



Immigration and Refugee Board

Performance Report

For the period ending
March 31, 1999

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

©Minister of Public Works and Government Services Canada — 1999

Available in Canada through your local bookseller or by mail from

Canadian Government Publishing — PWGSC

Ottawa, Canada K1A 0S9

Catalogue No. BT31-4/5-1999

ISBN 0-660-61017-5



Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 82 Departmental Performance Reports and the government's report *Managing for Results - Volumes 1 and 2*.

This *Departmental Performance Report*, covering the period ending March 31, 1999, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's pilot *Report on Plans and Priorities* for 1998-99. The key result commitments for all departments and agencies are also included in Volume 2 of *Managing for Results*.

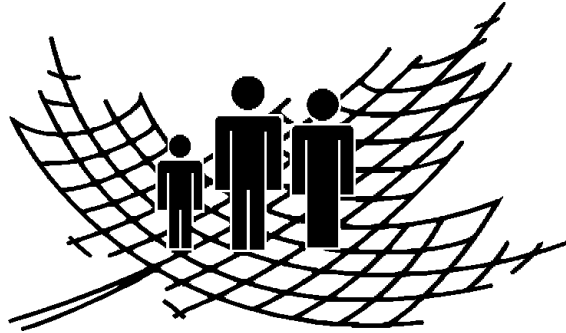
Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
<http://www.tbs-sct.gc.ca/tb/key.html>

Comments or questions can be directed to the TBS Internet site or to:

Planning, Performance and Reporting Sector
Treasury Board Secretariat
L'Esplanade Laurier
Ottawa, Ontario, Canada
K1A 0R5
Tel: (613) 957-7042
Fax (613) 957-7044



Immigration and Refugee Board

Performance Report

**For the
period ending
March 31, 1999**

Elinor Caplan
Minister of Citizenship and Immigration

Table of Contents

| | | |
|-------------------|--|----|
| Section 1: | Chairperson’s Message | 4 |
| Section 2: | Overview | |
| | Mandate, Mission, Vision, and Values | 6 |
| | Operating Environment | 7 |
| | Organization | 8 |
| Section 3: | Departmental Performance | |
| | Performance Accomplishments by Business Line | 12 |
| | Refugee Determination | 13 |
| | Immigration Appeals | 18 |
| | Inquiries and Detention Reviews | 22 |
| | Organization-Wide Performance Accomplishments..... | 25 |
| Section 4: | Consolidating Reporting | 32 |
| Section 5: | Financial Performance | |
| | Financial Performance..... | 33 |
| | Financial Tables | 34 |
| Section 6: | Other Information | |
| | Further Information & IRB Website..... | 39 |
| | Legislation & Associated Regulations Administered..... | 40 |
| | Other Departmental Reports..... | 41 |
| Appendix A: | IRB Processes | 42 |
| | Keywords Index..... | 46 |

List of Tables and Figures

Figure 1: Organizational Chart10

Refugee Determination

Figure 2: Number of Claims Finalized..... 14

Figure 3: Size of the Pending Inventory 14

Figure 4: Cost per Claim..... 15

Figure 5: Months from Referral to Finalization 15

Figure 6: Percentage of Decisions Set Aside by the Federal Court 16

Immigration Appeals

Figure 7: Number of Appeals Finalized..... 19

Figure 8: Size of the Pending Inventory 19

Figure 9: Cost per Appeal..... 20

Figure 10: Months from Receipt of Record to Finalization 20

Figure 11: Percentage of Decisions Set Aside by the Federal Court 21

Inquiries and Detention Reviews

Figure 12: Number of Inquiries and Detention Reviews 23

Figure 13: Cost Per Case 24

Financial Tables

Financial Table 1: Financial Requirements by Authority..... 34

Financial Table 2: Planned versus Actual Spending by Business Line/1998-99. 35

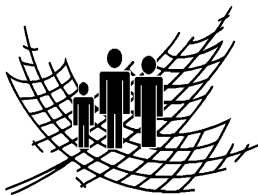
Financial Table 3: Historical Comparison of Planned versus Actual
Spending by Business Line 36

Financial Table 5: Comparison of 1998-99 Planned Spending, and Total
Authorities to Actual Expenditures by Organization and
Business Line.....37

