

CAPIC's Submission Regarding the Proposed Amendments to the Refugee Protection Division Rules

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CAPIC has examined the text of Canada Gazette, Part I, Volume 160, Number 25: Rules Amending the Refugee Protection Division Rules (the RPD Rules Amendments) and related materials, including applicable sections of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA) and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR). Input regarding the RPD Rules Amendments was collected from CAPIC members who are authorized representatives pursuant to paragraph 91(2)(c) of IRPA. CAPIC respectfully submits the following input on the RPD Rules Amendments.

Introduction

In 2025, the Immigration and Refugee Board invited CAPIC to participate in consultations on the *Refugee Protection Division Rules*, SOR/2012-256 (RPD Rules) and *Refugee Appeal Division Rules*, SOR/2012-257 (RAD Rules). CAPIC submitted its feedback to the IRB on August 6, 2025.¹ This submission further reviews the RPD Rules Amendments from a practical perspective, with a focus on clarity, operational efficiency, and system integrity.

Analysis and Recommendations

Analysis

1. Students-at-law

CAPIC welcomes the anti-misrepresentation and anti-unauthorized-representation measures introduced by the RPD Rules Amendments.

New Schedule 1 item 20.1 asks whether anyone assisted the claimant in obtaining a Canadian visa, including their name, relationship, role, and whether they were paid. New item 21.1 separately asks who assisted in preparing the claim, distinguishing that person from the claimant's representative under item 22. In addition, the Schedule 3 declarations now require claimants and non-authorized representatives to confirm that the non-authorized representatives are not authorized representatives under paragraphs 91(2)(a) to (c) of IRPA. Together, these changes strengthen the paper trail for identifying unauthorized representation and align with CAPIC's consistent positions on UAP enforcement.

¹ CAPIC, "[CAPIC's Feedback on IRB Consultations on RPD and RAD Rules – Modernizing Asylum Processes and Proceedings at the IRB](#)," submitted August 6, 2025.

However, to ensure consistency with section 91 of IRPA, students-at-law practicing under the supervision of authorized representatives described in paragraph 91(2)(a), as stipulated by subsection 91(3), may be expressly excluded from the category of non-authorized representatives.

2. The term “relative(s)”

CAPIC notes that more provisions adopt the term “relatives”:

- In paragraph 3(1)(b)(vi);
- In Item 8 of proposed Schedule 1, “relative” replaces “family,” and
- In Items 18 and 19 of proposed Schedule 1, “relatives” are specified as the claimant’s spouse, common-law partner, children, parents, siblings, and grandparents.

In the current version, Item 18 already uses the term “relatives.” The proposed change only adds grandparents to the list.

For clarity, CAPIC recommends defining “relatives” in section 1 alongside the other defined terms.

3. Descriptive changes

CAPIC notes the descriptive changes to items 8 and 16 of the proposed Schedule 1. The table below compares the current and proposed wording, with substantive amendments shown in bold.

Item	The current version	The proposed version
Item 8	Whether the claimant or the claimant’s family have experienced harm, mistreatment or threats in the past, with details.	Whether the claimant, a relative, or other people in the claimant’s situation were persecuted or faced other harm, mistreatment or threats, and by whom and why.
Item 16	Country or countries in which the claimant believes they are at risk of serious harm .	Every country in which the claimant believes they are at risk of persecution or other harm, mistreatment or threats .

Paragraph 3(2)(a) of IRPA states that Canada's "refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted." Convention refugees and persons in need of protection are defined under sections 96 and 97, respectively. Harm, mistreatment, or threats must be serious.² Persecution is also distinguished from random and arbitrary violence.³ Generalized risks may not qualify foreign nationals for refugee protection.⁴

Therefore, CAPIC recommends reviewing whether the proposed changes could be read as broadening refugee protection standards, as a plain-language interpretation seemingly suggests that result.

4. The shift of baseline dates in time limits for claimants

CAPIC observes that the baseline dates in the proposed time limits for claimants' document disclosure are unmoored from the hearing date entirely. Below are the notable changes:

Provision	Current time limit	Proposed time limits
Rule 34(3)	Disclosure of documents: • General: no later than 10 days before hearing; • Reply documents: 5 days before the hearing.	Disclosure of documents: • Country condition documents: 10 days before the hearing; • Any other claimant documents: 30 days after the claim is referred under s.100.1(1); The time limits do not apply to documents filed for a special hearing on abandonment under proposed rules 65 and 65.1.
Rule 9	Changing/adding to the BOC Form before the hearing: • No later than 10 days before the hearing.	Superseded by new rule 7's post-referral "changes or additions" regime: 5 days after notice to appear.

