

ACCURATE AS OF AUGUST 2025

# Safe Haven

## A Guide for LGBTQI+ Asylum Seekers Crossing the Canada-U.S. Border



**HAVEN**  
THE ASYLUM LAB



UNIVERSITY OF  
**TORONTO**  
SCARBOROUGH

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## Legal Disclosure

The information in this guide is for general informational purposes only and does not constitute legal advice. Immigration and refugee law, especially at the Canada–U.S. border, is complex and varies case by case. **We strongly recommend that you consult a licensed immigration lawyer or accredited legal representative before taking any action.** Haven is not a legal clinic and does not staff lawyers. As such, we are unable to provide legal advice. Using this guide does not create a lawyer-client relationship, and we are not responsible for any decisions made based on its contents.



Throughout this guide, you can click on these link icons for more information.




# Key Terms

<b>Asylum Seeker</b>	Someone who flees their home country in fear of persecution to another country in search for safety.
<b>Canada Border Services Agency (CBSA)</b>	The Canadian Government law enforcement agency responsible for border enforcement and security. This includes the detainment of migrants crossing the Canada-U.S. border.
<b>Convention Refugee</b>	A person outside of their country of origin with a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.
<b>Immigration, Refugees and Citizenship Canada (IRCC)</b>	The Canadian Government department responsible for managing immigration processes, refugee claims, and citizenship applications. See this map to see all the <a href="#">locations of IRCC offices</a> .
<b>Migrant</b>	A general term that refers to someone who moves from one place to another and is outside their country of origin. Migrants include asylum seekers, refugees, and those in search of work.
<b>Port of Entry (POE)</b>	An official, designated location where people can legally cross a border into a country. See <a href="#">page 4</a> for all the POE locations between the Canada-U.S. border or <a href="#">see this map</a> .
<b>Refugee</b>	An asylum seeker whose refugee claim and status has successfully been approved.
<b>Royal Canadian Mounted Police (RCMP)</b>	The national police service in Canada. They work with the CBSA to enforce border security at and between ports of entries, such as holding the authority to intercept migrants crossing the borders illegally.
<b>United States Refugee Admissions Program (USRAP)</b>	The legal way asylum seekers can enter the United States and make a refugee claim. The program is responsible for processing, admitting, and resettling qualified refugees.


# Ways to Enter Canada

In addition to asylum-seeking, there may be other ways to enter Canada.

## Economic

Student via Study Permit 

Asylum-seeking (see next page)

Sponsorship (Reuniting with Family) 

Work

Express Entry 

International Experience Canada 

- For Ages 18-35
- An opportunity to both work and experience Canada

Work Permit 

International Mobility Program 

Provincial Nominee Program

As a spouse / partner

As a parent or grandparent

As a dependent child by your parents

Only specific jobs apply: Software Engineer, Registered Nurse, Financial Analyst, High School Teachers, Dentists, etc.

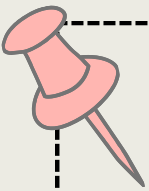

Federal Skilled Worker Program (FSWP)

- for skilled professionals with foreign work experience

Federal Skilled Trades Program (FSZTP)

- for skilled trade workers in occupations such as construction, industrial, etc.

Each year, each province/territory nominates candidates who wish to settle in a specific province and have the skills to contribute there.

 Please note that there are other available immigration programs that are not listed above. Visit IRCC's website for more information. 

# Understanding the Safe Third Country Agreement (STCA) and How it Applies to You

The Safe Third Country Agreement is an agreement between the Canadian and U.S. Government in which **Canada and the U.S. are designated as “safe third countries”** that offer protection to asylum seekers. The STCA applies to claims made at official border crossing points or **Port of Entry (POE)**. If you enter the U.S. first, you will not be able to enter Canada from the U.S. and seek asylum in Canada unless you qualify for an exception.

## Exceptions to the STCA

There are exceptions to the STCA that you can qualify for. But if you do not qualify, you will be returned to the U.S. on the same day and given an order that says you cannot enter Canada for 12 months unless you have authorization. Canadian authorities will notify U.S. authorities at the ports of entry, and you will no longer be able to make another refugee claim in Canada. To see if you qualify for an exception, fill out the checklist on the right.



## Does the STCA apply to you?

- ☐ Are you a citizen of the United States?
- ☐ Are you a stateless person but have lived in the United States for a long time?
- ☐ Do you have a valid Canadian visa, work permit, or a study permit?
- ☐ Are you under 18 years old and your parents are outside the United States?
- ☐ Do you face the death penalty in your country or the United States?
- ☐ Do you currently have close family members living in Canada?
- ☐ Did you recently make an asylum claim 14 days after crossing the Canada-U.S. border between official ports of entries?