Financial Table 15: Contingent Liabilities..... 38

Chart of Key Results Commitments

| Key Results Commitments | | |
|---|--|--|
| <i>to provide Canadians with:</i> | <i>to be demonstrated by:</i> | <i>achievement reported in:</i> |
| well-reasoned, timely decisions on immigration and refugee matters in accordance with the law | <ul style="list-style-type: none"> • the number of cases finalized by each Division • the age and size of inventory • cost per case • processing times • the number of decisions set aside by the Federal Court • a consistent approach to decision-making | Section 3, page 12 |
| a leading-edge administrative tribunal | <ul style="list-style-type: none"> • innovative and optimal use of technology • case management process initiatives • professional development • recognition from individuals and organizations, both international and domestic | Section 3, page 25 |
| a creative partner in the Canadian immigration system | <ul style="list-style-type: none"> • an integrated approach to portfolio management • responsiveness to emerging issues • effective relationships with clients and stakeholders (other administrative tribunals and non-governmental organizations) | Section 3, page 28 |



1

CHAIRPERSON'S MESSAGE

I am pleased to submit to Parliament the 1998-99 Performance Report for the Immigration and Refugee Board of Canada (IRB).

The work accomplished by the IRB is at the heart of Canada's international contribution to refugee and immigration matters. It deals with some of the most pressing humanitarian issues of our time. Over the past year, the Board's three divisions - the Convention Refugee Determination Division, the Immigration Appeal Division, and the Adjudication Division - rendered more than 46,000 decisions. While large in number, each of these decisions had a direct bearing on the life, liberty and security of individuals, as well as the public interest of Canada.

During the past twelve months, the IRB consolidated the significant performance gains it made in the previous year, and took steps to enhance the quality and consistency of its decision-making.

In his report of December 1997 on the processing of refugee claims, the Auditor General of Canada expressed concern over a backlog of cases and lengthy processing times. During 1998-99, the Refugee Division finalized 30,000 claims and reduced the pending inventory of claims by 5,000. Over the same period, the average case processing time was reduced to 11.8 months from more than 13 months the previous year. Given this significant reduction in the size of the pending inventory of claims and ongoing measures to improve the efficiency of claims processing, the Board expects that the average case processing time will continue to decrease. In short, the Board is on track to meeting its commitment to Parliament to reach an average case processing time of eight months by the end of this fiscal year.

The Appeal Division has also introduced numerous measures to improve the efficiency of case processing. The Board committed to reducing the time for processing appeals from almost 12 months in 1997-98 to nine months by the end of 1999-2000. This goal was achieved in 1998-99, one year earlier than expected.

In 1998-99, the IRB continued to develop innovative practices in fulfilling its mission as a leading edge administrative tribunal. During the past year, for example, the Board's pilot project on Alternative Dispute Resolution demonstrated success in resolving sponsorship appeals through negotiation and mediation, thereby avoiding the expense and delay of a formal hearing. Processing times were reduced by half, and there was a high level of satisfaction among users of this innovative approach.

In addition to refining the utilization of oral decisions and videoconferencing, the Board launched the development of a Quality Service Initiative in consultation with employees across the country. It is developing a lead case policy to facilitate the efficient, in-depth examination of recurring issues in cases. It instituted a National Learning Framework for all employees to promote an integrated and co-ordinated learning environment.

The IRB is also developing *Guidelines on Section 70 Removal Order Appeals* that will be issued later this fall. This is the first set of Guidelines for the Appeal Division. The Guidelines will assist Board members in the exercise of their discretion with respect to appeals from removal orders.

In 1998-99, the Board continued to be an active participant in portfolio management with the Department of Citizenship and Immigration. This has contributed to better co-ordination within the immigration program. In the area of legislative review, the Board is continuing to provide the Department with information and practical advice on the specific policies and legislation that would impact on the operations of the IRB. In addition, the IRB is continuing to strengthen its relations with its stakeholders with a view to seeking their input on the policies, practices and procedures of the Board.

This year marks the tenth anniversary of the Immigration and Refugee Board. In its first decade of service to Canadians, the IRB has matured as an organization, and has made significant progress in fulfilling its mission as a leading-edge administrative tribunal. Over the coming year, our goal is to maintain our productivity gains while continuing to improve the quality and consistency of our decision making.

