to this rule). CBSA may try to deport you during this waiting period because the conditional removal order that was issued when a refugee claim was made becomes enforceable once the claim is refused (unless you submitted an appeal on time, in which case the conditional removal order continues until the appeal is decided). Get legal advice if you have risks that were not assessed in your refugee claim and CBSA is saying you do not get a PRRA. PRRAs are very rarely successful, but it is important to do them anyway because they come with an automatic stay of removal until a decision is made.

The first PRRA must be served to you by CBSA. They will give you a cover sheet that has two dates on it: first, the date to submit the forms (within 15 days) and second, the date to submit any additional documents to support your application (another 15 days). It is very important to submit the forms by the 15 days deadline because, if you do so, an automatic stay of removal will be in place until a decision is made. In that case, a decision cannot be made until at least the 30 days have passed and you can use this time to plan.

Beware that the last page of the PRRA form has an option to decline the PRRA. A CBSA officer might ask you to sign this part of the form (especially if you are in detention). It is very important not to sign anything without getting legal advice because you may be signing away your right to make a PRRA. If you think you may have declined your chance to make a PRRA, get legal advice right away.

You can make a second PRRA, but this does not come with an automatic stay of removal. To make a second PRRA you would have to submit the forms and evidence together at the same time (CBSA does not serve you a second PRRA). This could be an option if your first PRRA was done poorly or without legal assistance, if CBSA is trying to deport you to a country that wasn't assessed in your first PRRA, or if new risks have come up that should be assessed before you are deported.

What happens if my PRRA is refused?


When a decision is made on your PRRA, you will get a call-in notice from CBSA asking you to come in for an interview (they will give you the decision at the interview in-person, they don't mail the decision). There is a risk of detention at this appointment if your PRRA is refused. CBSA will also move ahead with plans for your deportation. When they can deport you will depend on factors such as country conditions in home country, whether you have a valid travel document, if there are other court processes that need to be concluded, etc. But, generally, if your PRRA is refused, CBSA will move forward with removal as soon as possible.

If your PRRA is refused, get legal advice right away. You would have 15 days to file an application with the Federal Court for judicial review of the negative decision. On its own, a judicial review of a PRRA decision does not stop removal from Canada; but it might be important to make a judicial review application so you can exercise your other legal options. You may be able to get legal aid to help you with a judicial review application.

How can I stop my removal from Canada if I have been given a deportation date?

A Direction to Report (DTR) for removal is a piece of paper from CBSA that will have your flight date, time and other details on it. It will say that failure to attend will result in a Canada wide warrant being issued. There are limited legal options at this stage, and timelines are very quick, so it would be important to pre-plan or connect with legal help right away.

You can submit a **deferral of removal request to CBSA**. This is a paper submission that gets sent to CBSA directly and a removals officer decides whether your deportation date should be temporarily delayed. They usually say no. Even if they say yes, they can reschedule the deportation to a later date. The factors they might consider for a short-term deferral of removal include: medical and/or mental health issues (such as risk of travel, impact of removal on mental health, lack of treatment in home country); the effect of separation on children and family in Canada; impact on any applications currently in-process; disruption of studies (including children's school year); and personal harm/risk to life that haven't already been considered.



If your deferral request is denied, or if no decision is made and your deportation date is coming up soon, or you already have an application into Federal Court to judicially review a negative decision on an application you submitted to immigration (like a PRRA or H&C), you can make a **stay motion at the Federal Court**. This is asking a judge to stop your deportation. It is a complicated motion to make, and it is very important to get legal advice right away because the timeline for making these applications can be very short.

You may be able to get legal aid to help you with a deferral request and/or stay motion. Your neighbourhood legal clinic might also help you apply for legal aid and find a lawyer who can help you with these applications.

Section
7

WHAT ARE “SANCTUARY CITIES” OR “ACCESS WITHOUT FEAR” POLICIES?

In 2013-2014, after much advocacy by migrant people, cities such as Toronto, Hamilton and Vancouver passed “Sanctuary City” motions and committed to implementing “Access without Fear” policies for undocumented residents. The goal was for migrants to “have full rights to access all city services and city-administered services without fear, regardless of their documentation status.”⁴⁴ This meant that City staff were not to ask about immigration status, deny access to City services to non-status people, and they would not share personal information with CBSA (unless required by law). Migrant and undocumented people do not believe that the City is accessible or that any significant changes have taken place since 2013.⁴⁵ It is important to know that police services (such as Toronto police) do not implement these policies and have continued to share information with CBSA.

