



# Immigration and Refugee Board



## Performance Report

For the period ending  
March 31, 2003

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Minister of Citizenship and Immigration



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*Refugees and immigrants have always been part of Canadian history and will continue to help shape our history.*



*Hungarian refugee child upon arrival in Canada, circa 1957. Star Weekly/National Archives of Canada*

## I. CHAIRPERSON'S MESSAGE



I am pleased to present to Parliament the Departmental Performance Report of the Immigration and Refugee Board (IRB) for 2002-03.

This report provides balanced and transparent information about

the results the IRB achieved with its resources against planned commitments.

The IRB is a leading-edge organization comprising three tribunals. It is responsible for making well-reasoned decisions on immigration and refugee matters in an efficient and fair manner and in accordance with the law. These decisions have a direct bearing on the life, liberty and security of the individuals who appear before the Board. At the same time, the IRB plays a critical role in safeguarding the integrity of Canada's immigration and refugee determination system and contributes to the security of Canadians. The IRB directly contributes to Canada's commitment to support an international framework that affords refugees the right of protection, in line with our humanitarian tradition.

The year 2002-03 was one of significant change for the IRB. Implementing the new *Immigration and Refugee Protection Act* was an overriding priority. The new Act introduced significant changes affecting all decision-making functions

and adding new dimensions to the work of the Board. Efforts to implement new legislation were extensive and focused on fulfilling our commitment to continue to render a high volume of quality decisions.

In the face of legislative change and unprecedented workload, the IRB addressed the challenge of reducing the number of refugee claims waiting for a decision. With the help of short-term resources and improved efficiencies, such as new streamlined processes to manage refugee claims, the IRB was able to render the greatest number of refugee protection decisions in its history — 35,400 decisions, representing an increase of 29% over the previous year.

Building capacity through case management improvements and new tools to guide decision-making was fundamental, to support implementation of the new legislation, increase the number of finalized cases and maintain quality decision-making. A new case management system is being developed to equip the IRB with a leading-edge technological infrastructure. When fully implemented, it will support decision-making processes and the flow of tens of thousands of cases. I have also mandated each tribunal of the IRB to establish an Action Plan, which lays out new directions and initiatives that will, over the next three years, further enhance and in some cases, significantly change how the IRB works. The IRB is



confident that such initiatives will enable it to expand its capacity to manage a high volume of decisions.

The year 2003-04 will most certainly be another critical and very challenging year for the IRB. We believe that our concerted efforts and targeted initiatives will result in additional increases in the number of decisions rendered and the beginning of a reduction in the number of refugee claims waiting for a decision, while continuing to improve the quality, consistency and efficiency of our decision-making processes. We are acutely aware, however, of the magnitude of the task ahead and of the fact that our success in meeting our commitments to Parliament and to Canadians depends on a mix of factors, including the unpredictable number of new cases referred to the IRB annually. Our success also depends on maintaining

our current funding base so that adequate infrastructure, support and capacity continue to exist.

The work of the IRB takes place in a complex and changing international environment that affects the domestic environment, where immigration and refugee matters are often at the fore of public and stakeholder interest. The stakes are high — life, liberty, equity, justice and security — for those who appear before the Board. In this environment, the IRB is dedicated to serving Canadians as a leading-edge organization in administrative justice. The employees and decision-makers of the IRB have demonstrated their unfailing commitment to the principle that every individual deserves to be treated fairly, efficiently and in accordance with the law, and we will continue to do so.



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*Jean-Guy Fleury*  
*Chairperson*



## II. CONTEXT

The Immigration and Refugee Board (IRB) is an independent organization comprising three administrative tribunals. Its mission is to make well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the *Immigration and Refugee Protection Act* (IRPA).<sup>1</sup>

The IRB reports to Parliament through the Minister of Citizenship and Immigration. The IRB is committed to providing a responsive and efficient means of delivering administrative justice for individuals and ensures that all people who come before it are treated fairly. Each of the three IRB tribunals is independent, has its own decision-makers, and has a unique mandate as follows:

- the Refugee Protection tribunal renders decisions on claims for refugee protection made in Canada;
- the Immigration Appeal tribunal decides appeals from refusals of family class sponsorship cases, certain removal orders and residency

obligation decisions, and decides appeals by the Minister from decisions made in admissibility hearings;

- the Immigration tribunal conducts admissibility hearings to determine whether a person may enter or remain in Canada, and reviews reasons for detention for individuals who are detained by Citizenship and Immigration Canada (CIC) for immigration reasons.

As an organization responsible for administrative justice, the IRB adheres to the principle of natural justice.<sup>2</sup> Every year, the IRB renders tens of thousands of decisions, each of which must be made after careful examination of the evidence presented, and in a manner consistent with the *Canadian Charter of Rights and Freedoms*. The outcomes of these decisions directly affect the lives of those individuals who appear before the IRB. Well-reasoned and timely decisions contribute to the overall integrity of Canada's immigration and refugee determination system and to the security of Canadians.

*Every year, the IRB renders tens of thousands of decisions — these decisions have a direct bearing on the life, liberty and security of the individuals who appear before the tribunals.*



<sup>1</sup> The IRPA replaced the *Immigration Act* on June 28, 2002.

<sup>2</sup> Natural justice is a principle of law that requires administrative tribunals, such as the IRB, to be procedurally fair when making decisions. If natural justice is not followed, it may render the decision void. Natural justice is comprised of two main subrules: (1) a person must know the case that he or she must meet and have an opportunity to be heard; and (2) the decision-maker must be unbiased.



The work of the IRB contributes directly to Canadian society and values, in the following manner:

- Through the IRB's determination of who is, and who is not, in need of refugee protection, the IRB contributes to Canada's commitments to support an international framework established by the United Nations that affords refugees such rights. This protection is in keeping with Canada's humanitarian tradition and is an expression of two core values: compassion and fairness. Furthermore, this protection is an essential complement to Canada's international humanitarian assistance and activities with respect to resettlement and sponsorship of refugees;
- Canadian citizens and permanent residents living in Canada may apply to CIC to sponsor certain family members to immigrate to Canada. By providing an independent appeal mechanism for denied sponsorship cases, the IRB contributes to fairness of process for such cases; and
- By conducting admissibility hearings and removal order appeals for individuals alleged to be in violation of the IRPA and detention reviews for individuals who are detained by CIC for immigration reasons, the IRB plays an important role in balancing individual rights and the security of Canadians.

In fulfilling its mandate, the IRB supports the government's objectives of building strong and safe communities that are open to diversity and innovation. Refugees and immigrants contribute directly to building such communities.

The IRB operates in a broader context in carrying out its mandate and depends on key partnerships and relationships with organizations and individuals. The IRB has an important relationship with CIC,<sup>3</sup> which has lead responsibility for the immigration and refugee determination portfolio. CIC is responsible for immigration and refugee policy, including selection, admission and integration of newcomers into Canadian society, and for enforcement of the IRPA.

Each year, the Minister of CIC tables a report in Parliament that includes the level of immigration projected for the upcoming calendar year. The overall level of immigration includes different streams of immigrants, with refugees representing a small but important group. Positive IRB decisions on refugee claims result in refugees having access to landed immigrant status and eventually citizenship. Similarly, immigrants joining family members make up an important part of annual immigration to Canada.

All refugee claims, detention reviews and admissibility hearings that come before the IRB are referred by CIC. Once the IRB renders its decision, CIC continues its own processing of cases according to its mandate and responsibilities.<sup>4</sup> The IRB and CIC work together on administrative and procedural matters related to the overall portfolio, but the institutional independence of the IRB and its decision-makers is respected and maintained.

The IRB relies on effective relationships with stakeholders who play a role in its proceedings. To this end, it has



<sup>3</sup> For additional information on CIC, see <http://www.cic.gc.ca>.

<sup>4</sup> Additional information about IRB processes is provided in Annex 5.



developed a national forum of key stakeholders,<sup>5</sup> while regional and district offices maintain relationships with local stakeholder groups. In addition, the IRB works with international partners through a variety of fora. These links allow the IRB to learn from others, keep abreast of international trends in the area of refugee protection and share best practices.

The IRB carries out its mandate in a continually changing international and domestic environment. A range of international and domestic factors generate risks and opportunities and drive change at the IRB. For instance, conflicts result in refugee movements, which have an effect on the number of claims made in Canada. The new *Immigration and Refugee Protection Act* has enabled single-member panels of decision-makers as the norm for hearing refugee claims, which increased the IRB's capacity to finalize decisions. Collectively, the factors outlined in the sections below shaped the environment in which the IRB delivered on its commitments in 2002-03.

## 2.1 INTERNATIONAL CONTEXT

The international context most affects that part of the IRB's mandate related to refugee protection. Indeed, Canada's refugee determination system is founded on international legal obligations. As a signatory to international agreements,<sup>6</sup> Canada has made a commitment to

protect individuals with a well-founded fear of persecution in their own country for reasons of race, religion, nationality, membership in a particular social group or political opinion. As well, Canada protects persons who face a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment if returned. In rendering decisions on claims for protection, the IRB contributes directly to the implementation of these international commitments.

In recent years, increases in global migration and international changes and events have influenced the environment in which refugee protection must be provided. For example, international terrorism plays an important role in this environment. Some other factors<sup>7</sup> which continue to have an impact include:

- new and insidious forms of persecution;
- the proliferation of conflicts generating mass flight;
- the prolonged nature of situations without resolution that result in refugee movements;
- the increase in protracted exile;
- a marked rise in smuggling of people for profit; and
- the misuse of asylum systems.

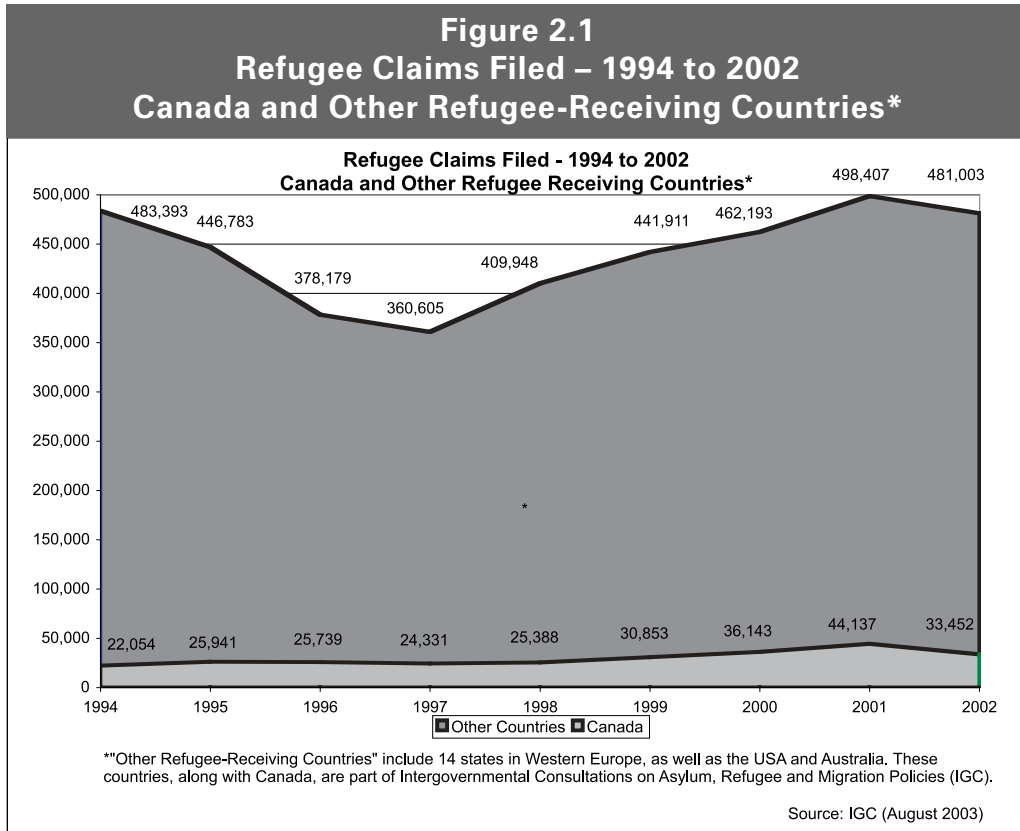
In 2002-03, the world continued to witness significant movements of people around the globe. At the start

<sup>5</sup> Additional information about stakeholders is provided in the section entitled *Effective Relationships with Clients and Stakeholders*.

<sup>6</sup> Key agreements to which Canada is signatory include the 1951 *Convention Relating to the Status of Refugees*, United Nations and the 1967 *Protocol Relating to the Status of Refugees* ([http://www.unhchr.ch/html/menu3/b/o\\_c\\_ref.htm](http://www.unhchr.ch/html/menu3/b/o_c_ref.htm)); the 1966 *International Covenant on Civil and Political Rights* ([http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)); and the 1984 *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*, United Nations ([http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)).

<sup>7</sup> *UNHCR Global Consultations on International Protection*, Updated 1 August 2002, <http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf-tbl=PROTECTION&page=PROTECT&id=3d4928164>.





of 2002, some 20 million people, or one out of every 300 persons worldwide, were considered “persons of concern” falling under the mandate of the United Nations High Commissioner for Refugees (UNHCR).

Like all refugee-receiving countries, Canada is directly affected by refugee flows, which can fluctuate enormously in any given year. Figure 2.1 provides a picture of fluctuating refugee flows since 1994. In recent years, Canada, like many other Western nations, has experienced significant increases in the number of people making refugee protection claims. Last year, for example, the number of

new refugee claims in Canada was over 55% higher than the historical average experienced in the mid- to late-1990s. Similarly, refugee flows to France more than doubled between 1998 and 2001 and claims rose another 7% in 2002, while Sweden experienced a 52% increase between 2001 and 2002. As well, the United Kingdom received over 29,000 claims in the summer of 2002, the highest number ever recorded in a quarter, although claim levels in 2003 have begun to drop off. Devoting additional resources to the increased workload was one of the ways in which these countries responded.



For refugee-receiving countries, an important dimension of refugee protection work is ensuring fair and effective processes that grant protection to persons in need, as distinguished from those seeking to use asylum procedures for reasons unrelated to the need for protection, such as an alternative to other channels for immigrating. This challenge is not unique to Canada and reinforces the importance of staying connected to and working within the international community to prevent abuse of asylum procedures, to build confidence in immigration and refugee determination systems, and to appreciate the dimensions of international trends.

## 2.2 DOMESTIC CONTEXT

In 2002-03, the IRB responded to unique changes and demands in its domestic environment. The IRB faced the highest workload pressures in its history. At the same time, it was working through a period of significant transition with a new Act coming into force and the introduction of important case management improvements. The year was also characterized by increased public and stakeholder interest in the work of the IRB in light of the new legislation and continued heightened interest in the security of Canadians.

### ***Immigration and Refugee Protection Act***

The *Immigration and Refugee Protection Act* (IRPA) represented Canada's first complete overhaul of immigration legislation in 25 years. The new Act required the IRB to make changes to every part of its operations and prepare all personnel to be ready for implementation. Once IRPA came into force on June 28, 2002, the IRB shifted

its attention to integrating the legislative changes into the day-to-day operations. The full scope of work involved in supporting the implementation of the new Act and adapting to the new legislative environment is addressed in the Section entitled *Implementing the New Immigration and Refugee Protection Act*.

### ***Unprecedented Workload***

In 2002-03, workload pressures at the IRB were the highest ever, particularly with respect to refugee claims. While the number of refugee claims referred to the IRB slightly dropped in 2002-03, the year began with an unprecedented number of claims awaiting a decision — close to 49,000 in April 2002. This represented close to a doubling in the number of claims waiting for a decision from April 2000 to April 2002, as record high numbers of claims were received.

Also, the immigration appeals caseload, which increased significantly in the late 1990s, continued to be high. Finally, while volumes in admissibility hearings and detention reviews slightly declined, the workload remained considerable due to new cases involving a broader scope of inquiry, as a result of new security-related provisions under the IRPA.

### ***Increased Public Security Concerns***

There is a new public security environment in Canada coupled with an increased interest in, and scrutiny of, Canada's immigration and refugee system — thus a heightened interest in the work of the IRB. This environment has influenced how Canada and the United States manage border arrangements, with security considerations now a



stronger factor affecting the movement of people across our shared border. As part of the Government of Canada's overall agenda for national security, the December 2001 federal budget directed short-term Public Security and Anti-Terrorism funding to the IRB for a period of just over two years, starting in early 2002. With the benefit of these short-term resources, the IRB implemented in 2002-03 new streamlined processes for managing refugee claims and increased the number of its decision-makers and employees who are involved in case preparation. This contributed to an increase in the IRB's capacity to finalize refugee claims and, in time, to reduce the high number of claims awaiting a decision.

The new streamlined processes<sup>8</sup> for managing refugee claims allow for the identification of potential security risk at

an earlier stage through liaison with the Canadian Security Intelligence Service and CIC, and facilitate planning for case preparation and prompt scheduling of hearings at the IRB. Security and efficiency go together: timely and sound decision-making for admissibility hearings, detention reviews, removal order appeals and refugee claims contributes to a more secure Canada.

### ***Increased Public Engagement***

In addition to new national security concerns, the new legislation coming into force also contributed to heightened public interest in the work of the IRB in 2002-03. This new environment required the IRB to reinforce its external communications and to continue work to be a more open and transparent organization.

*Through the IRB's determination of who is, and who is not, in need of refugee protection, the IRB contributes to Canada's international commitments to support an international framework established by the United Nations, that affords refugees such rights.*



<sup>8</sup> These processes are described in detail in the section entitled *Streamlined Processes for Refugee Claims*.



**Sharing our pride,  
shaping our  
future**



**At the heart  
of Canada's  
humanitarian tradition**



### III. PERFORMANCE BY STRATEGIC OUTCOME

Personnel across all sectors of the IRB responded to the unique demands of 2002-03. The IRB's commitment to continue to render a high volume of quality decisions remained fundamental throughout the year in the face of workload pressures. The IRB implemented plans and initiatives to meet the unique demands, and in so doing to support each of its three long-term strategic outcomes, namely, providing Canadians with:

- well-reasoned, timely decisions on immigration and refugee matters in accordance with the law;
- a leading-edge organization in administrative justice; and

- a creative partner in the Canadian immigration system.

These strategic outcomes are derived from the IRB's approved Chart of Key Results Commitments reflected in Figure 3.1. The Chart also displays measures through which the IRB demonstrates its delivery on these commitments.

The following sections report on accomplishments against planned commitments for each of the three strategic outcomes.