Nurjehan Mawani, Chairperson

2

OVERVIEW

Mandate, Mission, Vision, and Values

2.1

Mandate

The Immigration and Refugee Board's mandate is contained in Part IV of the *Immigration Act*. This Act provides a refugee determination process in order to protect Convention refugees (Canada is a signatory of the *1951 United Nations Convention Relating to the Status of Refugees* and the *1967 Protocol to the Convention*). The Board's mandate includes its role as an independent appeal tribunal for appeals from sponsorship refusals and from deportation orders. The Board also adjudicates immigration inquiries and detention reviews.

Mission

The IRB's mission, on behalf of Canadians, is:

to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly and in accordance with the law.

Vision

The IRB's vision statement is:

We will excel in everything we do and will deal simply, quickly and fairly with everyone. Through innovation, we will be a leading-edge administrative tribunal and a creative partner in building the future of the Canadian immigration system.

Values

The IRB is committed to:

- Excellence in delivery
- Valuing people
- Open, honest, timely communication
- Relevant, responsive and accountable management
- Working together effectively

Operating Environment

- 2.2 **Position in Government:** The Board is an independent tribunal and reports to Parliament through the Minister of Citizenship and Immigration. The Board's activities support the government-wide mission to build a stronger Canada by providing Canadians with a system for rendering decisions on immigration and refugee matters that is both fair and efficient.
- 2.3 **Partners:** As an integral part of the immigration program, the Board works with its partners to shape the future of the immigration system on policy and procedural matters related to its functions. The Board has developed a strong partnership with the Department of Citizenship and Immigration Canada (CIC) in managing the immigration portfolio. While both organizations have distinct roles, there are shared responsibilities and many purposes complement each other. Other partners include other federal agencies and departments, provincial governments, the various Bar associations, and non-governmental organizations.
- 2.4 **Objectives:** The Board's objective is to meet Canada's immigration and refugee related obligations as defined in the *Immigration Act* and as a signatory to the *1951 United Nations Convention Relating to the Status of Refugees* and the *1967 Protocol to the Convention*. It does this by:
- determining claims to Convention refugee status made by persons within Canada;
 - hearing appeals of certain persons who have been denied admission to or have been ordered removed from Canada;
 - hearing appeals from Canadian citizens and permanent residents whose family members have been refused permanent resident status in Canada;
 - hearing appeals from the Minister;
 - conducting inquiries involving persons alleged to be inadmissible to or removable from Canada; and
 - conducting detention reviews for persons detained for immigration reasons.
- 2.5 **Priorities:** The Board had three main priorities for the reporting period. They were:
- to improve the processing time for cases and reduce the number of claims in the pending inventory;
 - to strengthen the case management process; and
 - to consolidate the enhancements made to the refugee status determination process since 1995.

For 1999-2000, the above priorities remain, as the IRB continues to improve its performance in these areas. In addition, the IRB is placing priority on improving quality and consistency in decision-making.

- 2.6 **Challenges:** In responding to these priorities, the IRB has to face external challenges which include the following:
- A variable and unpredictable caseload driven by factors outside the IRB control;
 - Heightened public concern with abuse of the inland refugee determination system by individuals who may use it as a means to circumvent Canada's immigration policies; and
 - Potential changes to the immigration and refugee legislation which could affect the Board's mandate and operations.

Organization

- 2.7 The Chairperson is the Board's chief executive officer and reports to Parliament through the Minister of Citizenship and Immigration. The Executive Director, who reports to the Chairperson, is responsible for the administration of the Board and functions as the Board's chief operating officer.
- 2.8 The IRB's head office is situated in the National Capital Region. There are regional offices in Montréal, Toronto and Vancouver, and there are district offices in Calgary and Ottawa. To enable the Board to ensure the provision of service throughout Canada, cases may be heard on an itinerant basis or by videoconferencing in other locations.
- 2.9 The Immigration and Refugee Board is composed of three divisions: the **Convention Refugee Determination Division** (Refugee Division), the **Immigration Appeal Division** (Appeal Division), and the **Adjudication Division**.
- The **Refugee Division** deals with the determination of claims to refugee status made within Canada. It is also responsible for the vacation of refugee status where it is established that status was obtained by fraud, and for cessation where a refugee has resumed the protection of his/her country of nationality. Members of the Refugee Division are appointed by the Governor in Council. They report to the Deputy Chairperson (also appointed by Governor in Council) within the division.
 - The **Appeal Division** hears appeals against deportation orders and refusal of sponsored applications for permanent residence. The members of the Division are also appointed by the Governor in

Council and report to the Deputy Chairperson (appointed by Governor in Council) within the division.

