

## Growing refugee claims push the system to near collapse | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (February 13, 2025, 11:34 AM EST) -- As promised during the election campaign, the new Trump Administration issued an Executive Order suspending the controversial United States Refugee Admissions Program (USRAP), effectively halting the resettlement of tens of thousands of migrants seeking entry to the United States. Unpublished State Department statistics obtained by CBS News show that the move stranded more than 22,000 people who had been approved for departure to the United States by the Biden Administration.



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Asylum policy is a contentious issue in every refugee-receiving country. In Canada, there is a consensus that the country ought to offer protection to those who deserve it. However, that consensus breaks down if the number of claims appears to be too high, or if it seems that the authorities have lost control of who comes to Canada. In recent years, the number of refugee claimants in Canada has reached gargantuan proportions and has undermined public confidence in the system. The federal government's lax attitude towards refugee claims, the high acceptance rate, the ability of individuals already in Canada to abuse the system by filing frivolous claims to extend their stay and the difficulty in articulating a principled policy created the current problem. Canada is faced with an asylum claims tidal wave, while the country's fiscal position and housing crisis limit its policy options.

In 2017, following President Trump's decision to impose a four-month ban on refugees and restrict travel from seven countries, Justin Trudeau tweeted: "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength. #WelcomeToCanada." This ill-conceived statement became a turning point and an irritant in Canada-U.S. relations, triggering a massive surge in refugee claims. The impact of Trudeau's words can be seen in the number of claims that followed, reflecting a huge rise in refugee arrivals. Unscrupulous consultants seized this opportunity to exploit the system's soft approach, finding loopholes such as the infamous Roxham Road in Quebec to avoid the application of the Safe Third Country Agreement with the United States, and later to push even more people — especially international students — through the refugee route, ultimately clogging the system and stretching provincial resources to the maximum.

According to data from Immigration, Refugees and Citizenship Canada (IRCC), nearly 13,000 international students whose visas and work permits expired, applied for asylum during the first eight months of 2024. The highest number of refugee claims from students was recorded in August 2024, with 1,785 individuals on study permits applying for refugee status.

According to a report by the *Globe and Mail*, nearly 12,000 international students applied for asylum in 2023, a sharp rise from just 1,515 claims in 2018. This represents a staggering 600 per cent increase in just a few years, showing a significant upward trend. Also, in 2023, Canada received a total of 143,770 refugee claims, exceeding the previous record set in 2022 by more than 1.5 times. The number of refugee claimants granted asylum in Canada was close to 37,000 in 2023, up from just over 14,000 in 2018.

But things did not stop there. In 2024, the Immigration and Refugee Board (IRB) received a record-setting total of 190,467 refugee claims. By the end of the year, 68,724 claims were finalized, with 273,000 still pending in the backlog.

The recognition rate, which is determined by the number of accepted refugee claims divided by the total number of claims that have been decided by the IRB on the merits, increased to 82 per cent in the first nine months of 2024, up from 64 per cent in 2018 which is extremely high compared to other developed countries. In 2023, 67 per cent of total claims in the United Kingdom were granted. In Australia, around 47 per cent of claims were answered positively, while in Germany, approximately 41 per cent were accepted. With such a high acceptance rate, it is no surprise that refugee claimants choose Canada as their destination. They know that the odds of acceptance are good.

To put things in perspective, we must look at recent history. Until a decade ago, Canada was receiving on average less than 25,000 asylum claims per year. The growing intake of refugee claims poses a challenge to the IRB, whose current maximum capacity is 50,000 claims a year. As a result, they increased personnel, to 2,039 employees for the 2024–2025 period. The budget for the IRB in 2024–2025 is set at \$267,736,349 — a considerable financial burden.

The cost of refugee support continues to rise. For example, as of September 2024, under the Ontario Resettlement Assistance Program (RAP), a single refugee in Ontario receives approximately \$811 per month, while a family of four (a couple with two children) receives around \$1,328 per month, with additional allowances available in some cases. In addition, Legal Aid Ontario Annual Report 2023-24 shows a budget of \$13,770,000 allocated to the Immigration and Refugee Program. A total of 44,762 legal aid certificates were issued in this area, with the average cost of completing a certificate amounting to \$2,169. Further, the government requested \$411.2 million in funding for the Interim Federal Health Program (IFHP) for the 2024-25 fiscal year, a significant increase from approximately \$60 million in 2016. This is a sevenfold increase in funding over the last eight years. Moreover, in 2024, the federal government announced an additional \$362.4 million in funding for the Interim Housing Assistance Program (IHAP), supplementing the \$212 million previously announced in July 2023, which brings the total IHAP funding to \$574.4 million for interim housing resulting from increased volumes of asylum claimants.

There is a limit to the number of refugees that can be effectively integrated without overwhelming social services, housing and infrastructure.

Immigration officials are bracing for a possible surge in asylum seekers due to President Trump's recent Executive Orders authorizing mass deportations of illegals. Millions of undocumented immigrants in the United States face removal, and some, particularly those with family ties in Canada, may seek to enter and claim refugee status.

The pressing issue is the likelihood of increased irregular border crossings. The Safe Third Country Agreement (STCA) prevents most refugee claimants from applying at Ports of Entry if they are coming from the United States. However, undocumented individuals may attempt to cross the border illegally, avoiding detection to bypass restrictions. If they remain undetected inside Canada for fourteen days, they can make a refugee claim inland. This is a flawed policy that will encourage illegal entry and must be eliminated.

One major concern caused by the astronomical number of claims is security, as the refugee admissions process represents a weakness that could be exploited by individuals who may pose risks to national safety. A temporary suspension of refugee intake would allow for a thorough review of the system, and enhancement of vetting procedures to ensure that those entering the country do not pose a threat, misrepresent their identity or make bogus claims.

The refugee determination system in Canada was set up to protect a limited number of individuals from persecution based on the grounds set out in the United Nations 1951 Refugee Convention. It was not intended to allow a large influx of people to migrate through back channels.

Canada should abandon its lax refugee determination processes, expedite the removal of bogus claimants, increase security vetting, combat international human traffickers, deny the benefits of illegal entry to their customers who exploit the system, detain those who use false passports and identity documents, and prohibit people already in Canada from making inland claims to extend their stay as a substitute for obtaining permanent residency or thwart removal proceedings. The federal government must enforce deportation orders quickly and detain those who abscond. Only by showing strict enforcement will the system regain the respect of the public and curtail the massive abuse that

is occurring now.

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