**Figure 3.1  
Chart of Key Results Commitments**

<b>IRB Long-term Strategic Outcomes are to provide Canadians with:</b>	<b>To be demonstrated by:</b>
1. Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law	<ul style="list-style-type: none"> <li><input type="checkbox"/> case management improvements</li> <li><input type="checkbox"/> quality of decision-making</li> <li><input type="checkbox"/> the number of decisions set aside by the Federal Court</li> <li><input type="checkbox"/> the number of cases finalized</li> <li><input type="checkbox"/> the number and age of cases waiting for a decision</li> <li><input type="checkbox"/> average processing times</li> <li><input type="checkbox"/> cost per case</li> </ul>
2. A leading-edge organization in administrative justice	<ul style="list-style-type: none"> <li><input type="checkbox"/> professional development and responsible management of human resources</li> <li><input type="checkbox"/> innovative and optimal use of technology</li> <li><input type="checkbox"/> improved management practices</li> <li><input type="checkbox"/> recognition from individuals and organizations – domestic and international</li> </ul>
3. A creative partner in the Canadian immigration system	<ul style="list-style-type: none"> <li><input type="checkbox"/> an integrated approach to portfolio management</li> <li><input type="checkbox"/> effective relationships with clients and stakeholders</li> </ul>



### **3.1 WELL-REASONED, TIMELY DECISIONS ON IMMIGRATION AND REFUGEE MATTERS IN ACCORDANCE WITH THE LAW**

The primary objective of the IRB, rooted in its legislated mandate, is making well-reasoned, timely decisions on immigration and refugee matters in accordance with the law. These decisions, which directly affect the lives of all individuals who appear before the IRB every year, must be carefully weighed, taking into account the circumstances of each case. As the IRB increased the overall number of decisions rendered in 2002-03 through efficiency measures, it continued to ensure that all the people who come before it are treated fairly, and with dignity and respect. This includes recognizing that individuals may have experienced very difficult circumstances. It means as well taking particular care to respect the diverse range of cultures of the individuals who appear before the IRB.



Section 3.1.1 reports on organization-wide performance against planned priorities for 2002-03. Section 3.1.2 reports on results specific to the IRB's three decision-making business lines:

- Refugee Determination;
- Immigration Appeals; and
- Admissibility Hearings and Detention Reviews.<sup>9</sup>

### **3.1.1 ORGANIZATION-WIDE PERFORMANCE**

In support of its fundamental strategic outcome, well-reasoned, timely decisions, the IRB established four essential priorities for 2002-03 that required organization-wide contributions:

- implementing the new *Immigration and Refugee Protection Act*;
- introducing streamlined processes for refugee claims;
- building capacity through case management improvements; and
- focusing on the quality of decision-making.

In addition to the above planned priorities, in the latter part of 2002-03, the IRB articulated a new overriding priority: developing the Chairperson's Action Plan for the Refugee Protection tribunal. This Plan provides a foundation to significantly change the way the organization manages refugee protection claims.

Action Plans were also developed for the Immigration Appeal tribunal and the Immigration tribunal.

### **Implementing the New *Immigration and Refugee Protection Act***

The new Act introduced important changes affecting all decision-making functions of the IRB and adding significant new dimensions to its work. Implementing the new legislation was an overriding priority in 2002-03.

In the first quarter of the year, the IRB completed extensive final preparations to ensure readiness for the comprehensive changes to its operations and to ensure all personnel and stakeholders were equipped with the appropriate knowledge and tools. For the balance of the year, the IRB shifted to applying the new legislative provisions, incorporating changes to its operations and monitoring activities to identify and address emerging issues.

This section outlines:

- what implementing the new Act meant for the IRB;
- how the IRB prepared for implementation; and
- actions to support the transition to the new legislative environment.

<sup>9</sup> The current name of this business line, *Inquiries and Detention Reviews*, reflects the terminology of the previous Act. In the upcoming year the IRB plans to propose to the Treasury Board Secretariat changing the name of this business line to *Admissibility Hearings and Detention Reviews*, in line with the terminology of IRPA.





### ***What Implementing the New Act Meant for the IRB***

Under the new Act, refugee protection decision-making at the IRB has been consolidated, requiring decision-makers to make decisions based on international and domestic obligations related to two new grounds. In determining under the former legislation whether a claimant was a Convention refugee,<sup>10</sup> IRB decision-makers had to determine if the claimant needed protection based on a well-founded fear of persecution in the claimant's own country by reason of race, religion, nationality, membership in a particular social group or political opinion. Since the introduction of the new legislation, in addition to considering these grounds, IRB decision-makers have had to decide whether a person faces a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment if returned to the person's country. Under the previous Act, responsibility for making decisions on these latter grounds rested with CIC.

As a result of this significant change, IRB decision-makers in the area of refugee protection have had to conduct a broader scope of inquiry in eliciting the necessary information to make decisions on the new grounds. Increasingly, decision-makers have, by necessity, become versed in areas of international and domestic law that are new for the IRB. In some cases, greater preparation and research by IRB personnel in advance of hearings has become necessary to canvass fully a wider variety of legal and evidentiary issues.

Under the new Act, most refugee protection claims have been heard by a single decision-maker. The IRB had been making increasing use of single-member panels under the former Act, which provided for such panels with the consent of the claimant. With single-member panels the norm under the new legislation, the IRB has had to ensure that all decision-makers are well prepared to hear and decide refugee protection claims alone.

The IRB has also had to make preparations for its decision-makers to hear a new category of immigration appeals against decisions made outside Canada by CIC in cases where permanent residents abroad have been found not to have met the new residency obligations. In dealing with this new type of appeal, decision-makers have to determine the factors to be considered in assessing humanitarian and compassionate grounds and also have to consider transition issues in relation to permanent residents who may have been presumed to have abandoned Canada under the provisions of the former Act.

In sponsorship appeals, the IRB has had to deal with a new member of the family class — a common-law partner or conjugal partner who has been sponsored by a Canadian citizen or permanent resident. In such cases, decision-makers have to determine whether the sponsor's partner meets the definition of a common-law or conjugal partner under the current legislation.

<sup>10</sup> Refugee under the *1951 Convention Relating to the Status of Refugees*, United Nations.



New provisions under the present Act have affected the IRB's work in admissibility hearing and detention review proceedings. Decision-makers have been required to take into account factors such as national security and the safety of persons in determining whether to disclose security-sensitive information to the subject of the proceeding. Under the former Act, the Minister of CIC did not typically submit security-related issues for consideration by IRB decision-makers. CIC would have had to disclose such information to the subject of the proceeding if CIC had wanted the IRB decision-maker to rely on it.

Under the new Act, as a security measure, the Minister has made applications to the IRB for non-disclosure of sensitive information in admissibility hearings and detention reviews. (These applications can also be made in immigration appeal cases.) Such applications have been made when the Minister was of the opinion that the person who was the subject of the proceeding was inadmissible to Canada on grounds of security, violation of human or international rights, serious criminality or organized criminality, and when the Minister had highly secret information to support the allegation. In considering such applications, the IRB has followed similar procedures as does the Federal Court when it reviews the reasonableness of a "security certificate". These procedures have required decision-makers to determine whether they are in possession of information the disclosure of which would be injurious to national security or to the safety of any person and to take the information into consideration in rendering a decision.

In those cases involving confidential information, decision-makers have had to examine the information and any other evidence in the absence of the person concerned and their counsel.

Under the new Act, decision-makers have had to apply an enhanced test for determining whether certain individuals should be released in cases where a person is alleged to be inadmissible on grounds of security or for violating human or international rights. Decision-makers can order the release of a person, unless satisfied that the Minister is taking the necessary steps to inquire into a reasonable suspicion that the person is inadmissible for one of the above grounds.

The new Act has also introduced a greater degree of complexity to deliberations in relation to admissibility hearings. Decision-makers have been required to determine the admissibility of persons alleged to have engaged in transnational crimes such as people smuggling, trafficking in persons and money laundering. As a result of this new provision, decision-makers have had to familiarize themselves with international and domestic law, acquire a better understanding of international issues, and conduct a broader scope of inquiry.

#### ***How the IRB Prepared for Implementation***

In the first quarter of 2002-03, the IRB completed extensive final preparations to ensure readiness for implementing comprehensive changes to its operations, to train and equip personnel and inform stakeholders



across the country. The IRB was ready for the implementation of the Act on June 28, 2002.

The work involved in being ready began in the previous year and was all-encompassing, drawing extensively on the knowledge and expertise of IRB personnel. It included:

- writing new rules,<sup>11</sup> for each tribunal of the IRB. These rules, now written in simpler and more uniform language, set out a framework of practices and procedures to ensure the fair and efficient treatment of each case;
- training and educating decision-makers and employees regarding the provisions of the new Act. Preparations included the development of interpretive documents, legal papers and legal opinions to assist personnel in understanding and interpreting the new Act, regulations and rules;
- upgrading information systems to support the changes associated with the IRPA;
- developing new simpler forms, information packages, manuals, legislative guides and brochures intended for personnel, stakeholders and the public, to replace all existing documentation, and developing new training materials for stakeholders;
- strengthening communications to ensure an effective exchange of information with personnel, stakeholders and the public. This included redesigning and updating the IRB Web site (<http://www.irb.gc.ca>) to enable easy and timely access to

materials and holding regional and national meetings with stakeholders to plan for, consult on, and resolve issues associated with implementation; and

- strengthening efforts to monitor trends in decision-making and identifying additional training needs arising from legislative changes.

### ***Actions to Support the Transition to the New Legislative Environment***

As part of an overall strategy to manage in a changed environment, the IRB closely monitored the application of new legislative provisions, identified early on emerging issues and promptly implemented the required measures. Given the scope of the changes under the new Act, the IRB needed to adjust and gain experience with operating in a new legislative environment, integrating and consolidating the changes into the day-to-day operations. The IRB had to establish new jurisprudence to ensure the ongoing consistency and quality of decision-making.

Adjusting to the new environment took on various forms, namely:

- ongoing discussions and meetings to share experience and knowledge among decision-makers about the new legislative provisions to identify emerging issues and solutions and to establish common practices;
- customized training for IRB personnel involved in the decision-making process to continue building and reinforcing the knowledge base to support the consistent application of the new Act and the adoption of common practices;

<sup>11</sup> For additional information on IRB Rules, see [http://www.irb.gc.ca/en/about/rules/index\\_e.htm](http://www.irb.gc.ca/en/about/rules/index_e.htm).



- legal interpretation of new legislative provisions, development of legal opinions and interpretative papers and the review of draft decisions for selected legal issues to ensure common understanding of new provisions by all personnel;
- revised procedures and practices pertaining to new case types;
- ongoing communications with stakeholders, particularly those involved in hearings, to ensure that all parties had the required information to play their roles effectively in proceedings. Diverse communications tools used to reach stakeholders included the IRB Web site, information sessions, meetings, newsletters and correspondence;
- instituting a process to provide an opportunity for decision-makers presiding over immigration appeals to meet with counsel in advance of hearings to discuss possible implications arising from the new Act, regulations and rules, and to identify and resolve issues;
- the establishment of a working group to monitor the implications of applying new consolidated grounds in the area of refugee protection; and
- in the first four months of implementation, affording additional time at the beginning of refugee protection hearings to explain the new grounds and application of the new rules.

Transition provisions under IRPA stipulated that refugee protection cases

in which evidence had started to be received under the former Act were to be considered under the provisions of the former Act. The IRB implemented a strategy during the year to deal with such cases in a prompt manner to eliminate the difficulties associated with operating under both old and new legislation. By the end of the year, the IRB had finalized the vast majority of refugee protection cases that had to be considered under the former legislation.

Transition provisions for immigration appeals were based on the date of filing of the appeal. This meant that most hearings in 2002-03 were considered under the former Act.

#### **Streamlined Processes for Refugee Claims**

A second priority for the IRB in 2002-03 involved the implementation of streamlined processes to manage refugee claims. With new short-term resources, the IRB implemented new streamlined processes that had been developed in the winter of 2002 to respond to an unprecedented increase in refugee protection claims and to contribute to government security-related initiatives. The new processes represented significant changes to the IRB's caseload management.

Streamlined processes involve an early first assessment of claims soon after they are referred to the IRB by CIC. Based on this assessment, the cases are directed into different streams according to the particular characteristics of the case. This streaming allows:



- manifestly well-founded claims to be considered through an expedited interview instead of a hearing;
- straightforward cases to be directed to short hearings;
- cases with a few issues to resolve to be directed to a regular hearing; and
- cases involving greater complexity to be scheduled for longer hearings.

This early assessment directly contributes to security measures, enabling the IRB to quickly identify cases involving security or any other complex issues. In cases where issues are identified, the IRB informs CIC immediately. This assessment also allows for both the necessary case preparation and prompt scheduling of the hearing.

The new streamlined processes combined with additional decision-

makers and support staff contributed to the IRB finalizing in 2002-03 a higher number of claims. Overall performance is discussed in a later section. Noteworthy, however, is the fact that 3,500 claims were finalized through expedited interviews compared to just over 2,800 the year before. In addition, close to 1,900 claims were finalized through a new stream of short hearings for straightforward cases. Though this represents some progress, the results for streamlined processes were lower than expected.

Even though more claims were finalized after an expedited interview in 2002-03 than the year before, the proportion of new claims directed into the expedited stream was 9%, well below the ambitious target of 25%. With the benefit of experience with these new processes, the IRB revised its target for 2003-04 to 15%.



The improvement of streamlining guidelines is a priority for 2003-04, to help clarify the roles and responsibilities of personnel involved in this process and to promote a more consistent approach in the application of criteria. This will help to ensure the greatest number of cases possible is streamed to expedited interviews or short hearings where warranted.

#### **Building Capacity through Case Management Improvements**

While implementing new streamlined processes was an important priority, the IRB looked for a range of other opportunities to work smarter, that is to improve its case management processes and to increase its decision-making capacity. This was particularly important in the face of heavy workload demands. Throughout 2002-03, the IRB made improvements across all aspects of case processing, including activities before, during and after the hearing.

The IRB improved its case management processes by meeting its planned commitments in the following areas:

- initiating a major project to introduce an Integrated Case Management System, a leading-edge technological infrastructure to support both case management and decision-making processes;
- expanding and improving the use of the Alternative Dispute Resolution mechanism for resolving immigration appeals without a hearing;

- expanding and improving the Early Review Process for immigration appeals; and
- implementing a range of other initiatives.

#### ***Integrated Case Management System***

In 2002-03, the IRB undertook as planned the initial phase of a major project to develop and implement an Integrated Case Management System (ICMS) over the next two years. This included establishing a clear vision and goals for the system, as well as developing a business case to support the required investments. The IRB received final project approval from Treasury Board in May 2003 and will be pursuing the next phases of this project with a view to full implementation by 2005.

The ICMS will be critical to the IRB's continued ability to efficiently manage the flow of a high volume of cases from receipt to final decision. Current file tracking systems are outdated and lack the capacity to be further adapted to keep pace with improvements to case management processes. In some instances, their limitations are impeding such improvements. The ICMS will provide a leading-edge technological infrastructure that will fully support ongoing improvements and adaptations to allow the organization to sustain the high levels of productivity it has achieved to date. As the IRB plans the implementation of the new system, it will liaise with stakeholders to ensure they are prepared for the changes that will directly affect them.





### ***Alternative Dispute Resolution***

In 2002-03, the IRB implemented plans to expand and improve the use of Alternative Dispute Resolution (ADR), a key component of the Immigration Appeal tribunal's Action Plan launched in the last quarter of the year. ADR is an important mechanism to encourage the settlement of certain types of sponsorship appeal cases without a formal hearing. ADR uses more informal, less confrontational and more consensual approaches, such as mediation. In Toronto, where the ADR process originated as a pilot project in 1998, the proportion of sponsorship appeal cases finalized through this process has increased steadily. In 2002-03, approximately 425 appeals, or 25% of all sponsorship appeals finalized in Toronto, were concluded without a hearing through the ADR

process. ADR was implemented in Vancouver in 2000-01, where it has proven to be effective and will continue to be enhanced.

In 2002-03, the IRB began work to expand ADR to Montreal and Calgary. Nationally, new training materials were developed for both dispute resolution officers and Minister's counsel. Most of the recommendations of an independent evaluation of the ADR program conducted in 2001-02 were implemented, including enhancements of ADR training for dispute resolution officers and Minister's counsel and provision of more detailed written guidelines on ADR procedures and practices.

### ***Early Review Process***

In 2002-03, another project to support workload management for immigration appeals, the Early Review Process, was identified as a priority in the Action Plan for the Immigration Appeal tribunal. Though this process was used in the past, improvements and expanded use are planned over the coming months. This process provides for an early review of files to stream appeals into proper case processes, with the aim of identifying appeals that can be settled before proceeding with a hearing. For example, if the information in the file appears to show that there is no evidence or legal grounds to support the appeal, the appellant is given an early opportunity to make written submissions with any information or arguments about why the IRB should continue with hearing the appeal.



### ***Other Initiatives***

In addition to the major initiatives described above, the IRB made important progress in a variety of other areas, including:

- the proportion of finalized refugee claims that were adjourned or postponed at least once was reduced from 44% to 39% in the past year; the target for 2003-04 is to reduce this figure further, to between 30% and 35%;
- practices to support shorter and more focused hearings were improved through additional training and sessions to discuss and resolve related issues, as well as through a more rigorous application of the IRB rules;
- practices for the scheduling of hearings were improved through the introduction of a new procedure to position the IRB to abandon refugee cases that are not expected to proceed; and
- the ongoing review of performance data to determine whether standards for various stages of case processes, such as scheduling, case processing and writing reasons, were being met.

### **Quality of Decision-Making**

In a year marked by the implementation of legislative changes, it was critical to ensure the sustained quality and consistency of decision-making. This represented another key priority of the IRB in 2002-03. IRB decision-makers are independent, and decisions will necessarily vary in accordance with the evidence submitted in each particular case. Yet, the IRB is committed to the

principle that similar cases should have similar outcomes. An ongoing challenge is to develop consistent approaches across a large group of decision-makers spread over five regional and district offices.

### ***Knowledgeable People with the Right Information and Tools***

There are some important underpinnings to decision-making at the IRB: decisions must be reached through processes that are fair, transparent and understood by the parties. These processes must also be efficient without sacrificing the quality and integrity of the decision-making. As such, decision-makers must be well prepared for the hearing, must identify the relevant facts, applicable legislation and case law and must fairly consider the evidence and the submissions of the parties. Excellence in decision-making also involves communicating a well-reasoned decision in a timely manner.

Improving the quality and consistency of decisions requires continuing investments on several fronts: ensuring decision-makers and personnel involved in case preparation are trained and knowledgeable; providing these individuals with the best possible tools and information; and ensuring monitoring mechanisms are in place. As noted above, the IRB made significant investments in these areas in 2002-03 to support the introduction of the new Act. With new tools and increased training and interaction among decision-makers, the IRB is better equipped to support its ongoing efforts to improve quality and consistency. In addition, the IRB continued:





- sharing best practices, current research and documentation, and developing common approaches to case preparation through regional, national and team meetings;
- ongoing professional development;
- harmonizing key documentation for proceedings and providing common access in all regional and district offices; and
- developing improved mechanisms to monitor quality and consistency.

