

## **Appendix A Letter advising the client that the CBSA will seek the Minister's opinion on the basis of paragraph A115(2)(a)**

Subject: Notice of intention to seek the opinion of the Minister, pursuant to paragraph 115(2)(a) of the *Immigration and Refugee Protection Act*, that you are a danger to the public in Canada

[Person's name]:

You are hereby advised that the Canada Border Services Agency (CBSA) possesses information suggesting you are a person in Canada who is a danger to the public. The CBSA intends to request an opinion, pursuant to paragraph 115(2)(a) of the *Immigration and Refugee Protection Act* (IRPA), from the Minister of Immigration, Refugees and Citizenship Canada (IRCC), which, if given, will have serious consequences for you.

If the Minister is of the opinion that you are a danger to the public in Canada, you may be removed from Canada to [list the country or countries here].

An assessment will be made of the threat that you pose to the public in Canada. In addition, an assessment will be made of the possibility of risk you may face should you be removed from Canada to the country from which you have been determined to be a protected person, the country from which you came to Canada, the country of your permanent residence, the country of your nationality or the country of your birth as well as of any humanitarian and compassionate considerations. These assessments will be disclosed to you before they are presented to the Minister for decision. The following is a list of some of the materials that will be presented to the Minister for consideration, copies of which are included with this letter:

- [List all pertinent documentary evidence that will be forwarded to the Case Management Branch, IRCC, NHQ]

The Minister may refer to your refugee claim material, where applicable, and to the most recent and current country information available at the Immigration and Refugee Board Documentation Centre. This information may include the *Human Rights Package*, the *Contextual Package*, the *Indexed Media Review* and the *Weekly Media Review*, which cover the country or countries to which you may be removed. The Minister may also use other annually published and publicly available material.

You may make any written representations or arguments that you deem necessary and submit any documentary evidence that you believe to be relevant. All representations, arguments or evidence—which should address whether you are a danger to the public, the risks you may face if removed from

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Canada and any humanitarian and compassionate factors—that are to be considered by the Minister must be received by the CBSA at the address noted above on or before the expiration of 15 days from the date you receive this letter. All material must be submitted in either of Canada's official languages.

Prior to being presented to the Minister's delegate for decision, you and/or your counsel will be provided with the assessment of the danger you may pose to the public, the risks you may face upon removal, and humanitarian and compassionate factors in your case as well as all supporting documentation considered in the assessment that has not already been disclosed to you or your counsel. Following receipt of this information, you will be invited to make further written submissions within a certain time frame. Your submissions, along with the documents disclosed to you, will be presented to the Minister's delegate for decision.

Once a determination is rendered, pursuant to paragraph 115(2)(a) of the IRPA, you will be informed in writing of the decision of the Minister.

Yours truly,

[Name of manager or supervisor], CBSA

Encl.: \_\_\_\_\_

Receipt acknowledged \_\_\_\_\_

[Date]