



IRB NEWS

RPD Fast-Track Policy – How It Works In Practice

On March 14, 2005, the IRB launched the [Fast-Track Policy](#) (the Policy), a case management strategy to give priority processing to simple refugee protection claims. The Policy is based on the principle that processing and preparation times should be proportionate to the relative complexity of the claim. The objective is better case management; there is no presumption of outcome. The goal of the policy is to finalize simple claims before the Refugee Protection Division (RPD) within 10 to 12 weeks of referral. The application of the Policy is guided by additional RPD documents, Chairperson's Guidelines 6 and 7 and the *Instructions Governing The Management of Refugee Protection Claims Awaiting Front-End Security Screening*.

Now that the first Fast-Track claims have been heard, and with more scheduled in the near future, the IRB would like to remind counsel of key practices that will help support the RPD and counsel of their obligations under the Policy.

1. Scheduling Time Frames

Proceedings are scheduled shortly after claim referral or receipt of the Personal Information Form (PIF), depending on the nature of the claim. The RPD schedules Fast-Track cases in accordance with [Chairperson's Guideline 6 - Scheduling and Changing the Date or Time of a Proceeding in the Refugee Protection Division](#). The RPD tries to accommodate counsel's calendar in setting a date, if counsel has been identified to the IRB, but these attempts cannot interfere with the RPD's ability to schedule efficiently under the Policy and Guideline 6. To avoid scheduling disappointments, counsel should notify the IRB immediately upon becoming a claimant's representative.

2. Postponements

Unless counsel demonstrates that exceptional circumstances exist, the IRB will not postpone a Fast-Track proceeding merely because it was scheduled quickly under the Policy. Counsel may make an application to change the date and time of a case in accordance with Rule 48 and Guideline 6. If the application is granted, counsel can expect the claim to be rescheduled for a date no later than two weeks from the originally scheduled date. This time frame is consistent with the scheduling principles of the Policy and the need to deal with simple claims expeditiously.

3. Security Screening

Fast-Track cases are subject to the requirements of front-end security screening as set out in the Chairperson's [Instructions Governing The Management of Refugee Protection Claims Awaiting Front-End Security Screening](#).

Fast-Track cases awaiting completion of security screening are postponed by the RPD one week prior to the scheduled date, as opposed to the standard four weeks for non Fast-Track claims. New dates are set for two to three months after the original scheduled date.

4. Counsel Preparation

Since the processing time for Fast-Track claims reflects the fact that these are relatively simple claims, counsel are reminded to make the best use of preparation and hearing time. Counsel are asked to submit the PIF and evidentiary documents as quickly as possible and in accordance with the [RPD Rules](#). Counsel should be aware that the Policy combines the traditional no-PIF abandonment (PABA) hearing with a short hearing or expedited interview for Fast-Track cases streamed by country. It does this through the introduction of a hybrid notice to appear, which allows for a hearing or interview to be converted to a PABA hearing if the PIF is late or incomplete.

5. RPD Preparation

The RPD will make an early, preliminary identification of issues and disclose only the most relevant documents. In this regard, the expected practices set out in [Chairperson's Guideline 7 - Concerning Preparation and Conduct of a Hearing in the Refugee Protection Division](#) apply equally to Fast-Track cases.

Together, all of the above practices allow for Fast-Track claims to proceed in compliance with the Board's mandate: to decide cases simply, quickly and fairly.

Report on Videoconferencing and IRB Response to the Report

The Immigration and Refugee Board (IRB) has been conducting hearings via videoconference for many years. It is a means that allows cases to be heard more quickly and provides for greater efficiency, while adhering to essential standards of fairness.

In the spring of 2004, the IRB decided that it was time for a critical review of the use of videoconferencing in the Refugee Protection Division. It commissioned a recognized expert in the field of administrative law, Mr. S. Ron Ellis, to undertake such a review and to report on his findings. The report and the IRB response are available in their entirety at: http://www.irb-cisr.gc.ca/en/about/transparency/reviews/video/index_e.htm

The report makes a number of recommendations to improve videoconferencing; the IRB will begin implementing many of these recommendations in the near future. For example, some of the report's findings focus on the use of videoconferencing in cases involving vulnerable claimants. The IRB currently assesses such cases in order to determine whether the claims are suitable to be heard by videoconference. Since 2004, 260 files scheduled for videoconferencing in other offices

have been transferred back to Toronto—in many of these files, the claimant's vulnerability was considered. Furthermore, the IRB is currently developing the Chairperson's Guidelines on Vulnerable Claimants to provide clearer direction for such claims. These Guidelines will also assist the IRB in its practice of determining which cases are suitable for hearings via videoconferencing and which cases are not suitable.

In addition, the IRB will address other challenges associated with videoconferencing, including the location of the interpreter, the use of zoom technology and the arrangements for reception at both ends of the videoconference. Again, we invite you to read the specific response given by the IRB at the Internet address provided above.

The IRB has considered the study's findings, as well as other information available on the use of videoconferencing, and it is satisfied that it is appropriate to continue using this process for the right cases. Mr. Ellis' report is of great help to the IRB in terms of improving the quality of the videoconferencing process.

This year, approximately 1000 refugee claims will be transferred from Toronto to other IRB offices and be heard by videoconference. This represents a significant decrease in the number of claims transferred in previous years. This approach enables the IRB to continue to match pending cases to available resources across Canada, while ensuring that all individuals are treated fairly and that the quality of decisions is maintained.

The measures the IRB is taking in response to the report will ensure that it continues to render decisions that are guided by the highest standards of fairness in all cases.