The IRB also improved the management of its foreign language interpretation services. The quality of interpretation plays an important role in the IRB's proceedings and contributes to both the quality and efficiency of hearings. In 2002-03, the IRB conducted a review of this program, instituted improvements in testing and training interpreters and launched a campaign to meet changing hearing room needs. The IRB will continue to make improvements to this program, including the implementation of a new interpreter payment system.

For its refugee protection work, the IRB continued to build on the use of National Geographic Networks, which consist of decision-makers and employees involved in case preparation and hearings, who have experience and expertise related to particular regions. These networks allow for the regular sharing of research, emerging trends and approaches to case preparation, as well as the exchanges of personnel between offices. The increased

use of the networks and ongoing training allow similar cases to be approached in a consistent manner across the country. This is reflected in a reduced variance in acceptance rates from one regional office of the IRB to another: the average inter-regional variance in acceptance rates dropped from 26% in 2001-02 to 21% in 2002-03 for the nearly 20 countries from which the most claims were finalized.

### ***Improved Management of Decision-Making***

Through a number of measures, the IRB is enhancing the overall management of decision-making. Under IRPA, the Chairperson of the IRB has new tools to promote the quality, consistency and efficiency of decision-making. These include the authority to:

- issue Jurisprudential Guides to assist decision-makers on matters of substantive and procedural importance in considering cases;
- designate three-member panels to hear certain refugee matters or immigration appeals, to deal with inconsistencies, different interpretations of the law and new and emerging issues, and also to support training strategies; and
- assign Governor in Council decision-makers to a particular tribunal to respond to operational needs.



In the context of these new powers, in 2002-03, the IRB Chairperson:

- issued the *Policy on the Use of Jurisprudential Guides*,<sup>12</sup> as well as the first two Jurisprudential Guides<sup>13</sup> to assist decision-makers in considering cases of Costa Rican claimants that involve the issue of state protection;
- issued the *Policy on Higher Court Interventions*<sup>14</sup> which establishes a framework to guide the IRB in deciding on which of its cases it should seek intervention before the Higher Courts; and
- designated a number of three-member panels comprising one experienced and two new decision-makers to provide practical experience in decision-making in the areas of immigration appeals and refugee protection.

In addition, the Deputy Chairperson of the Refugee Protection tribunal identified two persuasive decisions.<sup>15</sup> A decision is identified as being persuasive where it is determined to be of high quality and of persuasive value in developing the jurisprudence. While decision-makers are encouraged to adopt the reasoning in cases that involve similar considerations, these decisions are not binding.

One of the ways to quantify the IRB's success in making well-founded

decisions is to look at the number of decisions the Federal Court has set aside. For years, including 2001-02, the latest year for which data on Federal Court activities is available, the Federal Court has overturned very few IRB decisions, on average less than one per cent of the total number of IRB decisions. The IRB expects that results for 2002-03 will be in the same range despite the challenges of operating under new legislation.

#### ***Policy Development***

A framework of operational policies at the IRB promotes consistency, simplicity and fairness in tribunal processes, contributing to the overall quality of decision-making. It also supports and improves case management and is key to the effective delivery of legislation. The IRB, in consultation with stakeholders, establishes and adapts operational policies to address key priorities and emerging needs.

In 2002-03, in support of the implementation of IRPA, the IRB revised some policies, including *Court-Ordered Rehearings* and *the Treatment of Unsolicited Information by the Refugee Protection Division*. The IRB also established criteria<sup>16</sup> for the designation of three-member panels to hear refugee protection claims. Policies were also established to support new streamlined processes.

<sup>12</sup> For additional information on this policy, see [http://www.irb.gc.ca/en/about/policies/jurisguides\\_e.htm](http://www.irb.gc.ca/en/about/policies/jurisguides_e.htm).

<sup>13</sup> For additional information on these guides, see [http://www.irb.gc.ca/en/decisions/juriguide/index\\_e.htm](http://www.irb.gc.ca/en/decisions/juriguide/index_e.htm).

<sup>14</sup> For additional information on this policy, see [http://www.irb.gc.ca/en/about/policies/highcourt\\_e.htm](http://www.irb.gc.ca/en/about/policies/highcourt_e.htm).

<sup>15</sup> For additional information on persuasive decisions, see [http://www.irb.gc.ca/en/decisions/persuasive/index\\_e.htm](http://www.irb.gc.ca/en/decisions/persuasive/index_e.htm).

<sup>16</sup> For additional information on the criteria, see [http://www.irb.gc.ca/en/about/policies/3mempanel\\_e.htm](http://www.irb.gc.ca/en/about/policies/3mempanel_e.htm).



## The Chairperson's Action Plans

Performance monitoring throughout the year indicated that new initiatives were required in order to increase capacity to finalize refugee claims. Despite the efficiencies gained through such changes as streamlined processes and single-member panels, these efforts were not enough and more significant changes were needed. In the winter of 2003, the IRB identified a new priority, an initiative to simplify and standardize processes in the refugee protection sector: the Chairperson's Action Plan for the Refugee Protection tribunal.

Progressive implementation of the Action Plan is one of the ways the IRB is working smarter. This three-year Plan provides a foundation for changing the way the IRB operates and promotes an approach that continues to be focused on the complementary objectives of fairness and efficiency. The Plan introduces three important elements to eliminate duplication and inefficiency in case processing and to improve the quality and consistency of decision-making:

- standardizing and simplifying the case management process;
- establishing greater institutional guidance for decision-making; and
- improving the efficiency of hearings.

An Action Plan was also developed in the Immigration Appeal tribunal. The Plan provides for the expansion of two initiatives to improve case management: the Alternative Dispute Resolution and the Early Review Process, described earlier.

The Immigration tribunal's Action Plan identified as a priority the development of a comprehensive human resources strategy to be implemented over the next five years. The strategy focuses on the renewal of the workforce and a comprehensive training plan to ensure the availability of qualified decision-makers over the longer term.

*In 2002-03, the IRB identified a new priority for the next three years, Action Plans to further enhance and in some cases, significantly change the way the IRB operates, promoting both fairness and efficiency.*



The first stage of the Action Plan for Refugee Protection, which was completed in 2002-03, involved a comprehensive review of all case management and decision-making processes and procedures for refugee protection claims. The IRB drew on the expertise of operational experts from within and outside the organization as it reviewed regional approaches. Best practices were studied and a single national process, designed to be simple, quick and fair, was developed.

One of the major pillars of the Action Plan for Refugee Protection is the development of Chairperson's Guidelines on four procedural matters:

- scheduling of proceedings;
- preparation and conduct of a hearing;
- postponements and adjournments; and
- the application of the rules regarding receipt and extension of time for providing the Personal Information Form.

The IRB developed the first two draft guidelines in 2002-03 and began, in the spring of 2003, consulting stakeholders on the drafts.

Implementation of the various elements of the Action Plan is ongoing throughout 2003-04 and will result in improved case preparation and improved use of hearing room resources. Implementation

of the Plan is expected to make an important contribution to a higher number of finalized claims, improving the timeliness and consequently the fairness of the process.

#### **3.1.2 PERFORMANCE BY BUSINESS LINE**

The IRB has four business lines, or areas of activity, which collectively account for all the work of the IRB:

- Refugee Determination;
- Immigration Appeals;
- Admissibility Hearings and Detention Reviews;<sup>17</sup> and
- Corporate Management and Services.

The first three business lines encompass all the decision-making functions of the IRB. They include related activities such as case preparation and associated research, scheduling of hearings, technological support, foreign language interpretation, as well as clerical, administrative and secretarial support.

The fourth business line, Corporate Management and Services, supports the IRB in making decisions through a range of activities including developing case management processes, policy and planning processes, country-of-origin research, legal services, translation services, human resource management, financial services and administration, risk-based monitoring, internal audit and evaluation, professional development,

<sup>17</sup> The current name of this business line, *Inquiries and Detention Reviews*, reflects the terminology of the previous Act. In the upcoming year the IRB plans to propose to the Treasury Board Secretariat changing the name of this business line to *Admissibility Hearings and Detention Reviews*, in line with the terminology of IRPA.



communications and management of information technology.

The following sections report on results of the three business lines that account for the decision-making activities of the IRB.

The data provided in these sections originate from two databases which the IRB maintains centrally and updates on a monthly basis: the System for Tracking Appeals and Refugee Claims (STAR) is used to record information related to the processing of refugee protection claims and immigration appeals; and the Adjudication Tracking System (ATS) captures information related to admissibility hearings and detention reviews. The data are used to

provide regular reports to IRB managers as a basis for their operational and strategic decision-making and planning. In fact, as a result of such monitoring, the IRB identified the need for new strategies to address case management improvements.

The new Integrated Case Management System currently under development will eventually consolidate and improve upon the functionality of these two databases.

In addition, the IRB is developing a costing and resourcing model which will improve costing and operational information on its activities and processes. The model will be in place in time to support improved reporting for the year 2003-04.

*Did you know that in 2002-03 the three tribunals of the IRB collectively rendered over 53,000 decisions, the highest number in the organization's history.*



## Refugee Determination

Planned Spending	\$62.6 m
Total Authorities	\$65.3 m
<b>2002-2003 Actual</b>	<b>\$63.4 m</b>

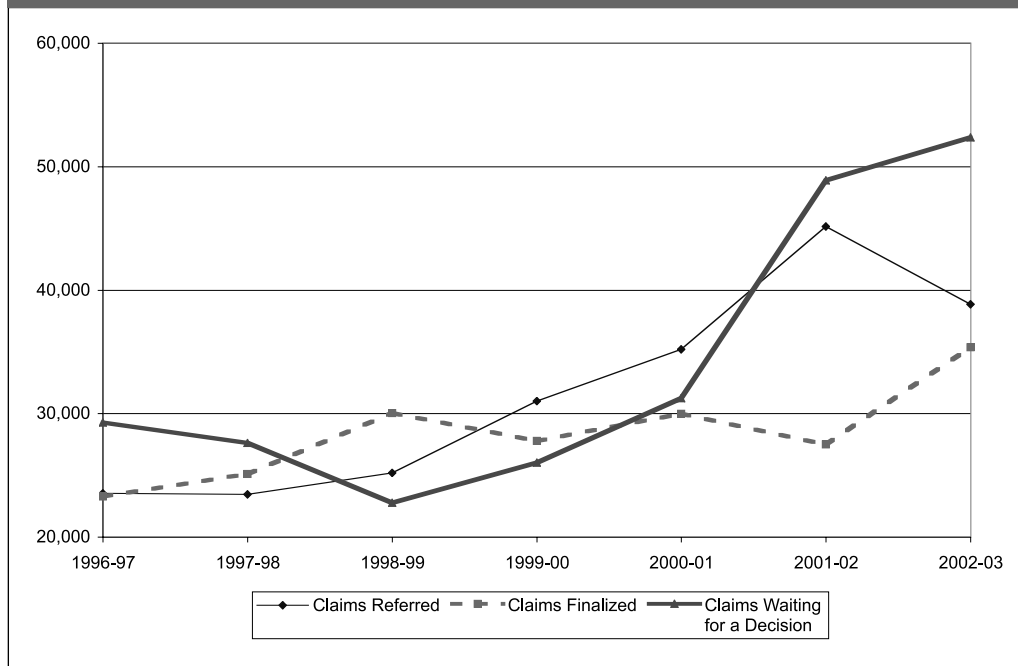
*In its refugee determination work, the IRB undertakes to render, in a timely manner, quality decisions on claims for refugee protection made by persons in Canada. This activity consumes the majority of the IRB's resources, including salaries for decision-makers and all those who support the decision-making process and non-salary costs for related activities.*

The IRB received almost 39,000 new refugee claims in 2002-03. It finalized 35,400 claims, the highest number in its history, and 29% more than in the previous year. The IRB achieved this record level of finalizations while at the same time implementing new legislation and introducing new case management processes.

This record number of claims finalized was short of the objective of 41,000 set for the year.

The number of claims waiting for a decision grew over the year, reaching a record 52,600 on March 31, 2003, up from just under 49,000 at the beginning of the year. Even though the IRB finalized more claims in 2002-03 than ever before,

**Figure 3.2**  
Refugee Determination Claims, 1996-97 to 2002-03



the number of new claims received exceeded the IRB's decision-making capacity for the fourth year in a row.

Senior management of the IRB closely monitors performance against commitments throughout the year. In 2002-03, particular attention was paid to monitoring results in light of the implementation of new legislation and improved case management processes. In the fall of 2002, it became apparent that the IRB would not achieve its expected level of finalizations. New streamlined processes would need to be augmented by more fundamental changes in the way the IRB deals with cases. Such changes are being implemented in 2003-04, notably those included in the new Chairperson's Action Plan for the Refugee Protection tribunal.

### ***Claims Referred***

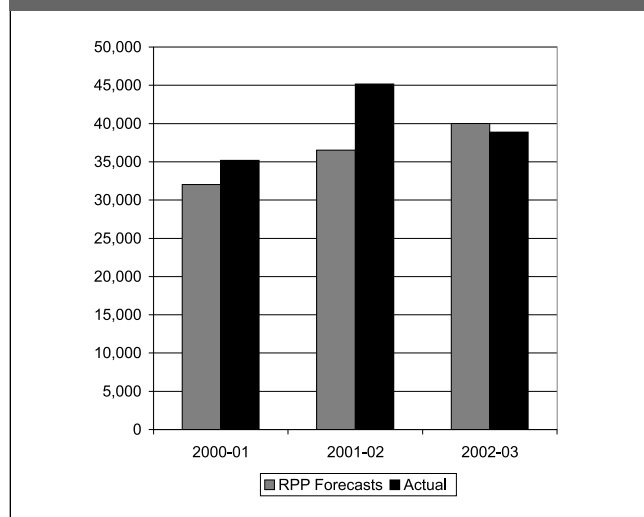
The IRB hears refugee claims referred to it by CIC. As shown in Figure 3.3, in 2002-03, the IRB received 38,900 new claims, near the forecast level of 40,000, but down from last year's record high of 45,200. Throughout the mid to late 1990s, the level of new refugee claims had remained fairly stable at around 25,000. Beginning in the summer of 1999, however, new claims increased dramatically. Contributing to this increase were thousands of claims received from Hungary, which peaked at over 3,700 in 2001-02 alone, along with marked growth in new claims from Pakistan, which became the top source country with over 3,000 claims referred in 2000-01 and again in 2001-02, and close to 6,000 new claims in 2002-03.

The decline in new claims from 2001-02 to 2002-03 is attributed to new visitor visa requirements for selected countries,

including Hungary and Zimbabwe, as well as to increased efforts by CIC officers overseas to stop people from arriving in Canada illegally or with fraudulent documents. In 2002-03, the top two sources of refugee claims referred to the IRB were Pakistan and China, both traditionally large source countries, followed by Mexico and Colombia, two newer source countries.

The IRB will continue to carefully monitor trends in referrals of new claims, though extremely difficult to forecast since they are affected by a wide variety of constantly changing factors on both the national and international stages.

**Figure 3.3**  
**Number of Claims Referred**



### ***Claims Finalized***

As illustrated in Figure 3.4, the IRB finalized a record 35,400 claims in 2002-03, 29% more than the previous year.



This gain was due to the following factors:

- almost all claims were heard using single decision-makers, rather than panels of two, after the introduction of the IRPA made single-member hearings the norm;
- there was a small increase in the number of decision-makers;
- more claims were decided without a formal hearing through the expedited process, making use of informal interviews;
- average hearing times were reduced from 3.5 hours in 2001-02 to 3.2 hours in 2002-03, in part because a portion of claims, identified as straightforward, were directed to short hearings; and
- the proportion of finalized claims that were adjourned or postponed at least once was reduced from 44% in 2001-02 to 39% last year.

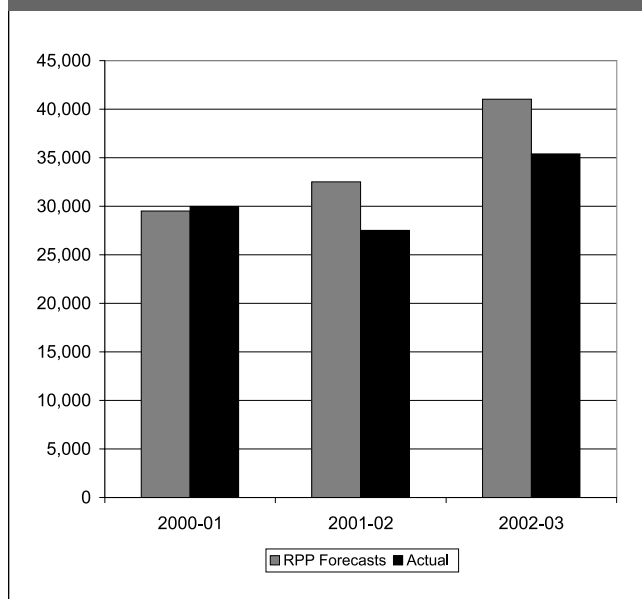
Performance nevertheless fell short of the 2002-03 forecast of 41,000 claims finalized. In addition to the anticipated impact of time spent on training and planning for the new legislation, several factors hampered the capacity to finalize claims. First, there were fewer appointed decision-makers in place than had been projected. Second, the number of claims finalized after an expedited interview was considerably lower than forecast. Finally, about 2,000 fewer claimants than expected withdrew or abandoned their claims before the hearing commenced; although this was a circumstance outside the IRB's control, it did contribute to the shortfall in the forecast number of claims finalized.



In 2001-02, the IRB also fell short of its forecast target, by 15%, because the target was formulated before the IRB could assess the impact of the workload associated with preparing for new legislation. In 2000-01, the IRB slightly surpassed its target, finalizing 30,000 claims.

Despite the shortfall against the ambitious target, the record number of claims finalized in 2002-03 was 18% higher than in 2000-01, with no change in the average number of available decision-makers.