- The **Adjudication Division** is responsible for immigration inquiries and detention reviews. Immigration inquiries are conducted for certain categories of people believed to be inadmissible or removable from Canada. Adjudicators also conduct detention reviews on persons who are the subject of an inquiry, removal order or deportation order, and who are detained.

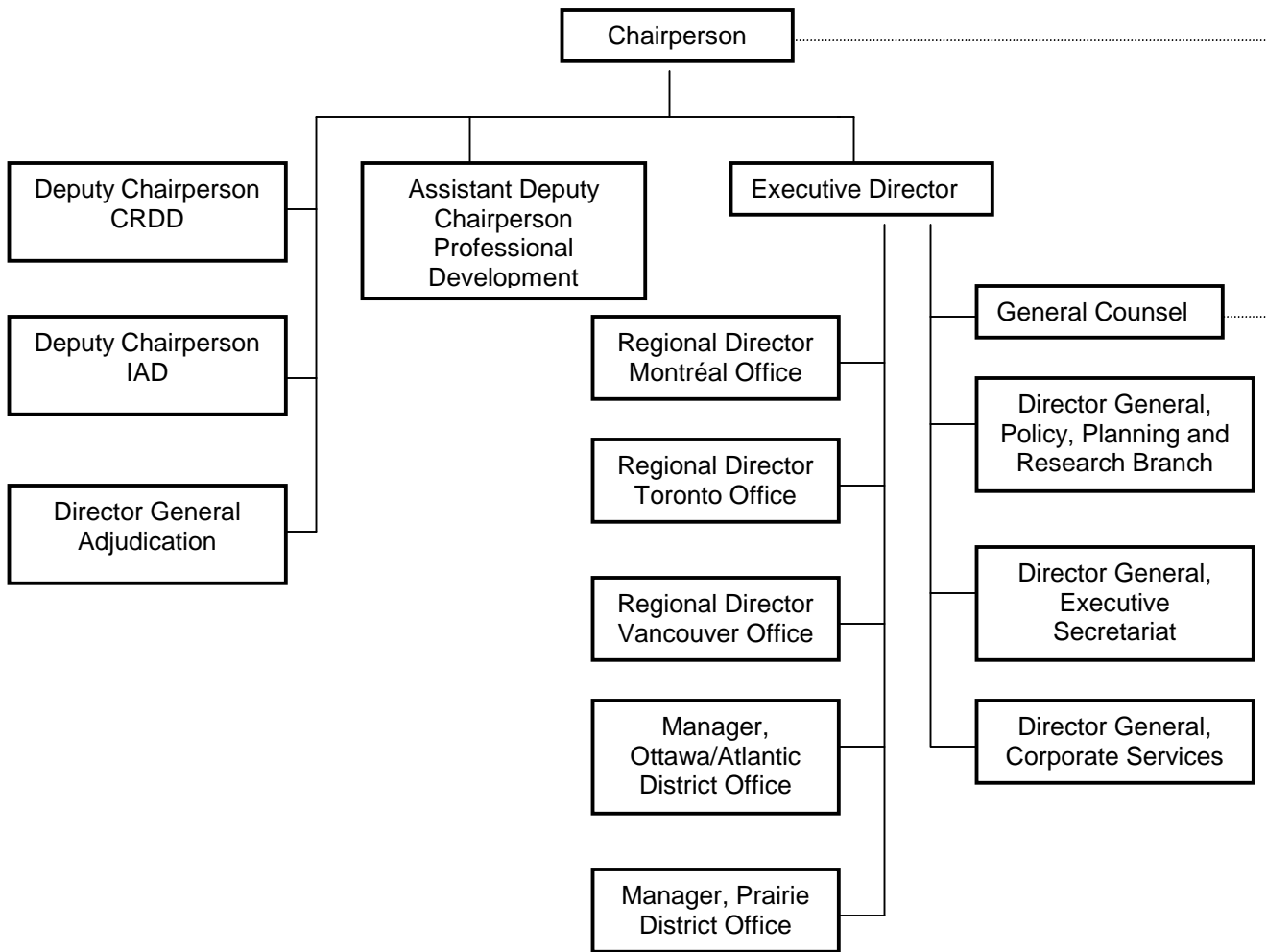
2.10 The head of each division reports directly to the Chairperson. All three divisions are supported by staff who report through directors general and directors to the Executive Director. In addition, one member of the Board is designated as the Assistant Deputy Chairperson responsible for professional development and reports directly to the Chairperson.