Also, these policies contained exceptions allowing City workers to ask about immigration status when the City delivers services for other levels of government, including: Ontario Works, child care and housing subsidies (immigration status is part of the eligibility requirements for these programs).⁴⁶ And, even though Provincial “Service Ontario” and Federal “Service Canada” offices are located in cities that are “Sanctuary Cities”, these bodies were not bound by the City’s “Access without Fear” policies.

If you are concerned about your immigration status in Canada, working with a trusted person who has status, a community agency or legal clinic to navigate accessing services is a good idea. For example, you may be eligible to apply for financial support from Ontario Works (OW) or Ontario Disability Support Program (ODSP) even if you

⁴⁴ Toronto City Council, “Toronto for all - united as an inclusive sanctuary city” (city council consideration 31 January 2017), <https://secure.toronto.ca/council/agenda-item.do?item=2017.MM24.23>

⁴⁵ MWAC, Recommendations: City of Toronto Consultations on Toronto Newcomer Strategy Renewal, https://migrantworkersalliance.org/wp-content/uploads/2021/02/Recommendations_-_City-of-Toronto-Consultations-on-Toronto-Newcomer-Strategy-Renewal-1.pdf

⁴⁶ City of Toronto, Access to City Services for Undocumented Torontonians, <https://www.toronto.ca/city-government/accountability-operations-customer-service/long-term-vision-plans-and-strategies/access-to-city-services-for-undocumented-torontonians/>

don't have status in Canada. But workers routinely ask for people to provide proof of their immigration status in Canada and even suggest contacting CBSA to verify status. A legal clinic may be able to help you by writing a letter instead. If you are trying to get an Ontario Photo ID Card from Service Ontario, you do not need to have legal status but do need to provide documents that show your legal name and date of birth. Apply for a Verification of Status (VOS) document from Immigration also requires providing satisfactory ID documents. A community agency or ID Clinic might be able to help you to navigate any barriers or risks.

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Resource	Contact info
Community & Legal Services Program (CLASP) ID Clinic	https://www.yorku.ca/osgoode/clasp/specialty-clinics/ 4700 Keele Street Toronto, ON M3J1P3 416 736 5029 Monday and Thursday: 9:00 am - 4:00 pm Tuesday and Wednesday: 12:30 pm – 4:00 pm
Workers' Action Centre	720 Spadina Avenue 2nd floor, Suite 223 Toronto, Ontario M5S 2T9 Tel: 416-531-0778 Toll free: 1-855-531-0778 Monday 12 pm – 5 pm Wednesday 12 pm – 5 pm Friday 12 pm – 5 pm

Partners for Access and Identification (PAID): assists people who are unhoused and can assist with Verification of Status (VOS) and Ontario Photo ID	PAIDinfo@tngcs.org 647.577.PAID (7243)
Legal Aid Ontario – Find A Legal Clinic	https://www.legalaid.on.ca/legal-clinics/ (Enter your postal code)
Migrant Workers Alliance for Change	Call our hotline on WhatsApp: 647-782-6633


Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Can I make a complaint about how CBSA treated me?

The government of Canada recently passed a new law to establish an independent review body for CBSA and the Royal Canadian Mounted Police (RCMP). This is called the “Public Complaints and Review Commission” and is expected to be operational in 2026. This body is supposed to accept individual and third-party complaints (meaning another person or organization can complain on your behalf) and conduct systemic reviews in addition to reviewing specific CBSA conduct (including detention related complaints). Complaints must be filed within 2-years of the incident occurring. There is very little information about how this mechanism will operate, however experiences with other law enforcement complaint mechanisms (such as police) raise concerns about the effectiveness and independence of these types of bodies.⁴⁷

Currently, CBSA has an online “feedback form” for complaints which requires entering a lot of personal details, including your address and phone number (this form can be

⁴⁷ Ontario Human Rights Commission, Submission to the Independent Review of Police Oversight Bodies, 15 November 2016, <https://www3.ohrc.on.ca/en/ohrc-submission-independent-review-police-oversight-bodies>



submitted by a representative on your behalf).⁴⁸ The form will also become a part of your CBSA file and “may be shared internally or with international, federal, provincial or local law enforcement agencies for law enforcement and investigation purposes as authorized under section 8(2) of the Privacy Act.”⁴⁹ Get in touch with a legal clinic to understand your current options and how submitting a complaint might impact your immigration status and/or applications. Legal clinics may be able to talk to you about options other than submitting a “feedback from”, including suing the CBSA (depending on the nature and severity of the treatment you experienced). A complaint will not stop removal from Canada or guarantee release from detention but could be used as evidence in these proceedings (e.g. to argue abuse of process or systemic discrimination).