**Figure 3.4**  
**Number of Claims Finalized**



### ***Outcome of Decisions***

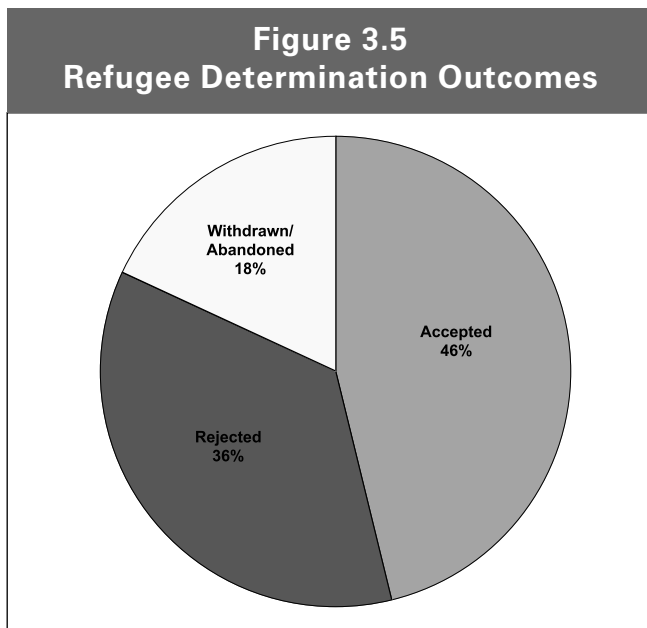
As shown in Figure 3.5, of the 35,400 refugee protection claims finalized during the year:

- 46% of claims resulted in claimants being determined a Convention refugee or a person in need of protection;
- 36% of claims were rejected; and



- the remaining 18% were either withdrawn by the claimant or declared abandoned by the IRB.

These results, illustrated in Figure 3.5, are similar to those of the previous year. However, changes in the breakdown of outcomes will occur from year to year, depending particularly on the nature of the cases being decided. Source countries and grounds for claims vary widely over time and each claim is decided independently, based on its particular merits.



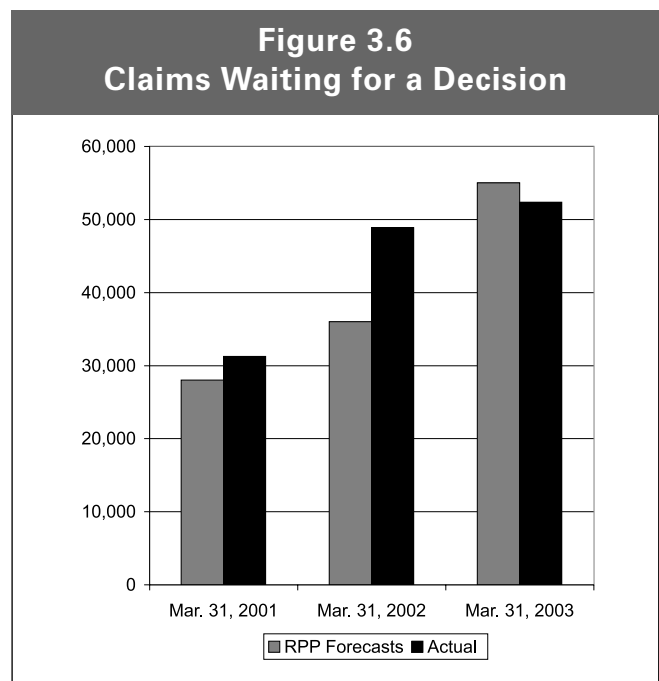
***Number of Claims Waiting for a Decision***

The number of claims waiting for a decision is the total number of claims at all stages of the process before finalization. As shown in Figure 3.6, the IRB started 2002-03 with a record high number of claims waiting for decision — almost 49,000. This large number of cases was the result of a gap, which widened each year between 1999-2000 and 2001-02, between the number of new claims referred to the IRB and its capacity to finalize them.

Although the gap narrowed somewhat in 2002-03, the IRB still received 3,500 more claims than it could finalize, pushing the number of claims waiting for a decision to a record high 52,400 on March 31, 2003.

In 2003-04, the IRB will start reducing this number. The magnitude of the reduction is contingent on several factors, including the levels of available resources to work on cases, continued improvements to case management processes, and the number of new claims received.

Recognizing that a very large proportion of the number of claims waiting for a decision is in the Toronto Region office, the IRB initiated strategies in 2002-03 to address this situation. This included the temporary assignment of decision-makers from other regions to Toronto. Additional targeted strategies are being implemented in 2003-04.



### ***Age of Cases Waiting for a Decision***

The average age of claims waiting for a final decision from the IRB increased again in 2002-03. By the end of the year, 36% of claims had been waiting at the IRB for over 12 months, compared to just 20% one year earlier, and 13% two years earlier. Four successive years of record levels of new claims received and the lack of capacity to deal with such volumes made it inevitable not only that more claimants would be waiting for a decision, but also that the average wait would be longer.

### ***Average Processing Time (Months from Referral to Finalization)***

Average processing time is the average length of time claims are with the IRB, starting with referral of the claim by CIC and ending when a decision is given to the claimant. It includes the time a claimant waits before a hearing is scheduled.

As capacity has continued to fall short of the number of new claims received, more people are waiting for a decision and the processing time for those waiting has consequently grown. The average wait, which was under 10 months in 2000-01, rose to 12.5 months in 2002-03 and will continue to grow in 2003-04 as the older cases are finalized.

### ***Historical Perspective of Results Achieved***

A consolidated picture of the past five years is presented in Figure 3.7 reflecting:

- workload trends in terms of refugee claims referred to the IRB;
- IRB performance with respect to claims finalized; and
- the interplay of these two factors on the number of claims waiting for a decision and average processing times.

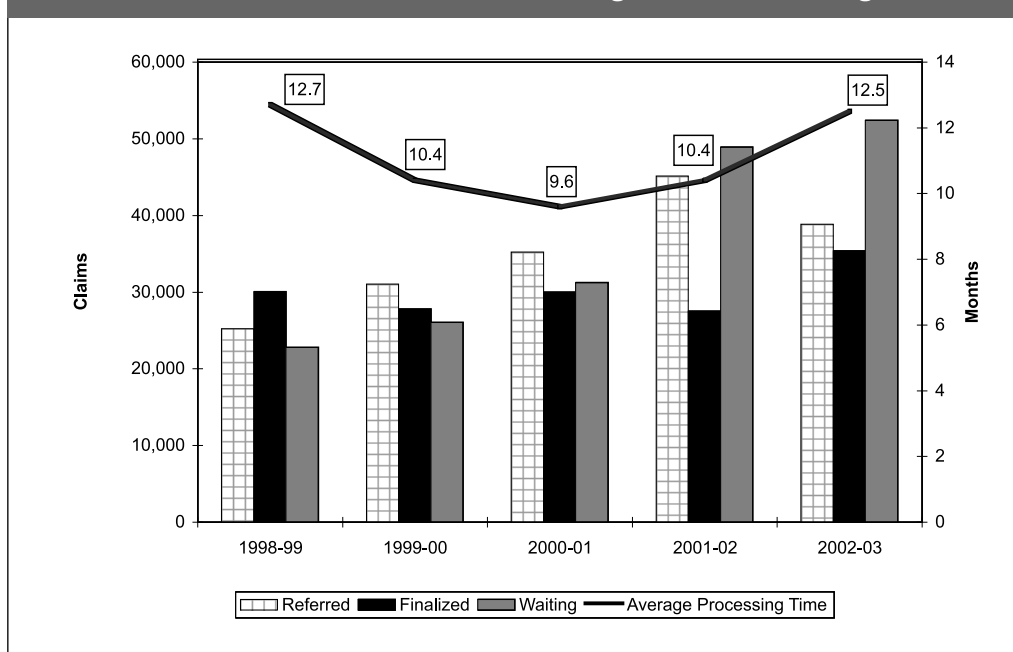
Noteworthy is the steady increase in the number of claims referred since 1999, and the fact that, in each year since then, the number of claims referred has exceeded the IRB's capacity to finalize claims.

From 1998-99 to 2001-02, the IRB consistently finalized between 28,000 and 30,000 claims each year. The strongest performance was achieved last year, with over 35,000 claims finalized.

However, the direct result of the gap between new claims received and the IRB's capacity to finalize claims has been the steady increase in the number of claims waiting. The IRB had been making marked progress in bringing down the average processing time, but progress was reversed as the number of claims waiting for a decision began to grow significantly year over year.



**Figure 3.7**  
**Refugee Determination**  
**Claims Referred, Finalized, Waiting and Processing Time**



	1998-99	1999-00	2000-01	2001-02	2002-03
<b>Claims Referred</b>	25,198	31,017	35,188	45,143	38,852
<b>Claims Finalized</b>	30,032	27,777	29,978	27,493	35,367
<b>Claims Waiting for a Decision, March 31</b>	22,778	26,018	31,228	48,878	52,363
<b>Average Processing Time</b>	12.7	10.4	9.6	10.4	12.5

### Cost per Claim

The cost per claim<sup>18</sup> includes costs for activities associated with case preparation and the decision-making process, including the costs for implementing case management improvements and the new Act. It also includes a share of the costs of support services from the Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

Taking into account the establishment of new improved processes, the IRB rendered a greater number of decisions in 2002-03 than in 2001-02, and at a lower cost per claim, \$2,700 in 2002-03 compared with \$3,050<sup>19</sup> in 2001-02. The cost per claim was higher than the \$2,100 forecast in the Report on Plans and Priorities (RPP) for 2002-03. That forecast assumed 41,000 claims would be finalized.

<sup>18</sup> IRB is developing a costing and resourcing model which will improve costing and operational information on its activities and processes. The model will be in place in time to support improved reporting for the year 2003-04.

<sup>19</sup> For comparison purposes, the cost per claim for the year 2001-02 and the cost per claim indicated in the 2002-03 Report on Plans and Priorities have been modified to exclude translation costs related to the translation backlog. These costs stem from a decision rendered by the Federal Court of Appeal relating to the *Official Languages Act*, requiring the IRB to have a significant number of its decisions translated.



## Immigration Appeals

Planned Spending	\$5.5 m
Total Authorities	\$6.1 m
<b>2002-2003 Actual</b>	<b>\$6.1 m</b>

*Immigration appeals originate from four sources:*

- *Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused (82% of appeals in 2002-03);*
- *permanent residents, protected persons and holders of a permanent resident visa who have been ordered removed from Canada (16% of appeals in 2002-03);*
- *permanent residents determined outside of Canada by an officer of Citizenship and Immigration Canada (CIC) not to have fulfilled their residency obligation (2% of appeals in 2002-03); and*
- *the Minister, who may appeal a decision made by the IRB at an admissibility hearing (less than 1% of appeals).*

The year 2002-03 was a demanding one for the immigration appeals area. As forecast, a record number of appeals was received during the year. The tribunal operated with considerably fewer decision-makers than projected; however, despite the demands

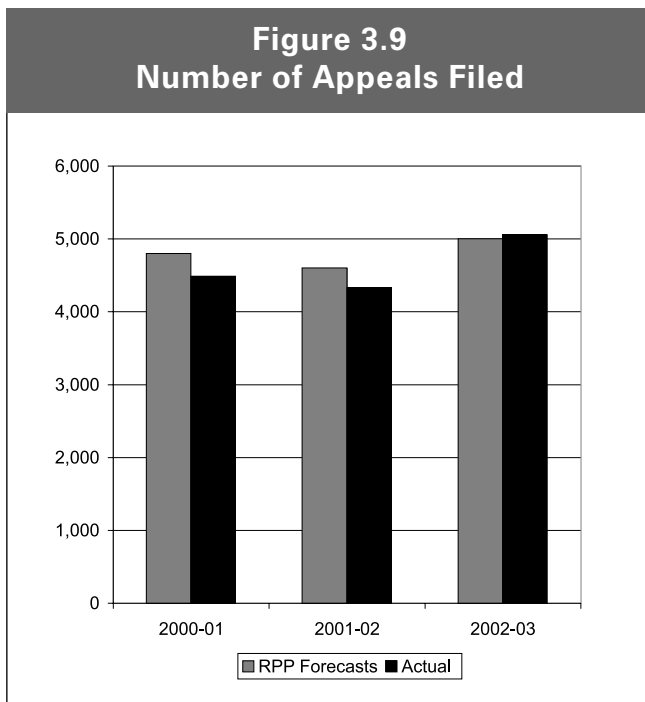
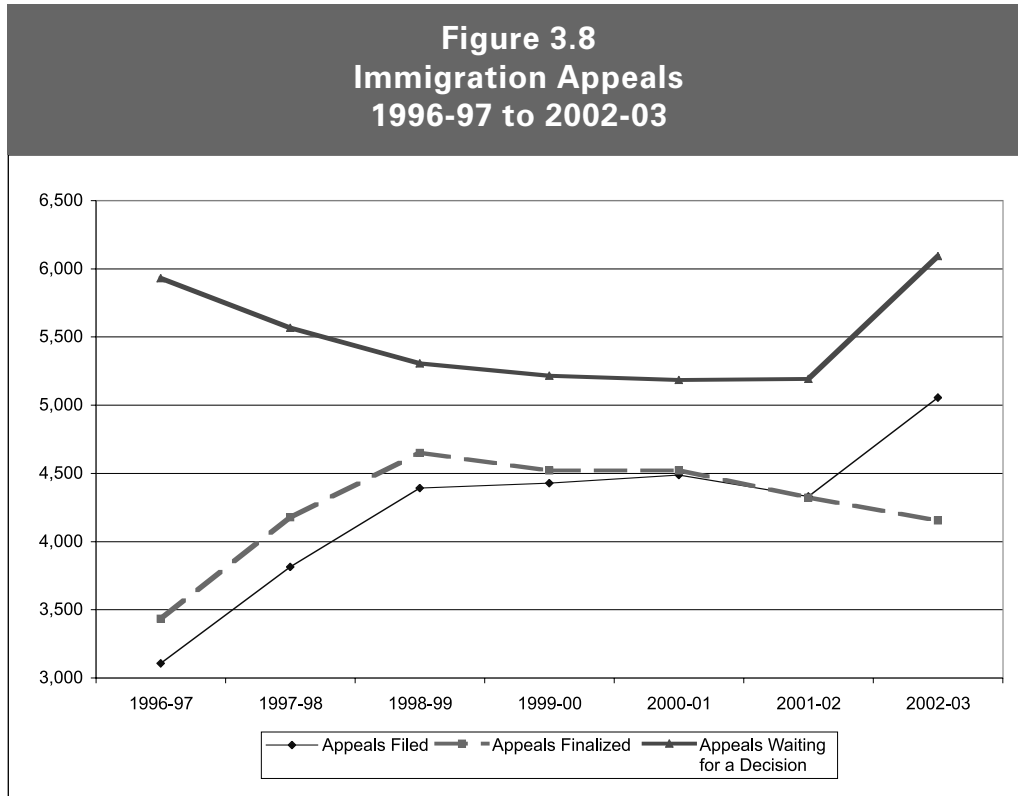
associated with implementing the new legislation, the productivity of the available decision-makers remained high. As a result, the number of appeals finalized was slightly higher than forecast. Unfortunately, this positive result was not sufficient to offset the large number of appeals received during the year. Consequently, the number of appeals waiting for a decision grew substantially, leading to an increase in the average time needed to process an appeal.

### **Appeals Filed**

As shown in Figure 3.9, the number of appeals filed with the IRB remained fairly stable in 2000-01 and in 2001-02, at about 4,400 a year; both figures are within 5% of the forecasts for those two years. However, in 2002-03, a record 5,055 appeals were filed, 17% more than in the previous year, though almost exactly matching the forecast figure of 5,000 for the year. The jump in appeals is linked to an increase in refusals by CIC of a higher proportion of family class applicants than in past years based on new grounds for refusal introduced by IRPA. It appears that, as is usual just after new legislation is introduced, a certain number of appeals were made during the initial period of uncertainty, to test the way that the new Act is applied.

For 2003-04, the number of appeals the IRB expects to receive will be considerably higher than the 5,200 forecast in the RPP 2003-04. This is based on recent estimates from CIC.





### ***Appeals Finalized***

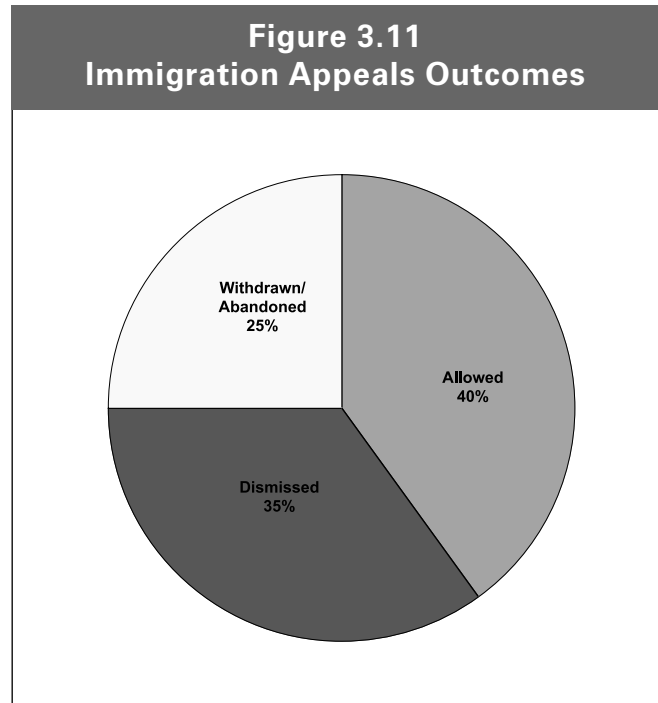
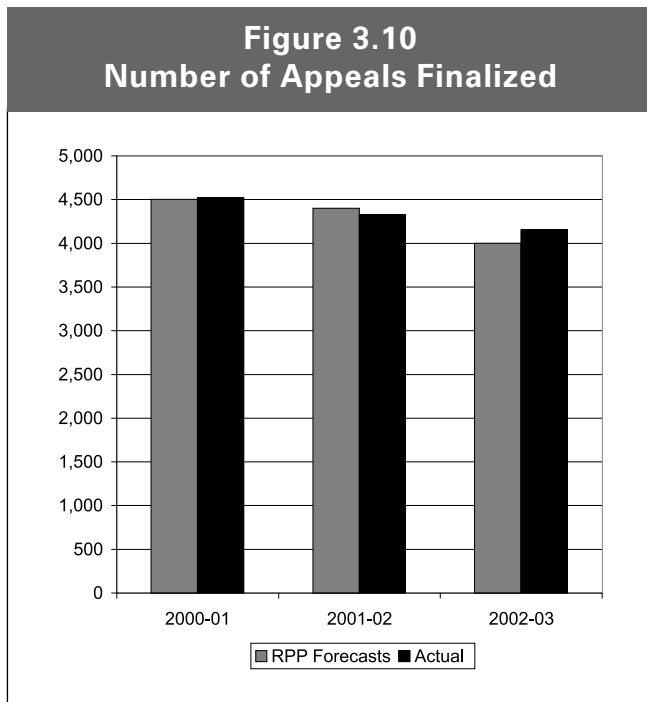
As shown in Figure 3.10, the IRB finalized just over 4,150 appeals in 2002-03, exceeding the target of 4,000 set for the year. In each of the two previous years, the IRB nearly met its targets. The sustained high productivity in 2002-03 came despite the fact that the IRB had fewer decision-makers than forecast to work on cases, and represents a significant achievement given the resource investments required to implement the new legislation.