If you checked any of these boxes, **the STCA does not apply to you**, and you will not be returned to the United States.



Learn more about your eligibility to make an asylum claim under the STCA.

# Additional Protocol (2023)


- An expansion to the STCA that makes anyone who crosses between ports of entries along the Canada-U.S. border **ineligible to make an asylum claim until after 14 days after their arrival.**
- This expansion means that before staying for 14 days in Canada, you may be returned to the U.S. unless you qualify for an exception.

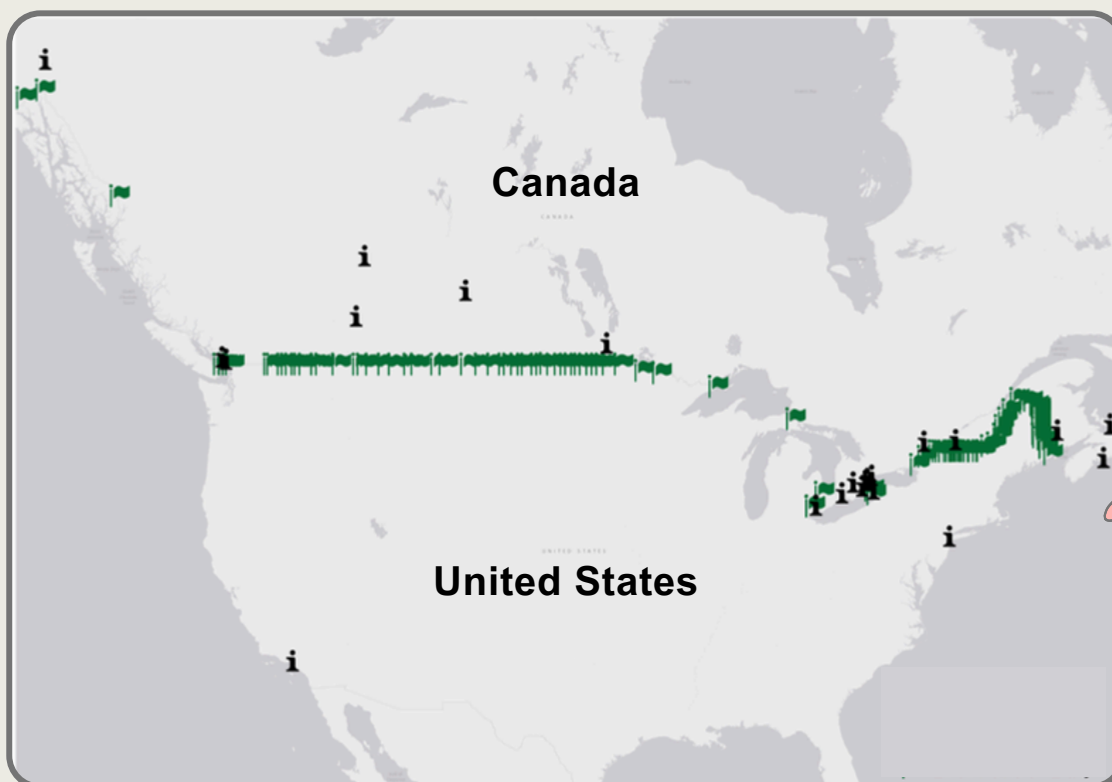
## Status Update

An executive order suspended the U.S. Refugee Admissions Program (USRAP), which provides a legal pathway for refugees to settle in the United States. This change means that although the United States continues to accept refugee claims, it has introduced more restrictions and limitations.





## Map of all IRCC Offices and Land Ports of Entry Along the Canada-U.S. Border

Click here to view the full interactive map 



### Legend

-  IRCC Offices
-  Ports of Entry (POE)

Please note, all ports of entry are also CBSA office locations.

# Asylum-Seeking Process

For the definition of “Asylum seeker” please see [Key Terms on page 1.](#)

## BEFORE: How to Prepare



### Check for weather warnings

Please be mindful of unpredictable weather conditions when packing to cross the Canada-U.S. border.



### Reach out to organizations

Please consult organizations to be prepared and informed for your crossing. [See pages 10-11](#) for a list of organizations.



### Plan health checkups and medications

Please complete all essential health checkups and have medications filled before you cross the border in case you have trouble accessing health resources while seeking asylum.