⁴⁸ Government of Canada, Submit your feedback form (2025-08-14), https://contact.cbsa-asfc.cloud-nuage.canada.ca/Cipssubmissionform?lang=en_CA&type=complaint

⁴⁹ Canada Border Services Agency, “Frequently Asked Questions: how will my personal information be used?” (2024-03-08), <https://www.cbsa-asfc.gc.ca/contact/faq-eng.html> (section 8(2) of the *Privacy Act*)

KEY TERMS AND DEFINITIONS


- **Canada Border Services Agency (CBSA):** CBSA is responsible for border control (entry), immigration enforcement (arrest, detention and removal) and customs. They have powers to arrest and detain people under Immigration laws, but they are not police officers. When in uniform, they may look like police officers (dark blue uniforms, vest, holster and crest or “CBSA/ASFC” written on the jacket)⁵⁰, but officers may also operate wearing plain clothes.
- **Dependent family member:** A “dependent” family member means spouse or common-law partner, an unmarried child under-22 years of age or a child of that child. There are some situations where a child over-22 can be included, but get legal advice as this gets very complicated.
- **Electronic Travel Authorization (ETA):** An electronic pass allowing people from countries that do not require a visa to travel to Canada by airplane (see note regarding Mexican passport holders above).
- **Foreign National:** a term that Immigration uses to refer to people who do not have permanent residence or citizenship status in Canada.
- **Inadmissible:** CBSA has determined that you cannot enter or remain in Canada based on grounds such as medical, financial, criminal, or non-compliance with immigration law. There are other grounds of inadmissibility.
- **Immigration, Refugees and Citizenship Canada (IRCC):** IRCC (or “Immigration”) is a government agency that processes in-Canada applications for temporary and permanent residence status, as well as citizenship applications.
- **Immigration and Refugee Board of Canada (IRB):** The IRB is an administrative tribunal with four divisions: the Refugee Protection Division

⁵⁰ Butterfly Asian and Migrant Sex Workers, “Who is Who: Identifying Law Enforcers”, July 2027, https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_748f9f3d7c9a4139b999f5b4a26b9f7a.pdf [*Butterfly Who is Who*]



(decides refugee claims and applications by the government to take away refugee status), Refugee Appeal Division (decides refugee appeals), the Immigration Division (conducts admissibility hearings and detention reviews), and the Immigration Appeal Division (decides removal order and sponsorship appeals).

- **Legal Aid Ontario:** LAO helps people who financially qualify to hire a lawyer to help with some immigration and refugee matters. This includes refugee claims, humanitarian and compassionate (H&C) applications, Pre-Removal Risk Assessment (PRRA) applications, immigration detention reviews, some Immigration appeals or judicial reviews to Federal Court. LAO does not help with permanent residence applications (except humanitarian and compassionate), check the status of an application, pay immigration fees, renew temporary permits or visas or prepare sponsorship applications (although they may help with appeals).
- **Permanent Resident (PR):** A person who has been given permanent residence in Canada but is not yet a citizen.
- **Post-Graduation Work Permit (PGWP):** A specific type of open work permit issued to some students who graduate from an eligible degree program or field of study that allows them to work in Canada for up to three years after graduation.
- **Pre-Removal Risk Assessment (PRRA):** An application submitted to Immigration, Refugees and Citizenship Canada (IRCC) to assess the risk to a person in the country they may be deported to. Not everyone may get a PRRA before deportation depending on their immigration history.
- **Protected Person:** There are two ways of getting status through a refugee claim or Pre-Removal Risk Assessment (PRRA) in Canada: 1) as a Convention Refugee and 2) as a Person in Need of Protection. The legal tests are different, but both Convention Refugees and Persons in Need of Protection are called “protected persons” in Canada after their claim has been approved.
- **Refugee:** A person who has fled their country and sought protection in another country (such as Canada).

- 
- **Refugee claimant:** A person who has made a refugee claim in Canada, but no decision has been made yet (their claim is still in-process).
 - **Temporary Resident:** A person in Canada with a valid permit (visitor, study, work or temporary resident permit (TRP)) – valid means that the permit has not expired, or an application to extend it was made before the expiry date.

“INADMISSIBILITY” EXPLAINED

What are the grounds of “inadmissibility” in Canada?