Productivity gains have been achieved over the past several years, in part, through a reduction in the rate at which hearings were postponed or adjourned. The start of the Alternative Dispute



Resolution (ADR) program, whereby certain appeals are decided without a formal hearing, also played a role. In Toronto and Vancouver, where ADR has been implemented, 19% of sponsorship cases were finalized through the ADR process. Cases that are decided through the ADR process take considerably less time, on average, than cases that go through the regular hearing process.

be expected to fluctuate over time, making it difficult to distinguish any real trends. Variations in the breakdown of outcomes will be a function mainly of the nature of the appeals being heard, with each case being decided independently on its particular merits.



**Outcome of Decisions**

As shown in Figure 3.11, of the 4,150 appeals finalized in 2002-03:

- 40% were allowed;
- 35% were dismissed; and
- 25% were either withdrawn by the appellant or declared abandoned by the IRB.

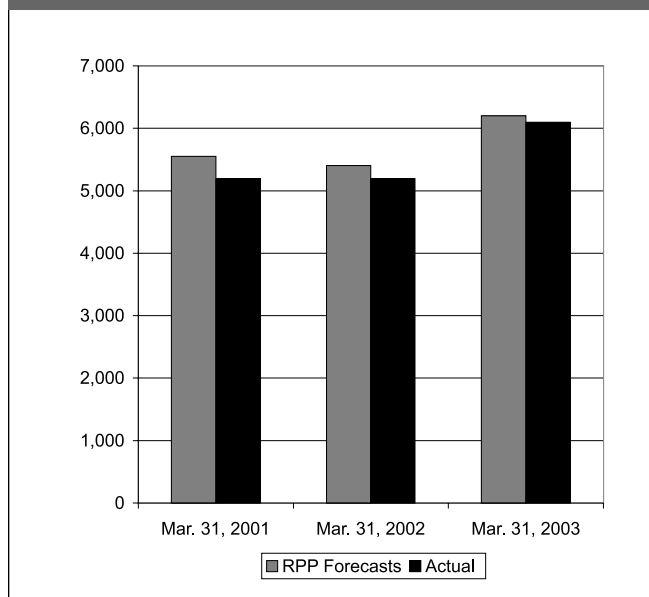
These results are comparable to those of the past few years. However, results must

**Number of Appeals Waiting for a Decision**

Since the IRB finalized about as many appeals as it received from 1999-00 to 2001-02, the number of appeals waiting for a decision remained virtually unchanged over this period, at about 5,200, close to forecast levels for those two years. However, throughout 2002-03, the number of appeals filed exceeded the IRB’s capacity to finalize appeals, so that the number waiting for a decision grew to nearly 6,100 by the end of the year. The IRB had forecast this increase in its RPP 2002-03. It is anticipated that the number of appeals waiting for a decision will continue to increase significantly in 2003-04.



**Figure 3.12**  
**Appeals Waiting for a Decision**



### **Average Processing Time**

Average processing time represents the average period from the date the IRB received the appeal record from CIC and could start work on the case to the date of the IRB decision. As reflected in Figure 3.13, the average processing time for immigration appeals remained stable in 2000-01 and 2001-02, at 6.5 months, and below forecasts for those two years. This positive result was achieved thanks to sustained high productivity. However, in 2002-03, the IRB experienced a slight increase in the time needed to process an appeal, to 7 months, a reflection of the increases seen during the year in the number of appeals filed and waiting for a decision. Processing time did not increase as much as expected because the sharp increase in the number of appeals filed occurred only during the second half of the year.

### **Historical Perspective of Results Achieved**

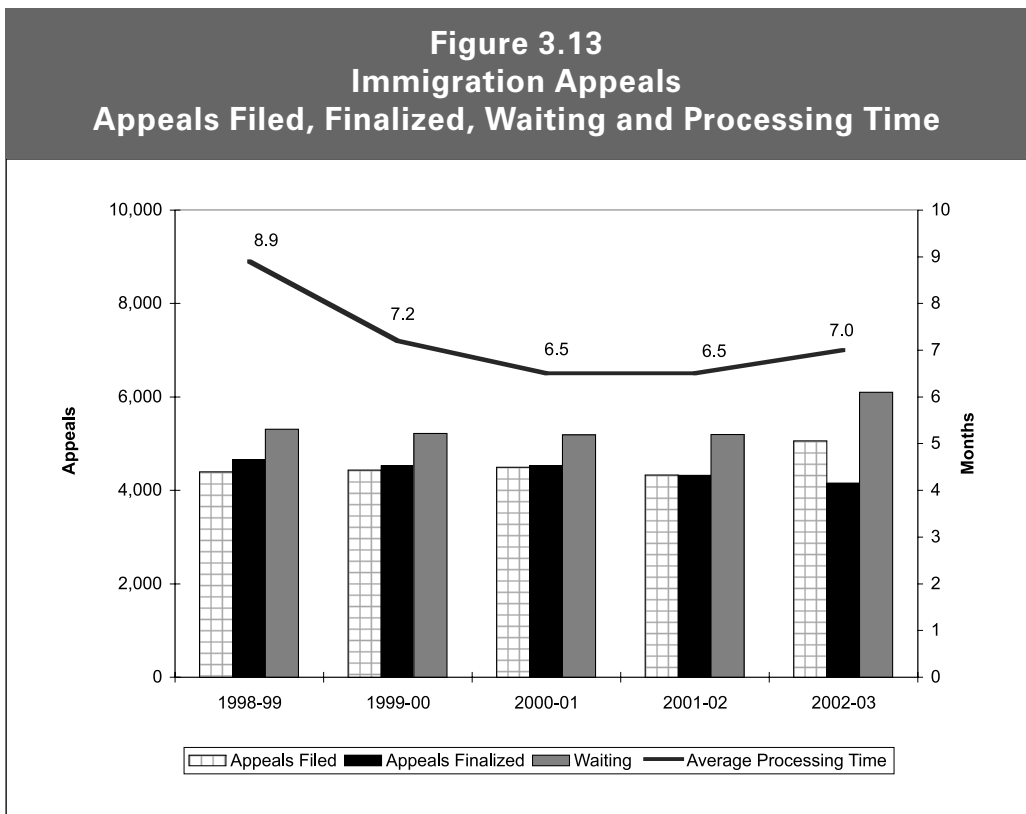
A consolidated picture of the past five years is presented in Figure 3.13 that reflects:

- workload trends in terms of appeals filed;
- IRB performance with respect to appeals finalized; and
- the interplay of these two factors on the number of appeals waiting for a decision and average processing time.

Productivity gains over the past several years have allowed the IRB to keep the number of appeals finalized at around 4,500 per year, until 2002-03. In that year, a shortfall in the number of available decision-makers, as well as the efforts needed to implement the new legislation, led to a small drop in the number of appeals finalized — nevertheless, the IRB met its target for the year.

From 1996-97 to 2001-02, the IRB was able to finalize more appeals than it received each year, allowing it to make steady reductions in the number of appeals waiting for a decision, and as a consequence, significantly reduce average processing times. This situation changed significantly in 2002-03, with the number of appeals filed up and the IRB's capacity to hear them reduced. The result was the beginning of a growth in the number of appeals waiting for a decision and the likelihood that average processing time will increase.





	1998-99	1999-00	2000-01	2001-02	2002-03
<b>Appeals Filed</b>	4,390	4,428	4,488	4,329	5,055
<b>Appeals Finalized</b>	4,650	4,519	4,519	4,321	4,153
<b>Appeals Waiting for a Decision, March 31</b>	5,305	5,214	5,183	5,191	6,093
<b>Average Processing Time</b>	8.9	7.2	6.5	6.5	7.0

**Cost per Appeal**

The cost per appeal<sup>20</sup> includes costs for activities associated with case management and the decision-making processes. It also includes a share of costs of support services from the Corporate Management and Services

business line, which is proportionally allocated to the other three business lines. The average cost per finalized appeal remained stable at approximately \$2,400<sup>21</sup> in 2002-03 and comparable to that of the previous year and the forecast in the RPP 2002-03.

<sup>20</sup> The IRB is developing a costing and resourcing model which will improve costing and operational information on its activities and processes. The model will be in place in time to support improved reporting for the year 2003-04.

<sup>21</sup> For comparison purposes, the cost per appeal for the year 2001-02 and the cost per appeal indicated in the 2002-03 Report on Plans and Priorities have been modified to exclude translation costs related to the translation backlog. These costs stem from a decision rendered by the Federal Court of Appeal relating to the *Official Languages Act*, requiring the IRB to have a significant number of its decisions translated.





## Admissibility Hearings and Detention Reviews<sup>22</sup>

Planned Spending	\$4.8 m
Total Authorities	\$5.3 m
<b>2002-2003 Actual</b>	<b>\$4.7 m</b>

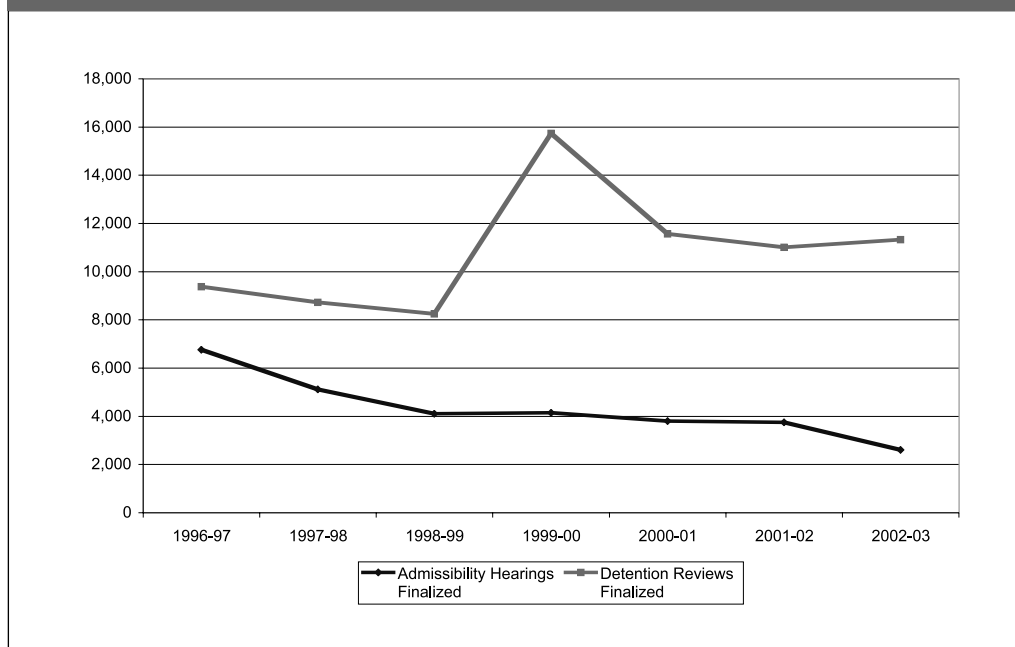
The IRB conducts an admissibility hearing when a person is alleged to be in violation of the Immigration and Refugee Protection Act. The purpose of such a hearing is to determine whether the person may enter or remain in Canada.

The IRB also conducts detention reviews for individuals who are

detained by CIC for immigration reasons. The several thousand people detained each year are all entitled to reviews within legislated time frames, a recognition of the critical role played by the detention review process in balancing individual rights and the security of Canadians.

The number of admissibility hearings and detention reviews that the IRB must conduct depends on the cases referred to it by CIC.

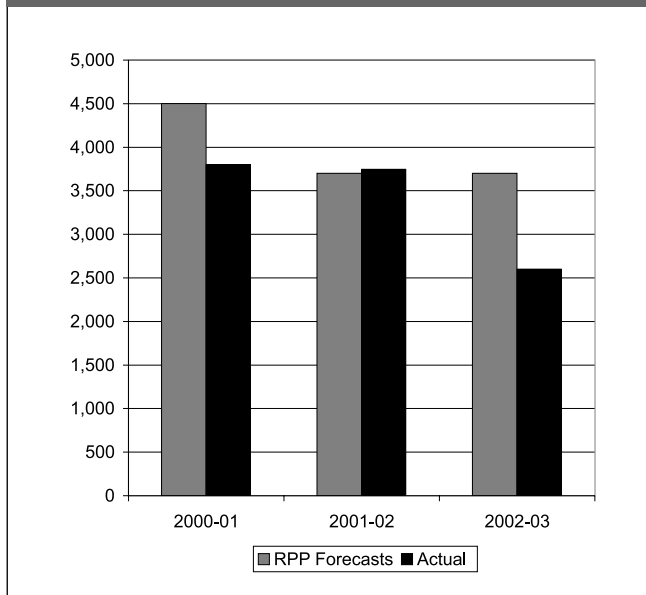
**Figure 3.14**  
Admissibility Hearings and Detention Reviews Finalized, 1996-97 to 2002-03



<sup>22</sup> The current name of this business line, *Inquiries and Detention Reviews*, reflects the terminology of the previous Act. In the upcoming year the IRB plans to propose to the Treasury Board Secretariat changing the name of this business line to *Admissibility Hearings and Detention Reviews*, in line with the terminology of IRPA.



**Figure 3.15**  
**Admissibility Hearings Finalized**



***Admissibility Hearings Finalized***

In 2002-03, the IRB concluded all 2,600 admissibility hearings that were referred to it by CIC. This was, however, well below the forecast of 3,700 (see Figure 3.15), which was based on the assumption that the workload would remain fairly stable at historical levels.

However, the new legislation had an impact on the admissibility hearing workload in two ways. On the one hand, there was a drop in the number of admissibility hearings referred to the IRB. This is largely due to a change in legislation which has increased the powers of CIC officials to issue removal orders for straightforward cases of inadmissibility, such as those involving criminality in Canada by foreign nationals. As a result, such cases are no longer referred to the IRB.

On the other hand, cases that were heard by the IRB during the year were generally more complex, and therefore took longer. Subject matters dealt with at hearings range from security issues, such as terrorism and human or international rights violations, to serious criminality or organized crime. All these issues touch on very sensitive information and need to be carefully analysed by decision-makers. In addition, under IRPA, there is no longer a means to appeal if a person is determined to be inadmissible at a hearing on any of these grounds. As well, procedures before the tribunal are all adversarial. Evidence is therefore presented at the hearing by both CIC and the person concerned. It must be assessed by a single decision-maker who, in most cases, renders an immediate oral decision.

Finally, the tribunal must now rule on applications from the Minister for non-disclosure of sensitive information. This requires decision-makers to determine whether disclosure of this information would be injurious to national security or to the safety of any person and whether the information to be disclosed is relevant to the case at hand.

***Outcome of Decisions***

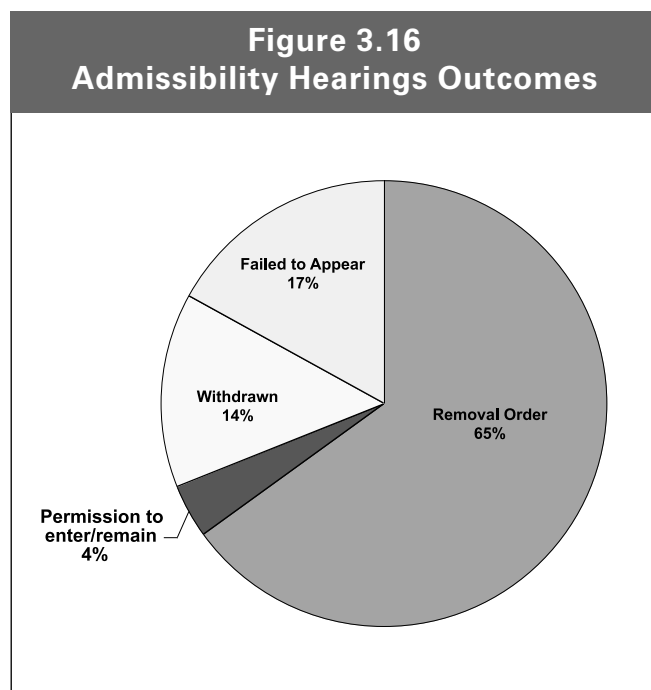
As shown in Figure 3.16, of the 2,535 admissibility hearings for which a decision was recorded in 2002-03:

- in 65% of hearings, the IRB issued a removal order from Canada;
- in 4% the outcome was permission to enter or remain in Canada;
- 14% of cases were withdrawn by CIC, since the department no longer had



grounds for alleging that the person concerned was inadmissible; and

- 17% of persons who were notified to appear for their admissibility hearing failed to do so; in such situations, CIC may issue a warrant for the arrest of the person concerned.



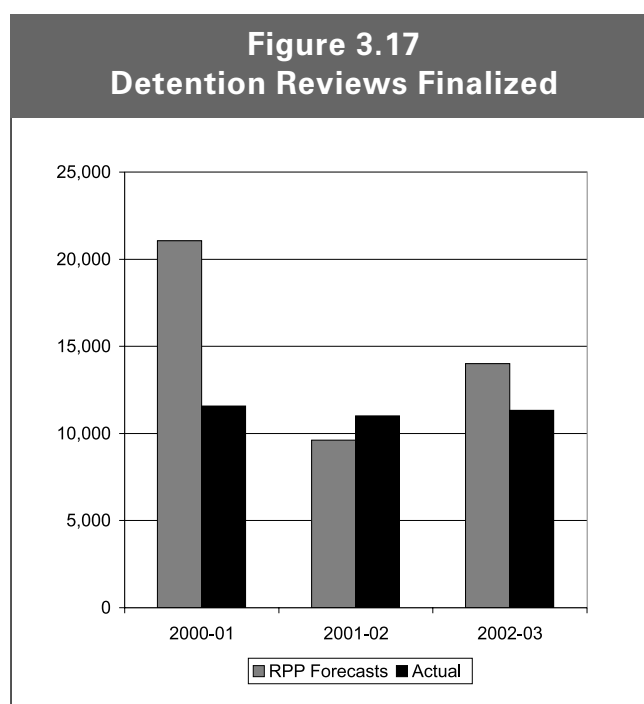
### ***Detention Reviews Finalized***

Once detained, all persons have a right to appear before the IRB within 48 hours of detention, then within the following seven days, and afterwards, at least once in each 30-day period. A decision must be rendered on the day the case is heard. The legislation requires that these timeframes be respected — a recognition of the importance of the review, in terms both of the rights of the individual and of the security of Canadians.