**Your asylum claim may not be eligible if you:**

**Convention Refugee:** a person outside of their country of origin with a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

- are recognized as a **Convention refugee** by another country that you will return to
- hold protected person status in Canada
- have a removal order
- made a refugee claim in another country
- are inadmissible due to criminal activity or human rights violations
- submitted a previous refugee claim in Canada that was rejected, abandoned, or withdrawn
- entered Canada from the U.S. land border



## DURING: Steps For Making a Claim

1. At the Border

2. From Within Canada  
(See next page)

### 1. At the border

#### 1. Prove your identity

- Original passports and travel documents
- Other identification documents

#### 2. Give your biometrics


- Scans of fingerprints (14 years of age and up)
- Photographs of you and every family member

#### 3. Interview

- CBSA officer will ask you about your background, why you came to Canada, and what dangers you face in your home country

#### 4. If your claim is determined eligible

- You will be referred to Immigration and Refugee Board of Canada (IRB) for a hearing
- You have to complete BOC form
  - You have to complete immigration medical examination and Medical Report Form (IMM 1017E)

A CBSA officer may require you to complete your claim application online for which you will need to create an [IRCC Portal account](#) 

If you don't meet the eligibility requirements, your claim will not be referred to the IRB and you will be referred for removal from Canada

#### 5. Claim decision

- If your claim is eligible you will receive a Refugee Protection Identity Document (RPID)

#### 6. After your hearing

- If IRB accepts your claim you will receive “protected person” status
- If IRB rejects your claim, you will be required to leave Canada



## 2. From Within Canada


### 1. Prepare your documents

- Provide your completed IRB's Basis of Claim (BOC) form
- Provide a copy of your passport, travel document or other identification document
- (if you have a representative) provide your completed Use of a Representative form

### 2. Create an IRCC Portal account

- [IRCC Portal account](#) 

### 3. Complete your refugee claim application

- Make a new refugee claim or continue your CBSA claim by answering all the questions asked using this [application guide](#) 

### 4. Prepare for your IRCC interview

- Provide your original passport, travel documents, and identification documents
- Your biometrics will be collected

### 5. Claim decision

- If the claim is eligible you will receive a Refugee Protection Identity Document (RPID)

### 6. After your hearing

- If IRB accepts your claim you will receive “protected person” status
- if IRB rejects your claim, you will be required to leave Canada

## AFTER: What to do After Your Claim

### Waiting for Claim Decision

While waiting for your claim decision you may be placed in detention.

[Learn more about detention.](#)



### Claim Accepted

If your claim is accepted, you will get “protected person” status which allows you to stay in Canada and apply to become a permanent resident.

If the Minister appeals your decision within 15 days, your application for permanent residence must be put on hold.

### Claim Rejected



To respond to the appeal you or your legal representative must:

- Prepare a [Notice of Intent to Respond](#)
- Prepare a Respondent’s Record highlighting the reasons why you disagree
- Send a copy of these documents to the Minister and the Refugee Board of Canada - Refugee Appeal Division (IRB-RAD) office in your region
- Give the IRB-RAD proof that you sent your documents to the Minister.

If your claim is rejected, you will have to leave Canada and may be deported.

# Things to Consider When Seeking Asylum

## For All U.S. Citizens Considering Asylum Abroad

- Most U.S. citizens do not qualify as refugees under current laws. 
- To be granted asylum in Canada, you must prove that
  - You are at risk of serious harm (persecution), and;
  - The U.S. government is unable or unwilling to protect you anywhere in the country.
- Before seeking asylum abroad, you may be expected to try relocating within the United States (e.g., moving to a different state). 
- The Government of Canada identifies the U.S. as a safe country, which makes it harder for Americans to prove they qualify for asylum.
- Because of these legal limits, many support organizations abroad are not able to help U.S. citizens seek asylum.

## For Trans U.S. Citizens

- Transgender people from the U.S. face extra barriers when applying for asylum abroad.
- Most countries do not consider U.S. unsafe enough for trans people to meet the refugee definition.
- Other immigration options may still be available, including:
  - Student visas or study permits, which may lead to work opportunities and permanent residency or citizenship.
- **Gender markers on documents can cause challenges with entry:**
  - Canada accepts “X” (non-binary) gender markers on official documents.
  - The U.S. currently only recognizes “M” (male) or “F” (female) on passports based on the sex assigned at birth, which may further complicate immigration for some LGBTQI+ individuals.