“Inadmissible” is a term used for the reasons that the Immigration Act determines that people cannot enter or remain in Canada such as medical, financial, criminal or non-compliance with immigration law. A CBSA officer may write up a report saying you are inadmissible for:

- financial reasons (you do not have funds to support yourself and your dependents without relying on social assistance)
- medical reasons (danger to public health or safety, or excessive demand on health or social services if you do not fit into one of the exceptions)
- you didn’t comply with immigration law (worked/studied without a permit, overstay)
- criminality: if you do not have permanent status in Canada, you can be criminally inadmissible for convictions (not charges) for a wide variety of criminal offences, including assault, theft under \$5000, uttering threats, mischief and some drug offences. These are just some examples, and it is very important to get legal advice about immigration consequences before pleading guilty to any charges.
- serious criminality: If you have no-status in Canada, or even if you are a permanent resident, you could be inadmissible due to “serious criminality” for convictions (not charges) for more serious offences such as assault with a weapon, assault causing bodily harm, sexual assault, driving under the influence, theft over \$5000, more serious drug related offences, or for any offence for which you got a sentence of more than six months in jail. These are just some examples, and it is very important to get legal advice about immigration consequences before pleading guilty to any charges.
- organized criminality, security reasons or international human rights violations

- misrepresentation (providing false information/document or withholding relevant information in an immigration application or proceeding)


Even if you aren't inadmissible for any of the above reasons, if your spouse or dependent child is inadmissible, that might make you inadmissible too. For example, if your family member is medically or criminally inadmissible, then you would be inadmissible as well even though you yourself don't have any medical conditions or criminal convictions. There are some exceptions to the application of this type of inadmissibility in certain types of applications (such as applying for permanent residence as a protected person). Please get legal advice about whether family member inadmissibility applies to your particular situation, and if it does, what options you might have to overcome that inadmissibility. It is best to get this advice before you submit any application to Immigration. Usually, after you make an application, Immigration will send you a letter telling you that you may be inadmissible and providing the grounds of inadmissibility and give you a deadline to reply. It is very important to get legal advice and reply to this type of letter (even telling them you need more time if you can't meet the original deadline is important).

A common ground of inadmissibility is non-compliance with immigration laws (such as overstaying). If there are criminal charges or convictions, you don't have identity documents, or you have missed immigration appointments in the past, there is a risk of detention at this interview.

How can I overcome inadmissibility?

The options for undocumented and non-status people to overcome inadmissibility depend on the ground of inadmissibility. For example, if inadmissibility is based on criminality for a conviction in Canada you may be able to apply for a record suspension (not everyone qualifies for a record suspension and there are waiting periods after completing a sentence). If the criminal inadmissibility is based on overseas charges or convictions, you may be deemed rehabilitated or apply for rehabilitation (depending on the type of crime and length of time that has passed and other factors).

If inadmissibility is based on medical grounds or overstaying a visa, you can try submitting an H&C or TRP application and resolving your status in Canada before your report goes to the Minister's Delegate for review and issuance of a removal order (note though that you can't predict the timelines on this, and an order could be issued before



your applications are decided). The best thing to do is get legal advice about the options open to you to regularize your status and overcome any inadmissibility that might apply to your circumstances. If your inadmissibility is based on misrepresentation, you will be barred from making any application for 5 years. Get legal advice to understand your situation and options.


UNDOCUMENTED WORKERS' RIGHTS AT WORK

If you are experiencing abuse or are injured at work, “there are laws that apply to anyone working in Ontario, including all migrant workers—whether they’re working with a valid work permit”⁵¹ and Social Insurance Number (SIN) or not. When your boss hires you, they might ask if you have a work permit and valid SIN. If they hire you and you do work for them without a permit and valid SIN, they cannot later say that you don’t have rights because you don’t have a permit or valid SIN. Your employer may have also asked you to sign a contract that says you won’t make any claims or you agree to lesser wages, etc. Even if you signed something like this, you still have rights. Sometimes the boss is working with an immigration consultant or agent through whom your wages are paid, or who asks you to work for a specific employer, etc. They may deny being your employer (or deny that you are an employee). You still have rights.⁵² Some basic rights at work include:

- Basic rights under the *Employment Standards Act* (ESA): You have the right to be paid for the work you did (even if you were being paid in cash), termination/severance pay, overtime (or being paid for the hours you actually worked with exceptions), being paid at least the minimum wage (as applicable), protection against unauthorized deductions from wages, protection against reprisal (being punished for asserting your rights at work). You have the right to file a claim with the Ministry of Labour (which processes claims from undocumented workers and has no obligation to report your status to CBSA or Immigration)
- Health and Safety: Under *Occupational Health and Safety* laws in Ontario, you have the right to refuse unsafe work, if you are let go or if you are injured at work, you have the right to make a Workplace Safety and Insurance Board (WSIB)