² IRB, "[Chapter 3 – Persecution](#)," s. 3.1.1.1.

³ IRB, "[Chapter 3 – Persecution](#)," s. 3.1.1.4.

⁴ *Prophète v Canada (Minister of Citizenship and Immigration)*, 2009 FCA 31 at para 3; *Portillo v Canada (Citizenship and Immigration)*, 2012 FC 678 at paras 40-41, 50. See also IRB, " ; "Chapter 4 – Grounds of Persecution – Nexus," s. 4.8; "[Chapter 14 – Persons in Need of Protection](#)," (December 31, 2020), s. 14.5.2.3.3.

CAPIC recommends further examining how shifting the baseline date may affect refugee claimants, their counsels, and RPD operations.

Taken together, the proposed 365-day due diligence time limit for Minister with flexibility for operational constraints⁵ and the current 24-month wait time for refugee hearings,⁶ will likely leave claimants waiting more than three years after filing their claims.

Over such a long period, both the country conditions and claimants' personal circumstances may change. While the disclosure deadline for country condition evidence remains unchanged, personal evidence is often more difficult to obtain. Given the flexibility in the Minister's due diligence period, claimants may struggle to determine when to gather corroborating evidence that accurately reflects their personal circumstances. The increase in workload on claimants and their counsels appear inevitable. Although the late-disclosure process remains available, seeking relief through that process also adds work for claimants, their counsels, and the RPD. As a result, shifting the baseline dates for claimant time limits will likely bring additional costs to claimants and more administrative work on the RPD. It may also inadvertently add to the RPD's backlog.

5. Undefined time limits for the RPD

CAPIC notes that the proposed subrule 54(1) and rule 65 leave the time limits for RPD rescheduling and abandonment processes undefined, respectively.⁷

CAPIC understands that leaving some RPD time limits undefined is intended to preserve flexibility; however, it may increase uncertainty for refugee claimants who already face long wait times, which goes against the objective of the asylum reform.⁸ Unintended delays caused by undefined time may also potentially be an incentive for misuse of the in-Canada asylum system, treating it as an alternative route for immigration, according to historic patterns.⁹

⁵ Canada Gazette, Part I, vol. 160, no. 25 (June 20, 2026), "Regulations Amending the Immigration and Refugee Protection Regulations ([Asylum System Reform](#))," section 159.

⁶ IRB, "[Wait times \(all divisions\)](#)," modified April 23, 2026.

⁷ Canada Gazette, Part I, vol. 160, no. 25 (June 20, 2026), "[Rules Amending the Refugee Protection Division Rules](#)," subrule 54(1), rule 65.

⁸ IRCC, "[Canada proposes new regulations to modernize the asylum process and support timely decisions](#)," modified June 22, 2026.

⁹ John Frecker, Immigration and Refugee Legal Aid Cost Drivers (Ottawa: Department of Justice Canada, 2004), §8.2, "[Delay in Determination of Cases and Removal of Failed Claimants](#)," modified February 2, 2023.

Recommendations

Based on this analysis, CAPIC recommends that the proposed amendments:

- (1) Expressly address students-at-law in the relevant Schedule 1 items to distinguish them from both authorized and non-authorized representatives, consistent with subsections 91(1) to 91(3);
- (2) Define “relatives” in the definitions section;
- (3) Review whether the descriptive changes are inconsistent with established jurisprudence and whether they may lead to misinterpretation of the refugee protection tests;
- (4) Assess the impact of the change of hearing-based baseline dates on refugee claimants and RPD operational efficiency; recommend a minimum of 60-day time limit for disclosure of documents after referral; and
- (5) Assess how undefined RPD time limits may affect the integrity of the in-Canada asylum system.

Conclusion

Amending the RPD Rules to implement the changes introduced by the *Strengthening Canada's Immigration System and Borders Act*, S.C. 2026, c. 4, is necessary. CAPIC submits the submission on the RPD Rules Amendments to support fairness, efficiency, and the integrity of Canada's asylum system.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is a non-profit professional organization representing the interests of Canadian Immigration Consultants.

The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its 4,000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.

All CAPIC submissions are publicly available on the CAPIC [Advocacy](#) web page to facilitate communication between CAPIC and our 4,000-strong membership and the general public.

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