## For Non-Citizens Living in the U.S. Seeking Asylum in Canada

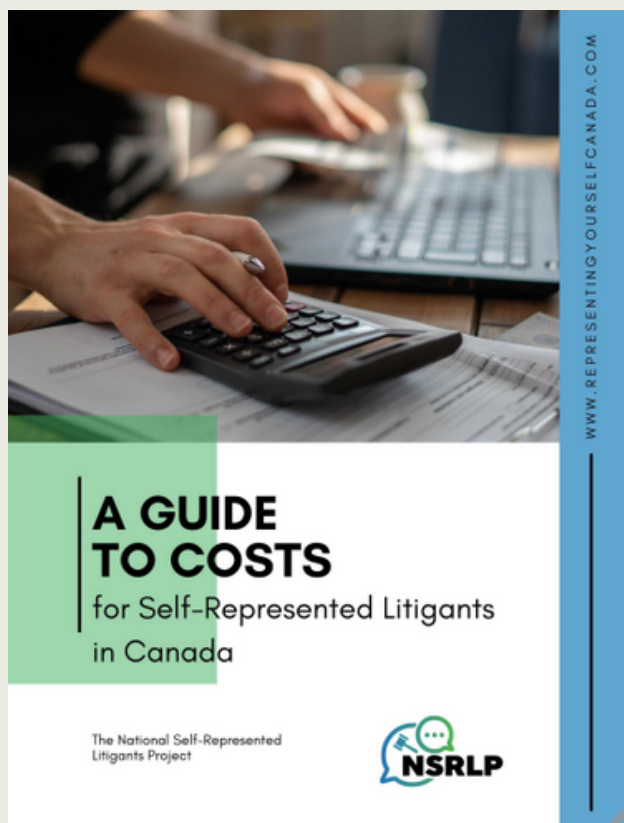
- If you are not a U.S. citizen and are living in the United States (on a visa, undocumented, etc.), you may have a stronger case for asylum abroad, but it still depends on your personal situation.
- You must show that returning to your home country would put you at risk of serious harm (persecution), and that the U.S. cannot or will not protect you.
- If you have an active asylum claim in the United States, you generally cannot seek asylum in Canada due to the STCA.

# Navigating the Legal System Without a Lawyer


A growing number of people in Canada are compelled to represent themselves in the civil, criminal, and administrative legal systems. For many, the cost of legal services is beyond reach, and there are few alternatives for those unable to retain or sustain legal representation. While legal assistance is available for those facing criminal charges and, in limited circumstances, for certain immigration or refugee matters, the majority of individuals are compelled to proceed on their own. The Canadian legal system, however, was neither designed for nor operates with non-lawyers in mind, leaving self-represented individuals at a significant disadvantage.

**The National Self-Represented Litigants Project (NSRLP)** works to address this disadvantage by deepening understanding of the experiences, needs, and challenges of self-represented litigants. It raises awareness of this access to justice crisis through research, collaboration with justice system stakeholders, and the development of practical, accessible resources that individuals can use when navigating the legal system.

Self-Representation Resources: [Guides](#) and [Videos](#)



# General Resources

 Please refer to the [map of services and resources](#) for a more comprehensive list.

## **Alberta Association of Immigrant Serving Agencies (AAISA)**

Visit to view a toolkit on settlement and integration resources across Canada, such as free [pre-arrival services](#) (by the Government of Canada), an [Alberta refugee claimant resources handbook](#), and more.

## **BC Safe Haven Network**

Visit to view resources on the refugee claims process, how to sponsor refugees, the BC Refugee Hub, and more.

## **Canadian Council for Refugees**

Visit for a list of organizations that provide refugee resources and services in Canada, and recent immigration policy updates and news

## **Canada-U.S. Border Rights Clinic**

Visit to learn more about making a refugee claim at the Canada-U.S. border and to book a free consultation for legal advice

## **CanRefugee**

Visit for a resource map of settlement agencies, refugee houses, women's shelters, and welcome churches across Canada

## **Kinbrace**

Visit to see a refugee claim orientation booklet that walks you through the claims process, key terms, and how to get legal advice.

## **Rainbow Railroad**

Visit for the latest news/articles on LGBTQI+ immigration and asylum seeking processes

## **Society of Refugee Healthcare Providers**

Visit for a list of refugee healthcare providers throughout the United States with a [link to a map](#) of refugee healthcare providers in Canada

## **United Nations High Commissioner for Refugees (UNHCR)**

Visit to see important details on seeking asylum and refuge in Canada, such as weather warnings, safety information, economic immigration processes, and more