⁵¹ ILC KYR at p. 7

⁵² Workers Action Centre, *Your Rights at Work: Action Guide for Fair Employment* at pp.7 and 16, <https://workersactioncentre.org/wp-content/uploads/2024/09/Your-Rights-at-Work-English-Oct-2024.pdf> [WAC *Your Rights at Work*]



application (the WSIB will process your claim regardless of your status in Canada and is not supposed to report your status to CBSA or Immigration)

- Human Rights: under the *Ontario Human Rights Code* you have the right to be free of harassment and discrimination on the basis of your immigration status, or regardless of your immigration status on the basis of another ground such as race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, family status and record of offences (criminal record). You also have the right to make an application to the Human Rights Tribunal of Ontario (the Tribunal will process your application regardless of your status in Canada, and may ask about your status if it is relevant to your claim but should not report your status to CBSA or Immigration)

When you try to enforce your rights, and you're not working under a valid work permit, there may be a risk your boss may report you to the CBSA for not having a valid work permit. So, even if CBSA does not come to your workplace, there could be a risk of detention and deportation when pursuing legal or organizing strategies around abuse or injury at work. If you are making a worker's rights claim (such as to the Ministry of Labour, Workplace Safety and Insurance Board or Human Rights Tribunal of Ontario), connecting with a legal clinic or an organization like the Workers' Action Centre is a good idea to make a safety plan in case your employer reports you to CBSA.

There may also be immigration issues you need to navigate while pursuing your workers rights. For example, you can fight for wages and other rights for work you were doing that you didn't report to immigration. But, the unreported or unauthorized work may cause issues to arise with any current or future immigration applications. Even though immigration status is not a requirement to assert your workers' rights, you may be faced with a situation where you might have to try and regularize your status to remain in Canada while your workers rights claim is processed (your claim will be processed whether you have status in Canada or not, but just having a workers' rights claim in process does not give you the right to remain in Canada). Seek legal advice about what options might be available to you to regularize your status in Canada while you pursue your workers' rights claims.

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

Resource	Contact Info
Legal Aid Ontario (LAO) - Find A Legal Clinic	https://www.legalaid.on.ca/legal-clinics/
Workers' Action Centre (WAC)	720 Spadina Avenue 2nd floor, Suite 223 Toronto, Ontario M5S 2T9 Tel: 416-531-0778
Industrial Accident Victims' Group of Ontario (IAVGO)	1-877-230-6311
Parkdale Community Legal Services (PCLS)	1229 Queen Street West, Lower Level Toronto, ON, M6K 1L2 Tel. (416) 531-2411 Email: intake@pcls.clcj.ca Monday, Tuesday, Thursday and Friday, 9am-5pm (closed between 1pm-2pm daily) * Provides legal and other services free of charge, including in the area of immigration and employment law to low income individuals in Parkdale and Swansea neighbourhoods in Toronto

Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

LIST OF RESOURCES

It is important to understand the different roles played by lawyers, registered immigration consultants and paralegals so you can make an informed decision about who to work with on an immigration and refugee application:⁵³

- **Lawyers:** A lawyer is licensed by the Law Society of Ontario (LSO) to provide legal services in Ontario. Lawyers are able to provide advice and representation in matters before the Immigration and Refugee Board (IRB), Immigration, Refugees and Citizenship Canada (IRCC) and the Federal Courts of Canada (as well as other levels of court). They can also accept legal aid certificates if they are authorized to do so by Legal Aid Ontario. You can search for a lawyer by their first and last name and the region on Law Society of Ontario website: <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>. If someone tells you that they are a licensed lawyer, it is a good idea to confirm by searching the LSO website before paying money or signing any agreement.

Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

- **Registered Immigration Consultants:** An immigration consultant must be registered with the College of Immigration and Citizenship Consultants in order to provide legal services. Immigration consultants can provide advice and representation before the Immigration and Refugee Board and in applications to Immigration, Refugees and Citizenship Canada. However, they cannot appear at the Federal Courts of Canada. Immigration consultants cannot accept legal aid certificates (some consultants may work with a lawyer who does so, but it is important to understand who is representing you in those circumstances). You

⁵³ For more information see Community Legal Education Ontario, “Understand who can give you legal help (immigration), <https://stepstojustice.ca/steps/immigration/understand-who-can-give-you-legal-help/>

can search for a registered immigration consultant on the College’s website: <https://register.college-ic.ca/>. If someone tells you that they are a registered immigration consultant, it is a good idea to confirm by searching the CICC registry before paying money or signing any agreement.

