

# Canada Border Services Agency Interview

Navigating CBSA Call-in Notices



PUBLIC LEGAL INFORMATION  
Association of NL



**Legal Rights**  
FOR NEWCOMERS







# Table of Contents

<b>What is the Canada Border Services Agency?</b>	<b>5</b>
<b>Receiving a Call-In Notice and What to Expect in a CBSA Interview</b>	<b>5</b>
<b>Section 44(1) Report</b>	<b>7</b>
<b>Removal Orders</b>	<b>7</b>
Departure Order	8
Exclusion Order	8
Deportation Order	8
Direction to Report	8
Certificate of Departure	8
<b>Immigration Status and Removal Orders</b>	<b>9</b>
Permanent vs. Temporary Residents	9
Refugee Protection Claimants	9
<b>Removal Conditions</b>	<b>11</b>
<b>Legal Rights and Options</b>	<b>11</b>
Legal Advice	11
Pre-Removal Risk Assessment Application (PRRA)	12
Request to CBSA to Defer Removal	12
Application for Leave and for Judicial Review - Federal Court of Canada	13
Temporary Resident Permit	14
Humanitarian and Compassionate Applications	14
Please Contact	15



## What is the Canada Border Services Agency?

Canada Border Services Agency (CBSA) is a law enforcement agency that controls who and what can legally enter and remain in Canada. CBSA officers investigate inadmissibility, issue removal orders and carry out removals.

## Receiving a Call-In Notice and What to Expect in a CBSA Interview

A CBSA call-in notice is an official letter that requires you to attend an interview at a CBSA office in your area. You may receive this by mail or email. This interview is usually related to your immigration status and possible inadmissibility. Inadmissibility is when you do not meet the legal requirements to enter or remain in Canada which may result in removal from Canada. The interview will address questions about your status and what will happen after the interview.



During the interview, CBSA officers will explain to you why/if they have grounds to believe you are inadmissible to Canada and if a removal order is being enforced. They will also explain your legal options if you are found inadmissible and face possible removal from Canada. If you receive a call-in notice you are legally required to respond and attend the interview. Failure to attend could lead to the CBSA taking action against you, including a Canada wide warrant for your arrest.

You are allowed to have a support person at your interview such as a family member, case worker, friend or interpreter. You can also request reasonable accommodations for your interview should you require it. For example, if you have mobility issues and cannot leave your house, you may request that the interview takes place at your place of residence.

What happens at a CBSA interview can have serious and lasting consequences. You should get legal advice from an experienced immigration lawyer as soon as possible before and after your interview with CBSA. PLIAN can help you get free legal advice for your situation, as well as connect you with an interpreter if needed for your interview and a support person who may be able to accompany you to your interview in certain situations.





## **Section 44(1) Report**

A report under section 44(1) of the Immigration and Refugee Protection Act is prepared when an officer believes, on a balance of probabilities, that a person is inadmissible to Canada based on the facts of their case. There are several reasons why an officer may make this report, including for not following the rules of your temporary stay in Canada. For example, if you do not renew your temporary status such as a work or study permit and you do not leave Canada when your work or study permit expires, you may be found inadmissible to Canada.

Another reason you may be found inadmissible is if you have been convicted of a criminal offence. If you have been charged by the police with a crime, it is strongly recommended that you speak to both a criminal lawyer and an immigration lawyer as soon as possible. PLIAN can provide more information on how to find a lawyer, including referrals for criminal and immigration lawyers.

A Section 44(1) Report will contain personal information as well as the relevant facts as to why you have been found inadmissible to Canada. You will be given a copy of the report during the interview. The officer in charge will ask you to sign the report. Signing the report does not mean you agree with the decision, and it does not take away any of your legal rights. Rather, it means you have been given a chance to read and understand what the report says. If you don't understand the report, you should ask the officer in charge explain it to you in plain language. You are not required by law to sign this document.

## **Removal Orders**

Depending on your situation, you may also be issued a removal order with the Section 44(1) Report following a Minister's Delegate's review of the Section 44(1) Report. The Minister's Delegate is another CBSA officer, but they cannot be the same officer who authored and issued the Section 44(1) Report.

If there is a removal order in place you will also be given a copy of this at your interview and asked to sign it. You are not required by law to sign this document, but it will remain in effect even if you don't sign it.

Some situations require the Minister's Delegate to refer your matter to the Immigration Division (ID) of the Immigration and Refugee Board of Canada (IRB) for an admissibility hearing. In such cases, the CBSA cannot issue a removal order directly.