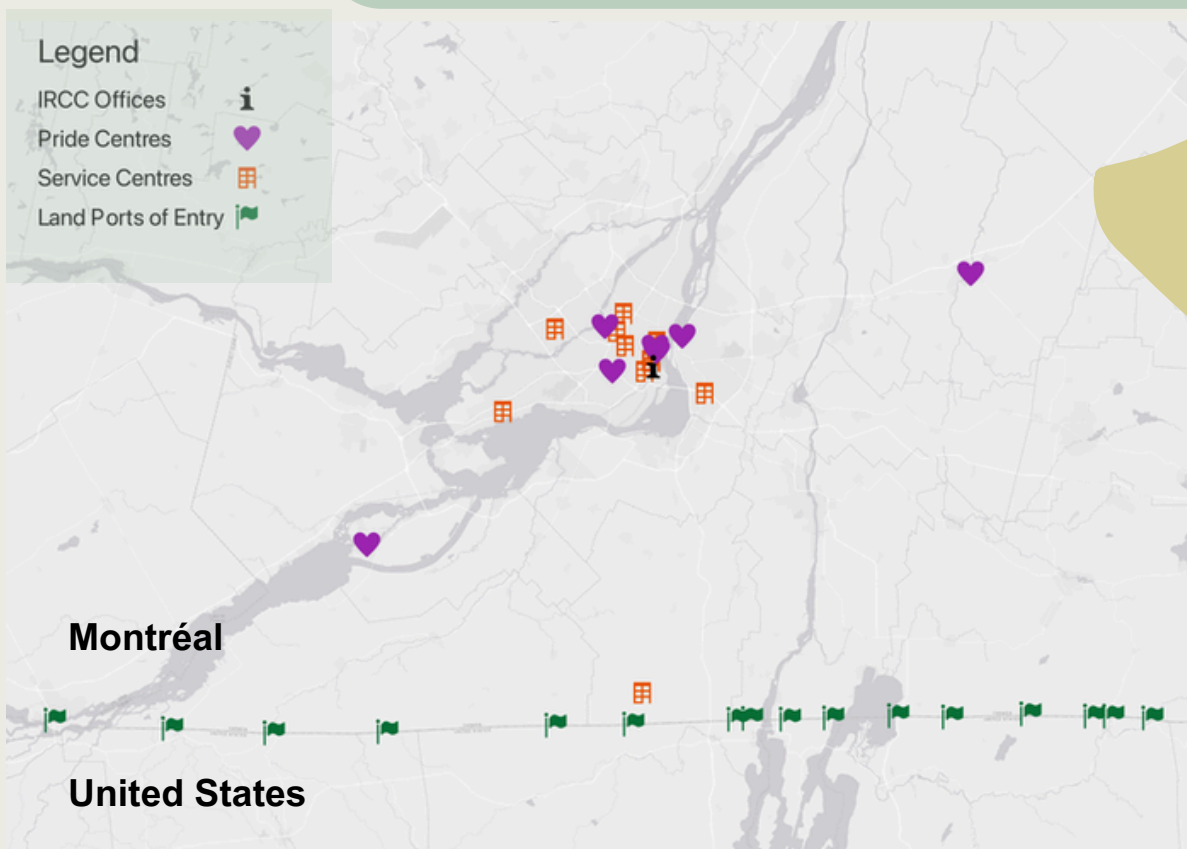
## **U.S. Committee for Refugees and Immigrants**

Visit for a list of organizations that help refugees and immigrants in the United States

# LGBTQI+ Resources

<b><u>Pflag U.S. and Pflag Canada</u></b>	Connects LGBTQI+ members with social services and support resources in their area
<b><u>Egale</u></b>	Includes a hub of up-to-date LGBTQI+ resources, information, and research in Canada
<b><u>The Enchanté Network</u></b>	Includes a list of LGBTQI+ community organizations across Canada
<b><u>Rainbow Health Ontario</u></b>	Includes an up-to-date health resource library and <u>health service provider map</u> for Ontario LGBTQI+ communities
<b><u>Fierté Montréal</u></b>	Includes a list of LGBTQI+ community organizations across Quebec
<b><u>Aide aux Trans</u></b>	Includes a resource directory for transgender individuals across Québec, including legal aid, housing and shelters, medical care, and more

## Map of Resources in Montréal, Québec



To see more resources across Canada and the U.S., click here to view the full interactive map.



## About Haven: the Asylum Lab

Haven: the Asylum Lab is a project designed to preserve, share and analyse obscured data surrounding immigration and border issues worldwide. Based at the University of Toronto Scarborough, the project has three aims: to serve as a physical lab space for working with immigration- and border-related data, to host an online data catalogue for protecting and disseminating these data, and to establish a broad network for working with such data.

**To learn more about Haven: the Asylum Lab and our toolkit, please visit:** <https://haven.utsc.utoronto.ca/>

**To view our works cited, please visit:**  
<https://haven.utsc.utoronto.ca/wp-content/uploads/2025/05/Works-Cited.pdf>.

Haven is committed to researching and sharing information that supports people on their migration journey. We hope this resource is helpful to you, and we sincerely wish you safety and support moving forward.

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