- **Paralegals:** Paralegals are licensed by the Law Society of Ontario (LSO) to provide legal services in some areas of immigration and refugee practice only. Currently, paralegals are restricted to provide assistance in matters before the Immigration and Refugee Board (IRB) only. This means that they are not licensed to provide legal advice or representation on applications to Immigration, Refugees and Citizenship Canada (IRCC) or the Federal Courts of Canada. Paralegals may take legal aid if they are authorized to do so in a specific area by Legal Aid Ontario. You can search for a paralegal on the LSO website: <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>. If someone tells you that they are a licensed paralegal, it is a good idea to search the LSO website before paying money or signing any agreement.

Resource	Contact Info
Legal Aid Ontario (General Phone Line)	Toll free: 1-800-668-8258 9 a.m. and 5 p.m., Monday to Friday
Legal Aid Ontario – Find A Legal Clinic	https://www.legalaid.on.ca/legal-clinics/ (Enter your postal code to find the clinic that serves your area)
Hamilton Refugee Law Office	110 King Street West Suite 780 Hamilton L8P 4S6 Telephone: 905 528 0134 Toll-free: 1 877 449 4003 *Can ask for an interpreter

<p>Ottawa Immigration & Refugee Law Office (part of Ottawa Integrated Legal Services Office)</p>	<p>275 Slater Street Suite 1101 Ottawa K1P 5H9 Telephone: 613 569 7448</p> <p>*French language services available, and can ask for an interpreter for other languages</p>
<p>Toronto Refugee Law Office</p>	<p>20 Dundas St. West, Suite 730 Toronto, ON M5G 2H1 Telephone (collect): 416 977 8111 Toll free: 1-800-668-8258 (open 9am-5pm weekdays) *French language services available, and can ask for an interpreter for other languages</p>
<p>Workers' Action Centre (WAC)</p>	<p>720 Spadina Avenue 2nd floor, Suite 223 Toronto, Ontario M5S 2T9 Tel: 416-531-0778 Toll free: 1-855-531-0778</p> <p>Monday 12 pm – 5 pm Wednesday 12 pm – 5 pm Friday 12 pm – 5 pm</p>
<p>Migrant Workers Alliance for Change</p>	<p>Call our hotline on WhatsApp: 647-782-6633</p>
<p>Parkdale Community Legal Services (PCLS)</p>	<p>1229 Queen Street West, Lower Level Toronto, ON, M6K 1L2 Tel. (416) 531-2411 Email: intake@pcls.clcj.ca</p>

	<p>Monday, Tuesday, Thursday and Friday, 9am-5pm (closed between 1pm-2pm daily)</p> <p>* Provides legal and other services free of charge, including in the area of immigration and employment law to low income individuals in Parkdale and Swansea neighbourhoods in Toronto</p>
Industrial Accident Victims' Group of Ontario (IAVGO)	<p>Industrial Accident Victims' Group of Ontario (IAVGO) 1-877-230-6311</p>
Community & Legal Services Program (CLASP) ID Clinic	<p>https://www.yorku.ca/osgoode/clasp/specialty-clinics/ 4700 Keele Street Toronto, ON M3J1P3 416 736 5029 Monday and Thursday: 9:00 am - 4:00 pm Tuesday and Wednesday: 12:30 pm – 4:00 pm</p>
Partners for Access and Identification (PAID)	<p>PAIDinfo@tngcs.org 647.577.PAID (7243)</p> <p>*Assist people who are unhoused including with Verification of Status (VOS) and Ontario Photo ID</p>
TTC Riders – Know Your Transit Rights	<p>https://www.ttcriders.ca/rights</p>
S4 Collective	<p>s4collectiveTO@gmail.com</p>
Childhood Arrivals Support and Advocacy Centre of Canada (CASA)	<p>https://casacentre.ca/</p>

	<p>Childhood Arrivals Support and Advocacy Centre of Canada (CASA) 1240 Bay Street, Suite 600 Toronto, Ontario M5R 2A7 Email: info@casacentre.ca</p> <p>*Provides free, confidential legal services</p>
<p>Justice for Children and Youth (JFCY)</p>	<p>https://jfcy.org/en/about-us/contact-us/ GTA: 416-920-1633 ON Toll Free: 1-866-999-JFCY (5329) Monday, Tuesday, Thursday and Friday, 9am-12pm and 1-5pm (lunch closure)</p> <p>*Provides legal services to children and young people across the province of Ontario, including young people with no or precarious immigration status</p>