Removal Orders are issued by CBSA or the IRB.

There are three types of removal orders:

- Departure order
- Exclusion order
- Deportation order

## **Departure Order**

A departure order means you must leave Canada within 30 days. However, you are permitted to apply to return to Canada any time, as long as you meet the entry requirements and have temporary or permanent immigration status.

*Example: A person whose refugee claim fails may be issued a departure order.*

## **Exclusion Order**

An exclusion order means you must leave Canada immediately. You will not be allowed to return to Canada for a period of one to five years, unless you request and receive an Authorization to Return to Canada (ARC) from Immigration, Refugee and Citizenship Canada (IRCC). After the period of one to five years, you may return to Canada without an ARC, as long as you meet the entry requirements and have temporary or permanent immigration status.

*Example: A person who doesn't leave Canada by the end of their authorized stay may be issued an exclusion order for one year OR A person who is inadmissible for misrepresentation (lying or leaving out important information on an application) may be issued an exclusion order for five years.*

## **Deportation Order**

A deportation order is the most serious removal order and has lasting consequences for you and your ability to return to Canada. You must leave Canada immediately and are permanently banned from entering Canada unless you request and receive an ARC from IRCC.

*Example: A person who is convicted of a crime that carries a potential prison sentence of at least 10 years, or who has been sentenced to prison for at least six months, may be issued a deportation order.*

Common examples of this are driving a car while impaired by alcohol or drugs, sexual assault, and assault causing bodily harm, all of which are serious criminal offences under the Criminal Code of Canada.

## **Direction to Report**

As part of the removal process, CBSA will also issue a Direction to Report which finalizes your removal and sets a specific date for you to leave Canada. Your Direction to Report will include specific details such as your flight, date of removal and the time you need to report to the airport and check in with CBSA.

## **Certificate of Departure**

Following removal, it is important to obtain a Certificate of Departure in the days that follow as this is a record of when you left Canada. If you have a one or five-year exclusion, your exclusion starts on this date.

## **Immigration Status and Removal Orders**

### **Permanent vs. Temporary Residents**

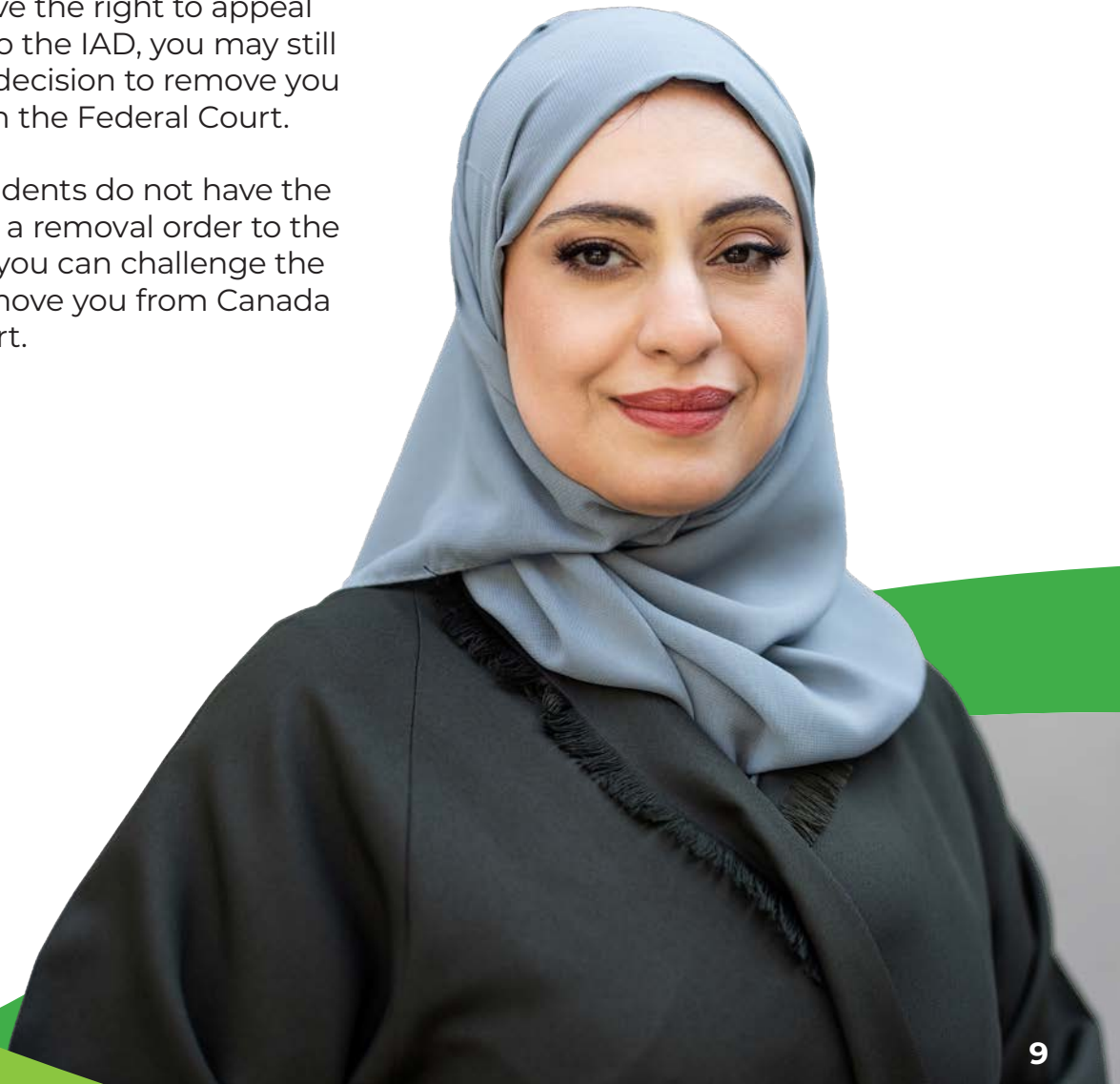
If you are a permanent resident, you may have the right to appeal your removal order to the Immigration Appeal Division (IAD) of the IRB depending on the details of your case, including the reason for your inadmissibility and type of removal order. You must do this within 30 days of receiving the removal order. If you appeal your removal before the IAD, your removal will be stayed or paused while that process is happening.

