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**Warren L. Creates**  
Head of Immigration Law Group

## IMMIGRATION LAW GROUP

### Making a Successful Refugee (ie. Asylum) Claim in Canada

The decision to flee a country and travel to Canada to make a refugee claim can be very difficult. Leaving one's homeland for an uncertain future takes unspeakable courage, and the travel itself is often hazardous. This decision is generally motivated by tremendous fear. Although there is a lot at stake and the process once in Canada can be very unfamiliar and at times confusing, freedoms that were violated or lost will hopefully be found in Canada.

It is imperative to choose a lawyer who understands the process, and who will effectively prepare and advance your case. You need a highly skilled advocate who you can trust. Doing an exceptional job on any refugee case requires many years of specialized experience. This expertise only comes from decades of working on such cases, and appearing before Canadian tribunals hundreds of times. In order to be successful, multiple government forms have to be properly and professionally completed, relevant supporting documents obtained (and often translated), testimony has to be molded, witnesses prepared, and human rights and legal research must be conducted. This preparation must all be done well in advance of the hearing, which every refugee claimant is entitled to and must have. It must be completed to a very high standard, in a way that is client and issue focused, customized to every particular case and matter.



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The credibility of the applicant is often the central issue in any refugee case as the allegations must be believed by the Government of Canada in order for the claim to be successful. It is critically important to choose a lawyer who enjoys the challenge of such cases, who is dedicated to achieving a successful result, and who is knowledgeable about asylum litigation strategies.

Within my 33 years' experience as an immigration lawyer, I have specialized expertise in refugee law and have worked on some of the most complex cases both in and outside Canada. In my previous role as a federal government lawyer, I worked at the *Immigration and Refugee Board*, the very tribunal where all refugee hearings in Canada are heard. My role in that position was to advise adjudicators (Board Members) on the relevant legislation, regulations, case law, the standard of review including the judicial assessment of evidence, and Canada's international obligations pursuant to United Nations Conventions and instruments. I have successfully represented claimants having issues of inadmissibility, exclusion, and cessation, where the Government of Canada has argued that the claimant should be excluded from protection and returned to their country of nationality. I have rigorously defended such clients, and won their protection.

Asylum claims often have their own unique sensitivities: cases involving young children, and cases where medical evidence is required, including that of torture and possible Post Traumatic Stress Disorder (PTSD), can be particularly challenging. These cases often need special accommodations and specialized considerations. Cases involving political opinion and political

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activity are also distinct, as they often involve political opposition, human rights activists or dissidents. Persecution, or the genuine fear of it, based upon gender, religious affiliation, or sexual orientation are all grounds for protection in Canada. I have developed a deep interest for all such cases given their complex nature and the courageous individuals that they involve. My expertise is complex, broad, extensive, and includes all of the above factual and legal profiles.

In Canada, we enjoy the most important and sacred democratic rights in the world, and therefore have an obligation to protect those who are fleeing circumstances where such rights have been violated. We have a rich and noble history of doing so.

While I am able to represent cases arising from any country in the world, below is a list of some of the countries from which I have represented successful cases (for some countries as many as thousands of people):

- Afghanistan
- Albania
- Algeria
- Bangladesh
- Belarus
- Belgium
- Bolivia
- Bulgaria
- Burundi
- Chile
- China
- Colombia
- Cuba
- Djibouti
- El Salvador
- Eritrea
- Ethiopia
- Haiti
- India
- Indonesia
- Iran
- Iraq
- Israel
- Jordan
- Lebanon
- Libya
- Malaysia
- Mexico
- Moldova
- Nepal
- Nicaragua
- Nigeria
- North Korea
- Oman
- Pakistan
- Panama
- Peru
- Philippines
- Romania
- Russia
- Saudi Arabia
- Somalia
- Sri Lanka
- Syria
- Tunisia
- Rwanda
- Uganda
- Vietnam



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My team and I understand the importance of asylum claims. We put an extraordinary amount of effort in preparing all of our clients and our cases – we spare no effort, and cut no corners. Due to this effort, we enjoy the professional record of an extremely high success rate. We are very grateful for the respect accorded us by Canadian immigration officers, by adjudicators, by Board Members, and by the judiciary.

I am certified by the Law Society of Ontario as a Specialist in three very distinct and specific areas of law which few lawyers have, who may also practice in this field: Citizenship Law, Immigration Law, and Refugee Protection Law. There are a very limited number of lawyers in Canada who have these combined certifications. In order to be certified as a Specialist, the Law Society of Ontario requires a lawyer to demonstrate extra-ordinary ability in regard to complicated issues arising in difficult or complex cases. These are the cases where my team and I shine, and how we have earned our outstanding reputation. When you hire a Certified Specialist, you are hiring a lawyer who is recognized by our governing and licensing authority- the Law Society- as having met high standards, is a leader in this area of law, and has demonstrated mastery of the field.

"Courts depend on lawyers so that they can fairly and accurately decide cases. Their skills in presenting the evidence and their knowledge of the law are indispensable to the administration of justice. (...) In no other area of law is this more true than the determination of refugee claims. (...) The *Immigration and Refugee Board* has the most difficult fact-finding job of any administrative tribunal or court in Canada. (...) Refugee claimants are among the most vulnerable participants in our legal system. Lawyers' professional skills in identifying relevant evidence and presenting it cogently enable refugee decision makers to navigate around these obstacles to accurate fact-finding. (...) Lawyers also play a vital role in assisting the Board and the federal courts on the interpretation and application of the law. Refugee law is very complex."

- The Honourable John Evans, (former) Justice of the Federal Court of Canada  
and of the Federal Court of Appeal.  
*The Globe and Mail*, 24 April 2019

In Canada, a successful refugee case will lead to permanent resident status (including for immediate family members) and thereafter Canadian citizenship. These are 3 very significant steps and statuses. Very few countries in the world offer these benefits.

If you are considering making a refugee claim in Canada, we invite you to contact us. You typically only have one chance at being granted protection in a refugee case, and choosing the right lawyer to be your trusted advocate makes all the difference. Our deep experience in this field has taught us how to win the protection and freedom for our clients.