Important note: There are organizations across Canada fighting for migrant justice and Status for All that may be able to support you with information relevant to where you live. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)

BENEFITS AND ENTITLEMENTS CHART

This chart gives information about eligibility for different programs for undocumented residents of Ontario.⁵⁴ A person who is undocumented may be someone who does not have a permit (they never had a permit, or a previous permit may have expired) or who is doing work that is prohibited by their permit (a different employer, type of work, etc.). There may be different rules for people with valid visitor, study, work or temporary resident permits, those who have made a refugee claim or a Pre-Removal Risk Assessment (PRRA) application, have pending appeals or judicial reviews, or have a Humanitarian and Compassionate (H&C) application in process, etc. (this chart does not cover those situations and you should get legal advice about your specific situation).

Immigration status is only one of the eligibility requirements for the programs listed below. Each program will have additional eligibility requirements that must be met (so, even if you meet the immigration status requirement, you could still be denied on other grounds). If you are told you are not eligible for a program, or your application is denied, contact your local [Legal Aid Ontario \(LAO\) community legal clinic](#). In most cases, if you do not have any immigration status in Canada, it might be best to contact a community legal clinic before you make an application to get advice about eligibility as well as any risks or potential consequences of accessing these services.

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
Ontario Works	Municipalities on behalf of Ontario Government	Maybe	The <i>Ontario Works Act</i> says that people with certain immigration status in Canada may be ineligible for financial

⁵⁴ This chart was developed after reviewing the “Benefits and Entitlements of Various Statuses in Ontario” document developed by Nadine Edirmanasinghe, Staff Lawyer at CLSO for a presentation to front-line workers through Connecting Ottawa on 29 May 2025.

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			<p>assistance even if they are residing in Ontario. An OW worker may tell you that you are not eligible because you do not have permanent status in Canada, a work permit, or that you are a visitor. This is not correct as being out-of-status is not necessarily something that makes a person ineligible under the Act. The eligibility determination is very fact-specific, so get legal advice prior to applying (or immediately if you are told you are ineligible).</p>
Ontario Disability Support Program	Ontario Government	Maybe	<p>The <i>Ontario Disability Support Program Act</i> (ODSPA) says that people with certain immigration status in Canada may be ineligible for financial assistance even if they are residing in Ontario. An ODSP worker may tell you that you are not eligible because you do not have permanent status in Canada, a work permit, or</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			that you are a visitor. This is not correct as being out-of-status is not necessarily something that makes a person ineligible under the Act. The eligibility determination is very fact-specific, so get legal advice prior to applying (or immediately if you are told you are ineligible)
Employment Insurance (EI)	Federal Government	No (Maybe)	If you are no longer authorized to remain in Canada, it is unlikely you will get EI. If you had a valid work permit or your work permit was tied to a specific employer that you no longer work for, or you were being paid in cash (while working on a permit), get legal advice about eligibility before applying to EI.
Workplace Safety and Insurance Board (WSIB)	Ontario Government	Yes	WSIB can provide benefits to you if you were injured at work even if you were working without a permit, working a job that was not authorized by your permit

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			or you are undocumented/out-of-status.
Ontario Health Insurance Program (OHIP)	Ontario Government	Maybe	Generally, people who are undocumented or out-of-status do not qualify for OHIP even if residing in Ontario for at least 90 days. However, some people have had success getting temporary coverage based on previous status or inability to leave Canada (such as when CBSA is not enforcing removals to our country of citizenship). Being granted a Temporary Resident Permit (TRP) would mean a person is no longer out-of-status and therefore may also get short-term coverage (for the duration of the permit). A TRP could be requested on health grounds, but outcomes will vary on a case-by-case basis. Get legal advice.

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
Interim Federal Health Program (IFHP)	Federal Government	Maybe	The Interim Federal Health Program (IFHP) provides temporary health coverage for some people who are not covered by the provincial program (mostly refugees). If you are out-of-status, have urgent medical needs and compelling personal circumstances, you may be eligible for discretionary IFHP coverage . Not everyone who is out-of-status is eligible, and there are several requirements (including showing you are unable to leave the country, that there is no other coverage for you, and the attempts you have made to regularize your status).
Community Health Centres (CHCs)	Ontario Government	Yes	CHCs are meant to serve community members who are not otherwise insured, including people who are undocumented or out-of-status. You will need to register with the CHC (there may be long-wait times for service, but