If you don't have the right to appeal your removal to the IAD, you may still challenge the decision to remove you from Canada in the Federal Court.

Temporary residents do not have the right to appeal a removal order to the IAD. However, you can challenge the decision to remove you from Canada in Federal Court.

### **Refugee Protection Claimants**

For refugee protection claimants a removal order is conditional. This means that the removal order is not enforced unless your refugee claim is refused, abandoned or withdrawn. In these cases the removal order becomes enforceable unless another legal process creates a stay of removal. If you receive a positive decision on your refugee claim, a removal order is generally not enforceable. However, serious inadmissibility can affect individual outcomes.





## Removal Conditions

During your interview with the CBSA, you may be given conditions that you are legally required to follow while you are still in Canada. These conditions may include:

- Reporting to CBSA officers regularly in person, by phone or by using a mobile app;
- Remaining in a specific area or region;
- Updating a CBSA officer if you change addresses or phone numbers;
- Refraining from working or studying depending on your immigration status; or
- Renewing your identity documents or travel documents.

The CBSA officers may also take your current passport or travel document to manage the removal process and ensure you follow conditions. If they take your passport, they will give you a certified copy to keep for identification purposes. The CBSA officers may impose other conditions not listed here. If they do, they will provide you with a document that lists the conditions you must follow. You may be asked to sign this document. Signing confirms you received and understand the conditions. You are not legally required to sign this document, but you must still follow the conditions even if you do not sign.

## Legal Rights and Options

If you are found inadmissible and face potential removal from Canada you still have legal rights and options to delay or challenge the removal process.

### Legal Advice

You always have the right to get legal advice before and after an interview with the CBSA. It is important to speak with an experienced lawyer who can help you understand your rights and responsibilities and give you specific and detailed advice for your situation. PLIAN can help connect you with accurate legal advice.



## **Pre-Removal Risk Assessment Application (PRRA)**

You may fear returning to your home country for different reasons, including the current conditions in your home country, or because of characteristics that put you at risk of harm. These may be individual characteristics, like past harm you experienced or threats to cause you harm. These may also be group characteristics, such as your religion or sexual orientation, that put you at risk of harm in your home country. A PRRA assesses the risks to your life and safety in your home country before you are removed from Canada. The CBSA officers will tell you in your interview if you are eligible for a PRRA and will provide you with the application and an application guide. A PRRA application is submitted to and reviewed by IRCC's Humanitarian Migration Office.