The detention review process is adversarial, with all evidence presented to the decision-maker at the hearing. The process is made more difficult because

detention reviews are often done in jails, in remote locations, so that decision-makers must travel frequently in order to respect legislated timeframes.

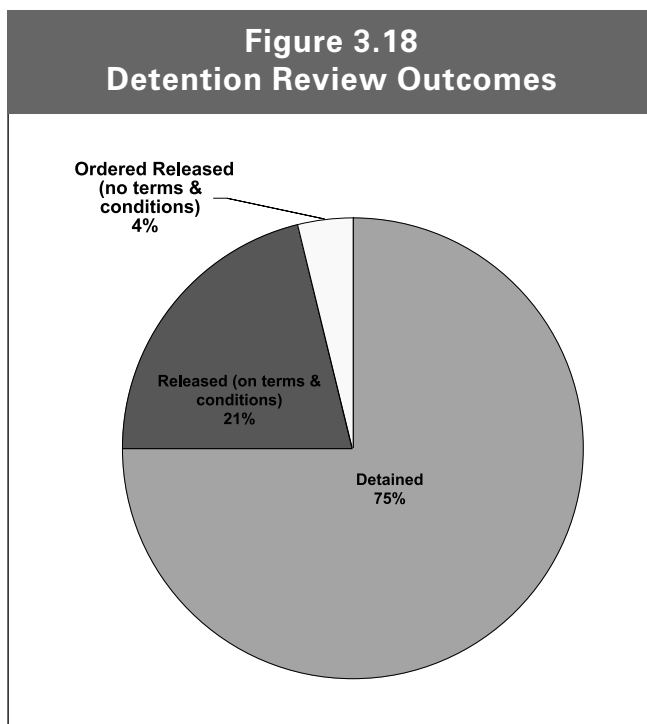
A total of 11,300 detention reviews were concluded in 2002-03, as illustrated in Figure 3.17. This number of cases concluded is in the same range as cases concluded in 2000-01 and 2001-02, but approximately 20% less than the level of 14,000 estimated in the RPP 2002-03. When that report was prepared, the IRB was expecting a large increase in its detention review workload due to an anticipated increase in detentions by CIC. This assumption was based principally on an increase in the number of detention reviews immediately after September 11, 2001. However, as the year unfolded, it became clear that CIC would detain fewer people than originally expected, which led to fewer requests to the IRB to conduct detention reviews.



### **Outcome of Decisions**

As shown in Figure 3.18, of the detention reviews that were concluded with a decision in 2002-03:

- 75% resulted in continued detention;
- 21% resulted in release, subject to certain terms and conditions; and
- 4% resulted in release, with no terms and conditions attached.



### **Cost per Admissibility Hearing and Detention Review**

The cost per admissibility hearing and detention review<sup>23</sup> includes costs for activities associated with case management and the various decision-making processes. It also includes a share of costs of support services from the Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

In 2002-03, the average admissibility hearing cost was approximately \$1,050 exceeding the average cost of \$750<sup>24</sup> for 2001-02. The cost per hearing was forecast at \$850 in the RPP 2002-03.

The average cost for detention reviews increased from approximately \$400 in 2001-02 to approximately \$550 in 2002-03. The cost per review was forecast at \$400 in the RPP. In the case of both admissibility hearings and detention reviews, the increased cost per case are largely attributable to translation costs and increased complexity and time required for case preparation.

<sup>23</sup> The IRB is developing a costing and resourcing model which will improve costing and operational information on its activities and processes. The model will be in place in time to support improved reporting for the year 2003-04.

<sup>24</sup> For comparison purposes, the cost per claim for the year 2001-02 and the cost per claim indicated in the 2002-03 Report on Plans and Priorities have been modified to exclude translation costs related to the translation backlog. These costs stem from a decision rendered by the Federal Court of Appeal relating to the *Official Languages Act*, requiring the IRB to have a significant number of its decisions translated.



## 3.2 A LEADING-EDGE ORGANIZATION IN ADMINISTRATIVE JUSTICE

Success in being a leading-edge organization depends on having knowledgeable and motivated personnel equipped with the right information and tools. It also depends on working with others in the broader immigration community to share expertise and best practices.

Throughout 2002-03, the IRB carried out initiatives to support professional development, human resources and improved management practices, integrating government-wide modern policies and practices. The IRB continued to work on issues of international interest through its participation in select fora.

### **Professional Development and Responsible Management of Human Resources**

In response to the particular challenges of 2002-03, the IRB implemented a comprehensive professional development and training plan to establish, consolidate and reinforce the new knowledge base required to support the introduction of the IRPA. The organization also carried out initiatives to support the modernization of human resources.

#### ***Professional Development***

The IRB devoted unprecedented efforts in 2002-03 to the area of professional development and training. The organization delivered a comprehensive training program for decision-makers and employees to support the

implementation of the new Act, as planned. At the same time, it focused on two other ongoing training priorities: enhancing the quality and consistency of its decisions and improving the efficiency of its hearing and decision-making processes.

Decision-makers and employees involved in case preparation received up to a week of intensive training prior to the IRPA implementation. Once the new Act was in place, the IRB identified throughout the year emerging issues and associated training needs. Personnel then received additional customized training on specific topics. For example, decision-makers who conduct admissibility hearings and detention reviews received specialized training regarding non-disclosure of information in certain cases. Decision-makers who determine refugee claims received the required training to hear and decide claims alone. They also received training to assist them in drafting concise reasons based on expanded refugee protection grounds. In addition, all employees received orientation training on the extensive changes to processes and procedures related to IRPA.



The IRB also delivered a national training program to support the introduction of new streamlined processes for handling refugee claims. Training to address the needs of hearing-room personnel was also delivered. Newly appointed decision-makers were given three weeks of classroom instruction followed by a six-month, on-the-job learning program customized to their learning needs. Experienced decision-makers also received customized training where a more individualized response to learning needs was required, in addition to their ongoing monthly professional development programs on substantive and procedural issues.

Finally, the IRB trained employees at all levels in sessions related to legislative changes, change management for employees and managers, and employment equity and diversity. Managers across Canada received training on how to provide feedback, as well as in conflict resolution. In consultation with key stakeholders, the IRB also began the development of a training module for decision-makers to respond to the needs of vulnerable claimants.

#### ***Responsible Management of Human Resources***

The IRB depends on the sustained efforts of a professional, motivated and representative workforce aligned to meet its mandate. Through an integrated approach to human resource management, the IRB is able to recruit and retain employees with the requisite knowledge and skills and to equip them to deliver on organizational priorities.

Throughout the year 2002-03, the IRB:

- developed and implemented a change management strategy to respond to legislative changes;
- improved internal and external communications, including providing personnel with a daily summary of media reports of interest to the IRB and revamping its Internet site;
- developed an integrated Human Resources Management Framework linked to the IRB strategic planning cycle;
- improved its relationships with unions, notably by organizing National Labour-Management Consultation Committee meetings and by promoting an environment that fostered open communications;
- implemented, monitored and evaluated the new Performance Management Process for employees, including the establishment of a new policy and a Personal Learning Plan for each employee;
- developed and implemented the new IRB Award of Excellence;
- launched corporate initiatives in response to the 2002 Federal Public Service-wide Employee Survey;
- upgraded its human resource information management system, which integrates all human resource activities;
- commenced work on the development of competency profiles for specific groups in the organization to support recruitment, training and career development; and



- began to revise policies to integrate diversity and employment equity principles and modernization of human resource management.

For the second consecutive year, the IRB achieved the highest level of representation of members of visible minorities in all federal government departments, evidence of the success of a comprehensive employment equity plan and sustained efforts to address representation gaps where they occur. The IRB developed a course entitled *Employment Equity, Diversity, Culture* and successfully delivered it in the Toronto Region. The IRB participated in the Interdepartmental Committee responsible for the “Objective Eye”, an on-line inventory for designated group members who are interested in participating in staffing processes as a selection board member.

### **Innovative and Optimal Use of Technology**

In managing a high volume of cases across five regional and district offices spread throughout Canada, the IRB relies on up-to-date technology. Such tools enable decision-makers and personnel to share and exchange information, to support case preparation, to manage the flow of cases through various stages and to communicate and consult with stakeholders.

In 2002-03, a key priority was to adapt automated systems to reflect the new legislative requirements. Another priority was to modernize the IRB’s technological infrastructure through the implementation of Windows 2000. Considerable time and effort were

devoted in the planning, testing, and implementation of Windows 2000 on 1,400 workstations and 70 servers across the country. With this new infrastructure, the IRB not only advanced its technology; it also established a solid foundation for future information technology initiatives. At the same time, the IRB continued to maintain and support existing systems, including the ongoing updating of its Web site to disseminate a wide range of materials pertaining to the new Act.

As noted earlier, the IRB undertook in 2002-03, the initial phase of a major project, which will develop and implement an Integrated Case Management System (ICMS). This system will replace, over the next two years, outdated case tracking systems and will provide a leading-edge technological infrastructure that will fully support ongoing improvements to case management.

In addition, the IRB has been developing two other technology projects, which will eventually be integrated with the ICMS: the establishment of a National Reasons Database and expanding the use of digital audio recording.

In 2002-03, the IRB undertook the development of a National Reasons Database to capture the extensive collection of reasons and case law it has acquired since its inception. This included the identification of functional requirements and partial configuration of the database. The full implementation of the database will be completed as part of the ICMS project over the next two years and will enhance the overall quality and consistency in decision-making and improve case management.



In 2002-03, the IRB completed the functional requirements analysis and validation to support a plan to shift to digital audio-recording systems in all of its hearing rooms, replacing old analogue tape recorders. The new systems will be acquired and installed over the next two years. Once operational, digital audio recording will upgrade sound quality, improve information-sharing, reduce storage needs, provide rapid, direct access to hearing transcripts and reduce costs.

### **Improved Management Practices**

As a result of its commitment to continuous improvement and to address the tenets of Treasury Board's Modern Comptrollership initiative, the IRB is implementing improved management practices. Through an integrated approach, the IRB will amalgamate all management improvement initiatives into one comprehensive and focused agenda. The objective is to fully integrate the assessment of values, major risks, client and stakeholder interests and performance information into business decisions and plans.

In 2002-03, the IRB made progress in implementing improved management practices in the following areas:

- establishment of an Improved Management Practices Office;
- implementation of phase one of a resourcing model, integrating IRB financial and operational information and improving planning and workload and resource management; and

- development of a national framework in conjunction with Public Works and Government Services Canada (PWGSC) to better manage and plan the use of office space. This pilot project is being considered by PWGSC as a best practice to be shared with other departments.

### **Recognition from Individuals and Organizations – Domestic and International**

The IRB is both an integral part of the Canadian immigration and refugee portfolio and an important member of the world community involved in refugee matters. As such, in 2002-03, the IRB continued building relationships with other tribunals in Canada and others abroad to keep apprised of emerging trends and practices. The IRB is committed to sharing best practices, promoting human rights and responding to world issues.

#### ***Council of Canadian Administrative Tribunals***

The IRB continued to actively participate in the annual conferences of the Council of Canadian Administrative Tribunals (CCAT). These meetings provide an opportunity for all Canadian administrative tribunals to share best practices and new approaches to emerging issues. The IRB is an influential member of CCAT and its representatives have made important contributions both as speakers and regular participants.





*Canada was the trailblazer in developing an asylum process that takes proper account of gender-related persecution. The IRB's (Gender) Guidelines, which are now 10 years old, were the first of their kind, and led other countries to recognize the importance of devoting special attention in their asylum system to the plight of refugee women.*

*Ruud Lubbers, United Nations  
High Commissioner for Refugees, March 4, 2003*



### **Intergovernmental Consultations**

In 2002-03, the IRB continued to participate in the work of the Country of Origin Information (COI) Working Group of the Intergovernmental Consultations (IGC) on Asylum, Refugee and Migration Policies in Europe, North America and Australia. The IRB also worked with the IGC's Data Working Group, which studies comparative data on refugee claims made in the various IGC countries.

The IGC's Country of Origin Information Working Group is investigating new ways to expand information-sharing opportunities between member states and share best practices in COI documentation production and dissemination. In 2002-03, the COI Working Group examined fact-finding mission methodologies and continued to monitor the development of tools to aid in the electronic translation of research documentation. Last year, the IGC undertook a new initiative — to organize multi-disciplinary workshops with the goal of bringing together all IGC Working Groups to discuss issues related to a selected country. Two such workshops

were held in Nigeria and Russia. The IRB published the fourth issue of the Working Group's newsletter in the fall of 2002, which was distributed internationally to member states.

In its work with the IGC's Data Working Group, the IRB provided data that demonstrated the outcomes of claims referred to the IRB over the past several years, and participated in a meeting with representatives from other IGC members to compare and discuss the data. This analysis allows member states to gain a clearer basis for comparing the outcomes of their respective refugee determination systems.

Involvement in these working groups helps the IRB to keep apprised of changes in country of origin information sources, to compare the outcomes obtained by refugee determination systems in different IGC states, and to benefit from the experience of other refugee-receiving countries. It also affords the IRB an opportunity to share information and advice with others.



### ***International Association of Refugee Law Judges***

In 2002-03, the IRB continued its work with the International Association of Refugee Law Judges (IARLJ), an organization established in 1997 to encourage the standardization of practices, procedures and interpretations of refugee law throughout the world. Working in this important international forum gives the IRB the opportunity to keep abreast of international refugee law practices and developments. Through this relationship, the IRB is also able to share its expertise with the international community. In fact, Canada has long been recognized internationally for its promotion of best practices within the international community of refugee protection decision-makers.

The Deputy Chairperson of the Refugee Protection tribunal is a member of the Executive Council of the IARLJ and also heads the Professional Development Committee. The IRB has developed extensive training materials for the IARLJ and has conducted a number of training sessions for new refugee law judges from around the world at IARLJ workshops and conferences.

In 2002-03, the IRB continued its participation in IARLJ working groups studying different aspects of refugee law and procedure. An IRB official acted as Coordinator of the IARLJ Working Group Process and the IRB was actively

involved in setting the priorities for the working groups in preparation to the 2005 IARLJ World Conference to be held in Sweden. In October 2002, the IRB Chairperson and Deputy Chairperson, Refugee Protection, participated in the IARLJ World Conference held in New Zealand. Finally, the IRB worked with refugee decision-making bodies of the United States on the establishment, over the coming year, of an Americas Chapter of the IARLJ.

Through its work with the IARLJ and other organizations, the IRB plays a role in promoting quality refugee determination systems in both developed and developing countries. Many countries have followed Canada's lead in several areas of refugee law and practice, most notably in the application of IRB gender guidelines. Other countries, including the United States and the United Kingdom have developed guidelines similar to those of the IRB for the hearing of gender-related claims.<sup>25</sup>

### ***Comparative Studies of other Refugee Determination Systems***

As a worldwide leader in refugee determination, the IRB is always looking for new and more efficient ways to realize its mission. In 2002-03, the IRB continued work to compare its system in terms of processes, policies and practices, with those of other countries. Building on past work in developing comparisons of international refugee determination

<sup>25</sup> For more information on IRB's guide, *Women Refugee Claimants Fearing Gender-Related Persecution*, see [http://www.irb.gc.ca/en/about/legal/guideline/women/index\\_e.htm](http://www.irb.gc.ca/en/about/legal/guideline/women/index_e.htm).



proceedings, the IRB Chairperson visited the United States, where he observed proceedings and received detailed briefings on the nature of American asylum determination.

Over time, the continued observance of world trends and processes related to refugee determination has allowed the IRB to shape its internal policy development and practices where warranted. It has also helped to gain insights about foreign refugee decision-making bodies and promote a common understanding of practices and systems among stakeholders.

### ***United Nations High Commissioner for Refugees***

Management of Canada's relationship with the UNHCR is shared by the Department of Foreign Affairs and International Trade, Canada International Development Agency and CIC. In 2002-03, the three departments have worked together on a number of initiatives related to the UNHCR file. The IRB continued to receive updates from CIC on these developments and will engage in further exchanges as appropriate with respect to refugee protection priorities.

The *Agenda for Protection*, which was unanimously endorsed in 2002 at the Executive Committee of the UNHCR and the UN General Assembly, provides a blueprint for the future of refugee protection. It represents the culmination of a year and half process of inter-

governmental and expert discussions on international refugee protection in which the IRB participated actively. These broad consultations sought to reaffirm the commitment of the international community to the 1951 Convention and its 1967 Protocol, while identifying innovative strategies for addressing new and emerging refugee protection challenges.

Canada played a critical role in the development of this action plan. The Agenda sets out goals to be pursued over a multi-year period in order to progressively reinforce refugee protection internationally, while recognizing the numerous challenges faced by states and the UNHCR.

The *Agenda for Protection* called for the development of new tools and arrangements under what has become known as the Convention Plus approach. While the concept continues to evolve, it is intended to be a series of multilateral arrangements supplementing the 1951 Refugee Convention and Protocol through the development of multilateral arrangements, for instance, to better handle both mass outflows and longstanding refugee camps in regions of origin. The purpose is to encompass a more equitable sharing of responsibilities between nations while promoting the self-reliance of refugees and returnees. The Canadian priority for the Convention Plus initiative has recently been identified by CIC as the strategic use of resettlement both as a protection tool and as a durable solution.



### **3.3 A CREATIVE PARTNER IN THE CANADIAN IMMIGRATION SYSTEM**

In 2002-03, the IRB continued to build on high levels of collaboration and communication with partners and stakeholders, which marked the previous year. The IRB plays an important role as one of many partners contributing to an effective and proactive immigration system in Canada, while always guarding its adjudicative independence. To play its role well, the IRB depends on effective relationships with its stakeholders and partners. This section outlines activities in support of the IRB's commitment to be a creative partner in the Canadian immigration system.

Ongoing dialogue with stakeholders and partners helped the IRB address the demands of workload pressures and ensure a successful transition to the new legislation, while sustaining its commitment to making quality decisions in an independent manner.

#### **An Integrated Approach to Portfolio Management**

As key partners within the immigration and refugee portfolio, the IRB and CIC collaborate on operational and portfolio matters, while respecting the institutional independence of the IRB and its decision-makers.

#### ***Relationship with Citizenship and Immigration Canada***

In 2002-03, the IRB and CIC<sup>26</sup> continued to work together on appropriate responses to legislative implementation issues. IRB personnel were ready, not only for the substantive changes directly affecting the tribunals, but also for the changes involving operational matters of concern to both organizations. New and revised forms and processes were in place by the time implementation occurred, significantly easing the transition to new legislation.

<sup>26</sup> For additional information on CIC, see <http://www.cic.gc.ca>.