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			<p>stress that as you cannot get healthcare anywhere else, you should be prioritized). CHCs can also help to coordinate access to hospital based services (which you might later be charged for unless another arrangement is made). Hospitals should not turn you away if you require emergency hospital based services due to the fact that you are uninsured/undocumented. But, you might get a bill - if you do, contact your local legal clinic for assistance.</p>
Ontario Photo ID Card	Provincial Government (Service Ontario)	Yes	<p>You do not need status in Canada to get an Ontario Photo ID card, but challenges arise because you do need to provide a document that shows your legal name and date of birth (the listed documents which Service Ontario agents are expecting to see include many immigration documents). Get help from an ID clinic</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			to navigate these challenges.
Verification of Status (VOS)	Federal (IRCC)	No	<p>The VoS document only shows permanent or citizenship status in Canada. The application can also be used to replace a valid temporary residence document. Do not apply for a VOS unless you are sure you had PR or citizenship status in Canada, or you are trying to replace a valid temporary residence document. If you are trying to check your immigration history or think you may have had status in the past, the best thing to do is connect with a legal clinic who can help you to make an <i>Access to Information Act</i> and/or <i>Privacy Act</i> (ATIP) request for your Immigration file instead. They can also talk to you about any benefits and risks of making this application.</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
Legal Aid Ontario (LAO)		Yes	<p>You do not need immigration status in Canada to get legal aid. LAO helps people who qualify financially to hire a lawyer to help with some immigration and refugee matters (they will ask you for your financial information as part of the application to see if you are eligible). This includes refugee claims, humanitarian and compassionate (H&C) applications, Pre-Removal Risk Assessment (PRRA) applications, immigration detention reviews, some Immigration appeals or judicial reviews to Federal Court. LAO does not help with permanent residence applications (except humanitarian and compassionate), check the status of an application, pay immigration fees, renew temporary permits or visas or prepare sponsorship applications (although they may help with appeals).</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
Primary and Secondary School in Ontario	Provincial	Yes	Under the <i>Ontario Education Act</i> , non-status/undocumented children under 18 years old (including where their parents are undocumented) have the right to attend primary and secondary school. Children do not need a study permit to attend primary and secondary school. Challenges sometimes arise registering children in school due to lack of awareness of the law/policy, or schools asking for study permits or the payment of international fees.
University/College in Ontario	Provincial	Maybe	Eligibility and registration will depend on the school and program, and whether a study permit is needed. Some programs have Canadian citizenship or permanent residence as eligibility requirements. Even if you have the right to attend school, there can be practical barriers such

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			<p>as finances. The Sanctuary Scholars' Bridging Program at York University is open to people who have no immigration status and may be a good starting point to understand your options.</p>
Subsidized Housing	City of Toronto	No (Maybe)	<p>Immigration status is a requirement for subsidized housing units. However, if you are making a special priority application based on family violence, you might be eligible if you are regularizing your status by making a permanent residence application in Canada (such as through an H&C). Speaking to a transitional housing worker, such as at the Schlifer Clinic may help you understand your options.</p>
Canada Child Benefit (CCB)	Federal	No	<p>Only permanent residents and some temporary residents (depending on the type of permit they have) are eligible to get</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			<p>the CCB. (Note: if you are a non-status person living with the other parent who has the required immigration status, they may be eligible to receive the benefit on behalf of the child). If you are getting OW or ODSP, you may be eligible to get the provincial child benefit instead.</p>
Paying Taxes	Federal (Canada Revenue Agency)	Maybe	<p>Undocumented working people in Canada may be able to file a personal tax return including by getting an Individual Tax Number (ITN) if they are eligible. However, if you are not authorized to work in Canada and are filing taxes, be aware that IRCC and CRA have an information sharing agreement. Although this agreement is meant to share information about those applying for citizenship, it is unclear whether other taxpayer information is being shared with IRCC (such as</p>

Benefit/Entitlement	Who administers?	Am I eligible if undocumented?	Where can I find more information?
			filing of returns by non-residents).
Business Registration	Provincial	Yes	You do not need immigration status to register a business in Ontario. There are different ways a business can be registered, and the provincial registration will also give you a Business Information Number (BIN) that can be used to register an account with the CRA. If you are running a business in Ontario, the expectation is that you pay taxes in relation to the business. It is unclear what information may be shared with CRA.

Important note: This guide was created by organizations in Ontario, but the unfair immigration rules discussed here affect people across Canada. If you live in a different province, we encourage you to connect with a migrant justice organization in your area. You can find some of them here: [About Migrant Rights Network - Migrant Rights Network](#)