If you are eligible for a PRRA, you must inform CBSA of your decision to submit an application. If your application is submitted within the required timeline, your removal is automatically stayed or paused until a decision is made. You must apply for a PRRA within 15 days from the day you are provided with the application to benefit from this stay of removal. You then have an additional 15 days to provide written submissions and evidence to support your application. You do not have to apply for a PRRA if you are eligible, but it is an option to defer or prevent removal in some cases. If you do not file the PRRA application by the deadline, you will not benefit from the automatic stay even if IRCC is willing to accept your application.

If your PRRA application is denied, you can challenge that decision in Federal Court.

## **Request to CBSA to Defer Removal**

You may request that CBSA defer your removal and/or Direction to Report. Such requests are usually made to CBSA after you have received the Direction to Report. They are intended to be for specific periods of time and for specific reasons. Examples include but are not limited to, the end of the school year, an upcoming birth and relocation planning.

Requests to defer removal usually seek a short-term administrative stay, as opposed to an indefinite stay.



## **Application for Leave and for Judicial Review - Federal Court of Canada**

In the context of removals, individuals will first exhaust their right to appeal to the IRB and/or request that CBSA defer their removal before applying for judicial review in federal court. Judicial review is not an alternative to an IRB appeal but instead a review of the legality, fairness, and reasonableness of the decision in question. Individuals who do not have a right to appeal to the IRB may still file an application for leave and for judicial review in federal court. If your PRRA application is denied, you can also seek judicial review of that decision.

An application for leave and for judicial review must be made within 15 days of an inside Canada decision. Generally, an application for leave and for judicial review is a two-step process, although there are various requirements within each step. It is important to understand that an application for leave and for judicial review does not automatically stay your removal from Canada, and that you will likely have to file a motion to stay your removal as a part your application for leave and for judicial review.

If your stay motion is granted, the judge will pause your removal from Canada for a specific period – often, while your application for leave and for judicial review is pending. If your stay motion is denied, your removal will be enforced in accordance with the removal order and direction to report.

Generally, the leave phase involves a judge reviewing your application, documents and written submissions and deciding whether a judicial review hearing before the federal court is allowed. For this to occur, you must establish that you have a fairly arguable case. If leave is denied, your application will be dismissed. If your application for leave is granted, your case will proceed to a judicial review hearing based on an order from the court. You or your lawyer will make arguments in federal court, and a judge then decides whether the underlying decision was reasonable and legally fair.

If the judge finds a decision unreasonable and/or an error in law or procedure, the decision in question will be set aside and the matter will be redetermined by a different decision-maker/officer.

## **Temporary Resident Permit**

A temporary resident permit (TRP) is another option that allows individuals who are inadmissible or who do not meet other requirements of the Immigration and Refugee Protection Act to legally remain in Canada for a specific period. This period is determined by an immigration officer and can be up to three years.

If you are granted a TRP for at least 180 days or more, you may apply for a work or study permit for the duration of your TRP. An immigration officer considers factors such as the best interests of any children involved, family violence and other ties to Canada such as employment or other family members when assessing a TRP application. They will also assess any potential risks the applicant may pose if allowed to remain in Canada.

TRPs are considered on a case-by-case basis and can be cancelled at any time. A TRP does not pause or delay the removal process; however, your lawyer can use your pending TRP application to advocate for a stay of removal in the federal court.

## **Humanitarian and Compassionate Applications**

You may apply for permanent residence if there are serious humanitarian and compassionate considerations in your current situation. Humanitarian and compassionate applications are decided on a case-by-case basis and assess if you would experience unusual, underserved or disproportionate hardship, based on your ties to Canada and the best interest of any children involved, if you were returned to your home country.

For example, you may be eligible for this type of application if you have a medical condition that cannot be treated in your home country or if a child in your care would be negatively affected by your removal from Canada.

Humanitarian and compassionate applications are generally a last resort option for people who cannot meet standard immigration requirements. It is important to note that a humanitarian and compassionate application does not automatically stop removal unless another legal process delays or pauses the removal process.

As of April 2026, the processing time for humanitarian and compassionate cases is more than 10 years.

To further understand these legal processes and options it is important to speak with an experienced immigration lawyer. Every situation is different. They can help you navigate the law, timelines and potentially advocate on your behalf with immigration and court authorities.

### **Please Contact**

Maria Mulcahy  
Project Coordinator  
Newcomers Legal Rights  
**[newcomers@publiclegalinfo.com](mailto:newcomers@publiclegalinfo.com)**

Call PLIAN at **1-888-660-7788** for more information on how to access lawyer referrals and other legal resources.