Ongoing liaison continued in 2002-03 on such other important matters as the work undertaken for the study of the proposed regulation of immigration consultants<sup>27</sup> and the work related to the planned *Safe Third Country Agreement*<sup>28</sup> with the United States. In the area of immigration appeals in Toronto, the IRB efficiently adapted its Alternative Dispute Resolution process to deal with the settlements reached by CIC's new screening unit. This unit invited

Agreement to ensure it keeps current with changing needs.

### **Effective Relationships with Clients and Stakeholders**

In 2002-03, the IRB ensured a high level of dialogue and collaboration with its external stakeholders, while maintaining its adjudicative independence. Effective relationships with stakeholders were invaluable to ensure a smooth transition to IRPA. Such dialogue also helped to

*The IRB operates in a broader context in carrying out its mandate and depends on key partnerships and relationships with organizations and individuals.*



appellants to make written submissions to CIC before their appeal had been scheduled to demonstrate why CIC should allow their removal order appeal or agree to a stay of removal.

An *Administrative Framework Agreement* in place since 1996, continued to facilitate CIC and IRB collaboration on portfolio management matters. In the coming months, both organizations will work together to introduce appropriate adjustments to the

promote an improved understanding of the work of the IRB and contributed to maintaining confidence in the integrity of the immigration and refugee system.

### **Consultative Committee on Practices and Procedures**

In 2002-03, the IRB made important use of the Consultative Committee on Practices and Procedures (CCPP), a national forum through which it builds and maintains relationships with key stakeholders such as the Canadian Bar

<sup>27</sup> See <http://www.cic.gc.ca/english/pub/consultants/chapter%2D1.html>.

<sup>28</sup> This Agreement will require, with certain exceptions, refugee protection claimants who travel through the United States or Canada to make their claims in the country where they first arrive. For additional information, see <http://www.cic.gc.ca/english/policy/safe-third.html>.



Association, associations of immigration lawyers, the Canadian Council for Refugees, and the United Nations High Commissioner for Refugees (UNHCR). Biannual meetings provided an opportunity to discuss matters such as the new rules, transitional provisions, and consolidated grounds for refugee protection, as well as to foster a common understanding of the new Act. In addition the IRB held teleconferences with stakeholders to promptly identify and resolve emerging issues related to legislative changes. IRB officials also provided information sessions and participated in meetings and conferences of member-organizations to promote an enhanced understanding of the new legislative provisions affecting the work of the tribunals.

IRB regional and district offices also contributed to building and maintaining effective relationships through established forums with local interest groups, including immigration consultants.

#### ***Assisting Unrepresented Parties and Non-Legal Counsel***

In 2002-03, the IRB continued to place importance on the needs of parties who may appear before it unrepresented and to respond to the particular needs of both claimants and appellants and non-legal counsel. These activities are important to ensure fairness in the IRB processes and to increase access to justice.

Fair decision-making requires that individuals be prepared to present their cases effectively and benefit from guidance and support.

In 2002-03, the IRB disseminated information materials of particular importance to unrepresented parties appearing before the tribunals, particularly in light of process changes flowing from the introduction of the new legislation.

The IRB completed the first phase of a project designed to respond to the needs of unrepresented refugee claimants. In collaboration with key stakeholders, the IRB published a plain-language brochure entitled *The Refugee Protection Claim Process: An Overview*.<sup>29</sup> This brochure was delivered to CIC offices in the last quarter of 2002-03 for distribution to claimants at the point at which they first make their claim to an immigration officer. Copies were also provided to non-governmental organizations providing assistance to refugees.

In 2002-03 the IRB further updated its plain language *Information Guides for Unrepresented Appellants*<sup>30</sup> to reflect the new legislation, regulations and rules. Additional plain language materials regarding the Alternative Dispute Resolution process were also developed.

<sup>29</sup> See [http://www.irb.gc.ca/en/about/divisions/rpd/claimant/index\\_e.htm](http://www.irb.gc.ca/en/about/divisions/rpd/claimant/index_e.htm).

<sup>30</sup> See [http://www.irb.gc.ca/en/about/divisions/iad/infoguides/unrepresent\\_e.htm](http://www.irb.gc.ca/en/about/divisions/iad/infoguides/unrepresent_e.htm).



### ***Protocol Addressing Member Conduct Issues***

In 2002-03, the IRB continued to monitor the *Protocol Addressing Member Conduct Issues* instituted in October 1999 and took action where it was warranted. The IRB was the first administrative tribunal to institute a formal process for addressing complaints about the conduct of members (decision-makers). The Protocol recognizes that high standards of conduct are required of public officials, such as IRB decision-makers, whose decisions profoundly affect people's lives.

During 2002-03, 24 complaints were filed under the Protocol. Of these, 5 were found not to come within the Protocol, 12 were unfounded, 1 was founded in part, and 6 are still active. No appeals were filed.

### ***Rules on the Conduct of Persons in Proceedings before the IRB***

In 2002-03, the IRB participated in the advisory committee established by the Minister of CIC to study issues pertaining to the immigration-consulting industry. In light of this study and planned action plan that is expected to follow, the IRB deferred its work on the Rules on the Conduct of Persons in Proceedings before the IRB, pending further evaluation of needs.

### ***Service Improvement Initiative***

In *Results for Canadians: A Management Framework for the Government of Canada*, the Government of Canada committed to achieving a significant, quantifiable improvement in client

satisfaction with its services. The government-wide Service Improvement Initiative — being implemented by departments and agencies through a phased approach — established a target of a minimum 10% increase in client satisfaction by 2005.

In 2002-03, the IRB had to defer the planned implementation of the first phase of this initiative due to the demands associated with the introduction of the new Act and workload pressures. Nevertheless, the organization has made progress in improving its responsiveness to client needs. For example, it has redesigned its Web site to ensure easy and timely access to materials. It has taken into account client needs in the redesign of forms. As noted earlier, it has developed plain language guides to assist parties and non-legal counsel.



## IV. ANNEXES

### Annex 1: Financial Information

#### A. Overview of Financial Information

The planned spending in the Immigration and Refugee Board (IRB) Report on Plans and Priorities (RPP) for fiscal year 2002-03 was \$123.7 million. Through Supplementary Estimates, the IRB received an additional sum of \$14.2 million, including contributions to employee benefit plans, for total authorities of \$137.9 million.<sup>31</sup> The most significant budgetary items in the Supplementary Estimates include:

- \$5.0 million in funding for workload;
- \$3.8 million to compensate for the effect of collective agreements;
- \$3.6 million in surplus carry-forward from the 2001-02 fiscal year; and
- \$1.0 million to develop a detailed project plan for implementation of the Integrated Case Management System.

Actual spending for the 2002-03 fiscal year was \$116.8 million, which is \$21.1 million less than total authorities. Unused resources are attributable mainly to a surplus in the Special Purpose Allotment account for the translation of decisions (\$18.4 million) and to fewer decision-makers than planned being appointed to the IRB.<sup>32</sup>

#### B. Financial Tables

The financial tables in this section contain summary financial data, such as the information presented in Table 1, and include three different headings. For clarification, the following are the definitions of these three headings:

- *Planned spending* — spending planned at the beginning of the fiscal year as presented in the 2002-03 Spending Budget– Report on Plans and Priorities;
- *Total authorities* — the level of spending authorized by the Government, including Supplementary Estimates in order to take into account the development of priorities, increased costs and unexpected events; and
- *Actual spending* — the amounts spent during the 2002-03 fiscal year presented in the Public Accounts.

<sup>31</sup> This amount includes the \$9.2 million for Public Safety and Anti-Terrorism (PSAT) activities.

<sup>32</sup> This includes a \$1 million surplus resulting from delays in appointing decision-makers funded through PSAT.





## Table 1 — Summary of Voted Appropriations

The following table indicates the level of spending authorized by Parliament, including the Supplementary Estimates and the other authorities.

<b>Financial Requirements by Authority (\$ millions )<sup>33</sup></b>				
<b>2002-2003</b>				
<b>Vote</b>		<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual Spending</b>
<b>Immigration and Refugee Board</b>				
15	Operating expenditures	110.4	123.6	102.5
(S)	Contributions to employee benefit plans	13.3	14.3	114.3
<b>Total Agency</b>		<b>123.7</b>	<b>137.9</b>	<b>116.8</b>

The differences between planned spending and total authorities can be explained mainly by the additional appropriations received in the fiscal year (see Overview of Financial Performance).

<sup>33</sup> Due to rounding, figures may not add to totals shown.



## Table 2 — Comparison of Total Planned to Actual Spending

The following table indicates in detail the allocation of total planned spending, the authorities (in italics) and actual spending (in boldface) for 2002-03, by business line and the nature of the spending.

Planned versus Actual Spending by Business Line (\$ millions) <sup>34</sup>							
Business Lines	FTEs	Operating	Capital	Grants & Contributions	Total Gross Expenditures	Less: Respendable Revenues	Total Net Expenditures
<b>Refugee Determination</b>							
– planned spending	785	62.6	–	–	62.6	–	62.6
– <i>total authorities</i>	–	<i>65.3</i>	–	–	<i>65.3</i>	–	<i>65.3</i>
– <b>actual spending</b>	<b>788</b>	<b>63.4</b>	–	–	<b>63.4</b>	–	<b>63.4</b>
<b>Immigration Appeals</b>							
– planned spending	70	5.5	–	–	5.5	–	5.5
– <i>total authorities</i>	–	<i>6.1</i>	–	–	<i>6.1</i>	–	<i>6.1</i>
– <b>actual spending</b>	<b>61</b>	<b>6.1</b>	–	–	<b>6.1</b>	–	<b>6.1</b>
<b>Admissibility Hearings and Detention Reviews</b>							
– planned spending	55	4.8	–	–	4.8	–	4.8
– <i>total authorities</i>	–	<i>5.3</i>	–	–	<i>5.3</i>	–	<i>5.3</i>
– <b>actual spending</b>	<b>52</b>	<b>4.7</b>	–	–	<b>4.7</b>	–	<b>4.7</b>
<b>Corporate Management and Services</b>							
– planned spending	253	50.7	–	–	50.7	–	50.7
– <i>total authorities</i>	–	<i>61.2</i>	–	–	<i>61.2</i>	–	<i>61.2</i>
– <b>actual spending</b>	<b>265</b>	<b>42.6</b>	–	–	<b>42.6</b>	–	<b>42.6</b>
<b>Total</b>							
– planned spending	1,163	123.7	–	–	123.7	–	123.7
– <i>total authorities</i>	–	<i>137.9</i>	–	–	<i>137.9</i>	–	<i>137.9</i>
– <b>actual spending</b>	<b>1,166</b>	<b>116.8</b>	–	–	<b>116.8</b>	–	<b>116.8</b>
<b>Other Revenues and Expenditures</b>							
<b>Non-respendable Revenues</b>							
– planned spending							–
– <i>total authorities</i>							–
– actual spending							–
<b>Cost of Services provided by other Departments</b>							
– planned spending							15.4
– <i>total authorities</i>							–
– <b>actual spending</b>							<b>16.9</b>
<b>Net Cost of the Program</b>							
– planned spending							–
– <i>total authorities</i>							139.1
– <b>actual spending</b>							<b>133.7</b>

The differences between planned spending and total authorities by business lines can be explained mainly by the additional appropriations received in the fiscal year (see Overview of Financial Performance).



<sup>34</sup> Due to rounding, figures may not add to totals shown.

### Table 3 — Historical Comparison of Total Planned to Actual Spending

The table below gives a historical overview of spending by business line. It also includes a comparison between total planned spending for 2002-03 and actual spending in the Public Accounts.

Historical Comparison of Planned versus Actual Spending by Business Line (\$ millions) <sup>35</sup>					
Business Lines	Actual Spending 2000-01	Actual Spending 2001-02	2002-2003		
			Planned Spending	Total Authorities	Actual Spending
Refugee Determination	52.7	55.4	62.6	65.3	63.4
Immigration Appeals	5.4	5.2	5.5	6.1	6.1
Admissibility Hearings and Detention Reviews	4.3	4.2	4.8	5.3	4.7
Corporate Management and Services	35.7	39.7	50.7	61.2	42.6
<b>Total</b>	<b>98.1</b>	<b>104.5</b>	<b>123.7</b>	<b>137.9</b>	<b>116.8</b>

### Table 4 — Contingent Liabilities

Contingent Liabilities (\$ millions)			
	Amount of Contingent Liabilities		
	March 31, 2001	March 31, 2002	Current as of March 31, 2003
<b>Claims, Pending and Threatened Litigation</b>	9.3	22.6	6.8
<b>Total</b>	<b>9.3</b>	<b>22.6</b>	<b>6.8</b>

<sup>35</sup> Due to rounding, figures may not add to totals shown.



## Annex 2: Organizational Description and IRB Governance

### Organizational Description

Created by an Act of Parliament in 1989, the IRB is the largest Canadian organization performing quasi-judicial functions. Its mandate is contained in Part 4 of the new *Immigration and Refugee Protection Act*.

The IRB's mandate is to:

- render decisions on claims for refugee protection made in Canada;
- decide appeals from refusals of family class sponsorship cases, certain removal orders and residency obligation decisions, and decide appeals by the Minister from decisions made in admissibility hearings;
- conduct admissibility hearings to determine whether a person may enter or remain in Canada, and review reasons for detention for individuals who are detained by CIC for immigration reasons;

The IRB has four business lines or areas of activity:

- Refugee Determination;
- Immigration Appeals;
- Admissibility Hearings and Detention Reviews,<sup>36</sup> and

- Corporate Management and Services, which supports the above three business lines.

The first three business lines encompass all the decision-making functions of the IRB, including related activities such as case preparation and research, scheduling of hearings, technological support, foreign language interpretation, as well as clerical, administrative and secretarial support.

The fourth business line, Corporate Management and Services, supports the IRB in making decisions through a range of activities including developing case management processes, policy and planning processes, country-of-origin research, legal services, translation services, human resource management, financial services and administration, risk-based monitoring and evaluation, professional development, communications and management of information technology.

### **Refugee Determination**

The Refugee Determination business line involves rendering decisions on refugee protection claims made by persons in Canada. Under the new legislation, decisions are made not only on whether a person has a well-founded fear of

<sup>36</sup> The current name of this business line, *Inquiries and Detention Reviews*, reflects the terminology of the previous Act. In the upcoming year the IRB plans to propose to the Treasury Board Secretariat changing the name of this business line to *Admissibility Hearings and Detention Reviews*, in line with the terminology of IRPA.



persecution by reason of race, religion, nationality, membership in a particular social group or political opinion (as was the case under the former Act), but also on whether a person faces a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment if returned. In this manner, Canada fulfils its obligations as a signatory to the *1951 United Nations Convention Relating to the Status of Refugees*, the *1967 Protocol Relating to the Status of Refugees* and the *1984 United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*.

This business line had actual spending in 2002-03 of \$63.4 million and employed 788 full-time equivalents (FTEs).

### ***Immigration Appeals***

The Immigration Appeals business line makes available a quasi-judicial tribunal that hears and decides the appeals of the following:

- Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused;
- permanent residents, protected persons and holders of permanent resident visas, who have been ordered removed from Canada;
- permanent residents determined outside of Canada by an officer of CIC not to have fulfilled their residency obligation; and

- the Minister who may appeal a decision made by the Immigration tribunal at an admissibility hearing.

This business line had actual spending in 2002-03 of \$6.1 million and employed 61 FTEs.

### ***Admissibility Hearings and Detention Reviews***<sup>37</sup>

The Admissibility Hearings and Detention Reviews business line involves conducting:

- admissibility hearings involving people alleged to be inadmissible to Canada; and
- detention reviews for people detained for immigration reasons.

This business line helps ensure the safety of Canadian society in the following ways:

- by conducting admissibility hearings for people who are seeking entry into Canada, or who are already in Canada and are considered to be inadmissible; and
- by conducting detention reviews for persons who have been detained during the examination, admissibility hearings or removal process.

This business line had actual spending in 2002-03 of \$4.7 million and employed 52 FTEs.

<sup>37</sup> The current name of this business line, *Inquiries and Detention Reviews*, reflects the terminology of the previous Act. In the upcoming year the IRB plans to propose to the Treasury Board Secretariat changing the name of this business line to *Admissibility Hearings and Detention Reviews*, in line with the terminology of IRPA.



### ***Corporate Management and Services***

The Corporate Management and Services business line, which supports the other three business lines, has the following responsibilities:

- to support the IRB in making decisions;
- to improve the IRB's ability to render timely, fair, consistent and sound decisions;
- to provide the IRB with efficient management processes and administrative services;
- to promote organizational effectiveness; and
- to help the IRB adapt to its changing environment.

In fulfilling these responsibilities, this business line:

- coordinates the IRB's policy and planning processes;
- develops case management processes to support decision-making;
- provides administrative, financial and human resources services, including services in the areas of improved management practices, information management, information technology, health and safety, accommodation, procurement, official languages, internal audit and program evaluation
- manages the information technology infrastructure to support decision-making and performance measurement; and
- manages the IRB's internal and external communications.

Also included are services that directly support the day-to-day operations of the decision-making activities, including case management systems, legal services, country-of-origin research and translation services. Corporate Management and Services also supports government-wide initiatives, including the Human Resource Modernisation Project, the Service Improvement Initiative, the Modern Comptrollership Initiative and the Government On-Line Initiative.

This business line had actual spending in 2002-03 of \$42.6 million and employed 265 FTEs.

### **IRB Governance**

The Chairperson is the IRB's Chief Executive Officer and spokesperson. The Chairperson provides overall leadership and direction to the tribunals. He is responsible for creating and promoting a vision of the IRB that unifies all IRB personnel around the common purpose of making timely and just decisions on immigration and refugee matters. In addition to the broad responsibility for the management of Governor in Council appointees, the Chairperson has a number of statutory powers at his disposal to provide assistance to decision-makers in order to enhance the consistency, quality and efficiency of decision-making. The Chairperson is accountable to Parliament through the Minister of Citizenship and Immigration.

The Executive Director is the IRB's Chief Operating Officer and reports to the IRB



Chairperson. As such, the Executive Director is responsible for IRB operations and the overall administration of the tribunals. The Executive Director is also responsible for approximately 1,000 public servants, including those who provide direct support to the decision-making activities.

Two Deputy Chairpersons and a Director General who are responsible for the three tribunals, report to the IRB Chairperson:

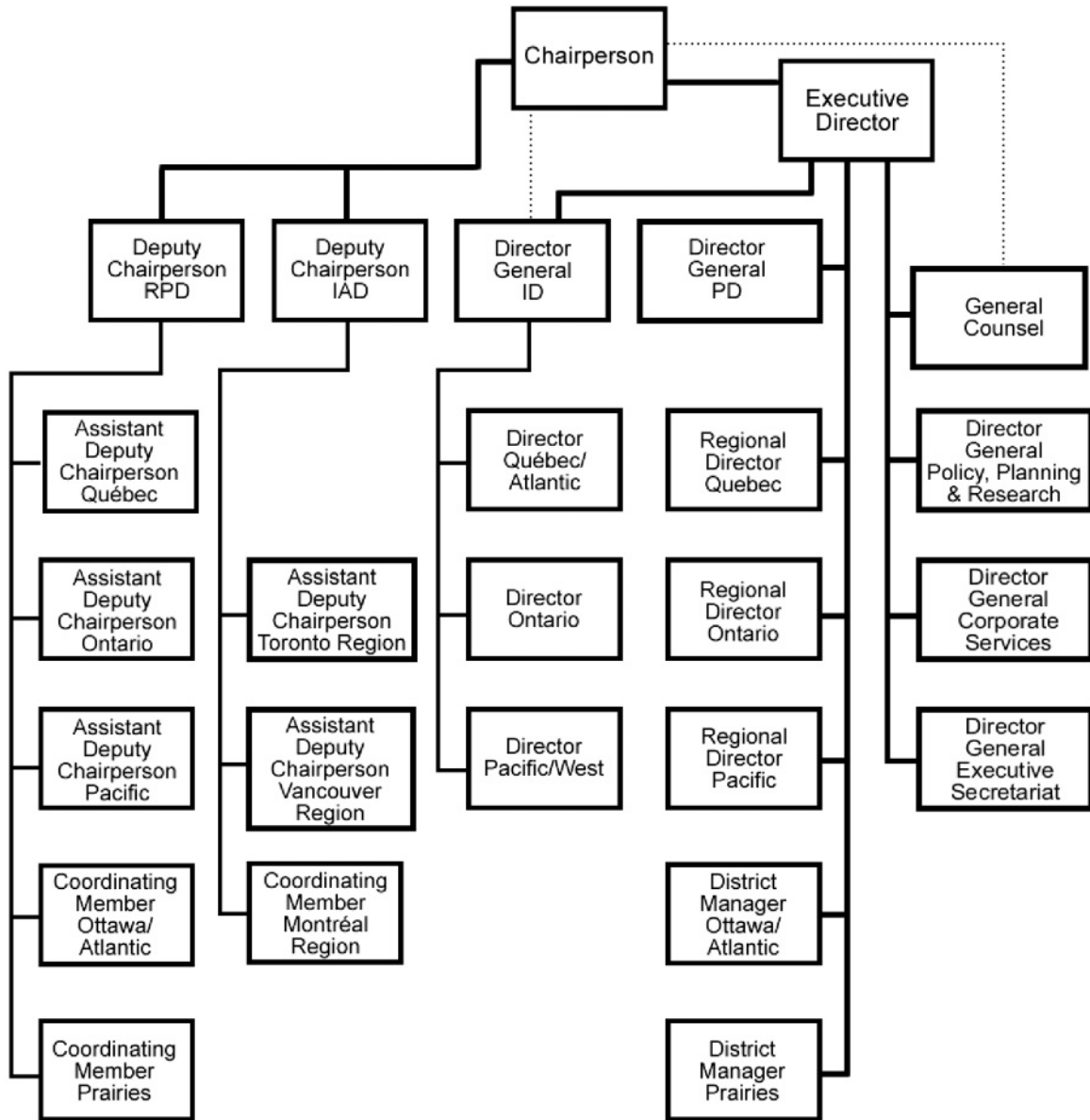
- the Deputy Chairperson of the Refugee Protection tribunal, who is appointed by the Governor in Council, has responsibility for about 190 decision-makers;

- the Deputy Chairperson of the Immigration Appeal tribunal, who is appointed by the Governor in Council, has responsibility for about 30 decision-makers; and
- the Director General of the Immigration tribunal, who is appointed under the *Public Service Employment Act*, has responsibility for about 31 decision-makers.

The IRB's head office is located in Ottawa. There are regional offices in Montréal, Toronto and Vancouver, and district offices in Ottawa and Calgary.



## Annex 3: IRB Organizational Chart



Legend

- RPD Refugee Protection Division
- IAD Immigration Appeal Division
- ID Immigration Division
- PD Professional Development





## Annex 4: Other Information

### Legislation Administered\*

*Immigration and Refugee Protection Act  
(S.C. 2001, c. 27, as amended)*

*Immigration and Refugee Protection  
Regulations (SOR/2002-227, as amended)*

*Refugee Protection Division Rules  
(SOR/2002-228)*

*Immigration Division Rules  
(SOR/2002-229)*

*Immigration Appeal Division Rules  
(SOR/2002-230)*

*Oath or Solemn Affirmation of Office  
Rules (Immigration and Refugee Board)  
(SOR/2002-231)*

\* Came into force on June 28, 2002.

### Legislation Formerly Administered\*\*

*Immigration Act  
(R.S.C. 1985, c. I-2, as amended)*

*Convention Refugee Determination  
Division Rules (SOR/93-45)*

*Immigration Appeal Division Rules  
(SOR/93-46, as amended)*

*Adjudication Division Rules (SOR/93-47)*

### Further Information

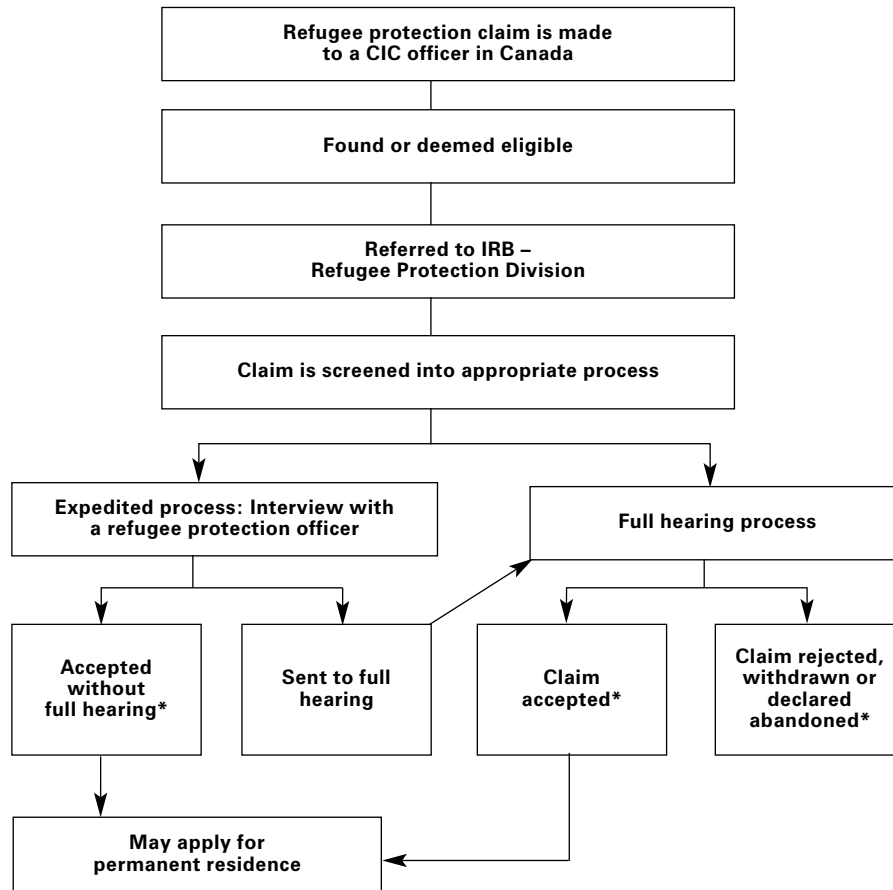
For further information on the IRB, visit the IRB Web site at <http://www.irb.gc.ca/> or contact the Communications Division at (613) 947-0803.

\*\* Was in force before June 28, 2002.



## Annex 5: IRB Processes

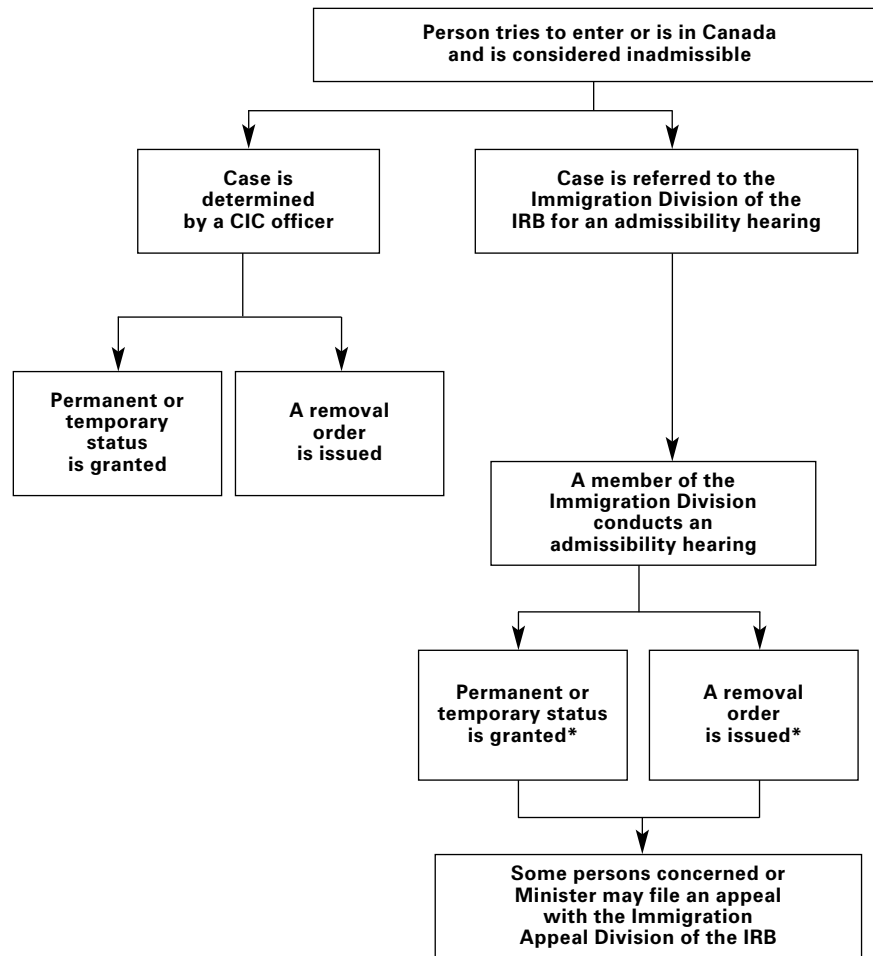
### Process for Making a Claim for Refugee Protection



\* The claimant or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Refugee Protection Division.



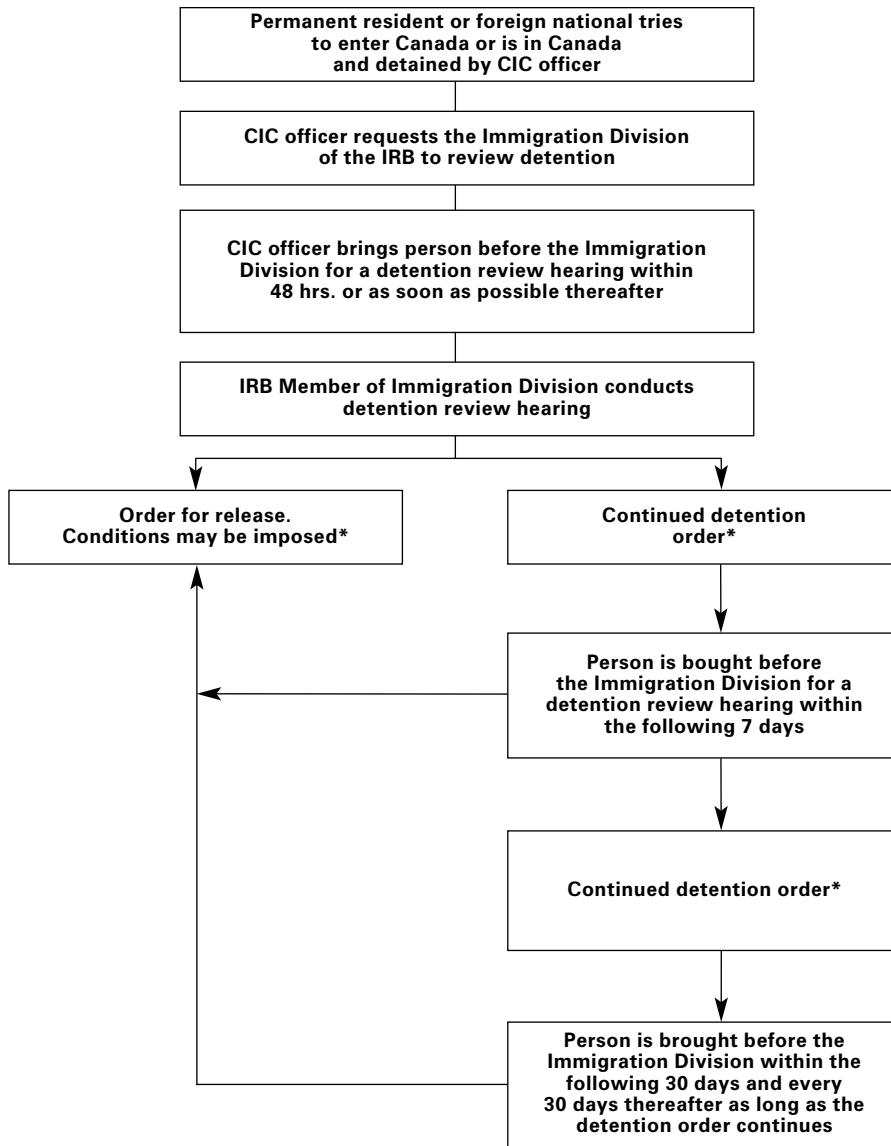
## Admissibility Hearing Process



\* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Division.



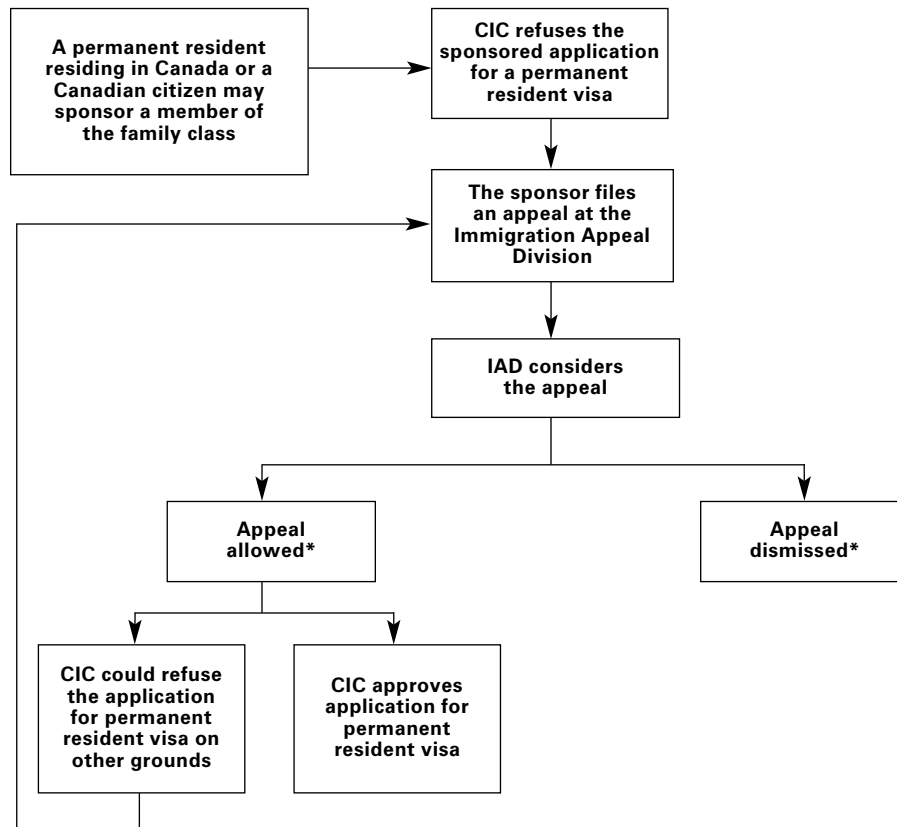
## Detention Review Process



\* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision rendered at a detention review hearing.



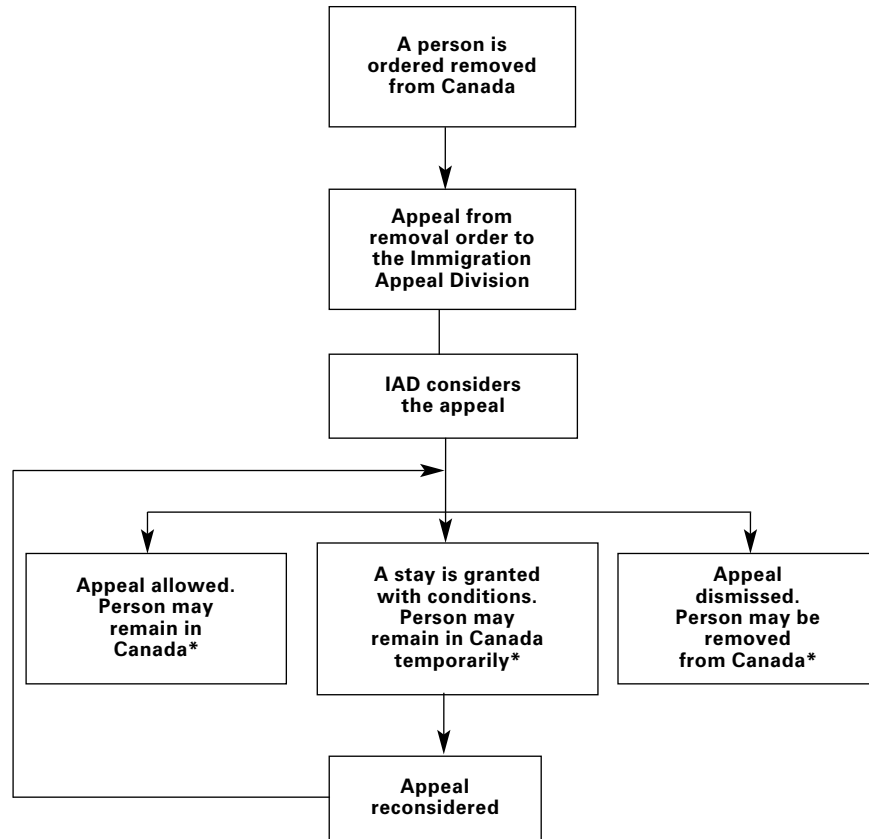
## Sponsorship Appeal Process



\* The sponsor or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Appeal Division.



## Removal Order Appeal Process



\* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Appeal Division.