2.11 **Business Line Structure**

Treasury Board approved a Planning, Reporting and Accountability Structure (PRAS) effective April 1, 1998 dividing the Board's program into four business lines:

- Refugee Determination
- Immigration Appeals
- Inquiries and Detention Reviews
- Corporate Management and Services

Figure 1 - Organizational Chart



3

Departmental Performance

- 3.1 In the *1998-99 Report on Plans and Priorities* (RPP), the Immigration and Refugee Board committed to provide Canadians with a tribunal rendering quality decisions in a timely manner and at a lower cost, an increased number of cases finalized and a reduced inventory of pending cases. The IRB also committed to:
- negotiate, under the portfolio management approach, sub-agreements with CIC;
 - participate actively in the legislative review process;
 - pursue effective relationships with stakeholders;
 - make optimal use of technology;
 - continue the efforts towards compliance with year 2000; and
 - establish oral decisions as the norm.
- 3.2 Over the course of fiscal year 1998-99, the IRB was able to meet and, in some cases, exceed its commitments to Parliament and Canadians. The Board has continued to demonstrate gains in its performance while maintaining the high quality of its decisions.
- 3.3 In addition to assessing the IRB accomplishments against commitments made in the last RPP, its performance should be interpreted generally in terms of the contributions made to the immigration and refugee program, as a whole. For example, more efficient processing of refugee claims benefits both claimants and the Canadian public, by providing for a less costly process and a quicker determination for claimants.

Performance Accomplishments by Business Line

RESULT: Well reasoned, timely decisions on immigration and refugee matters in accordance with the law

- 3.4 This section outlines 1998-99 performance accomplishments by Divisions (Refugee Determination, Immigration Appeals, and Inquiries and Detention Reviews). Several performance measures are used to report on the results achieved, including: the number of cases finalized, processing times, cost per case, the age and size of the inventory and the number of decisions set aside by the Federal Court.
- 3.5 The IRB demonstrated its ongoing commitment to quality, fairness and consistency. The Board has put into place resources and systems for crucial areas, such as corporate and program management, performance appraisal, client services, and government-wide initiatives.

REFUGEE DETERMINATION

Refugee Determination (millions of dollars)

| | |
|--------------------------|---------------|
| Planned Spending | \$40.8 |
| <i>Total Authorities</i> | <i>\$44.8</i> |
| 1998-99 Actuals | \$47.8 |

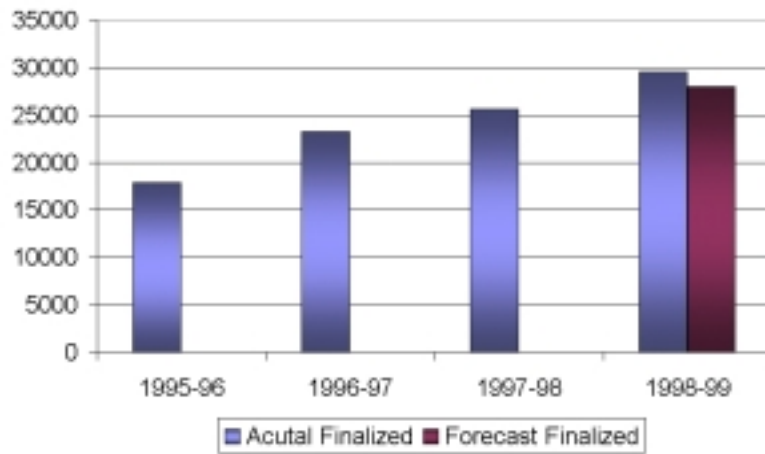
*For the explanation of the variance between planned and actual spending see Financial Table 2.

3.6 The objective of the Refugee Determination business line is to render quality decisions on claims for Convention refugee status made by persons in Canada in a timely manner. To meet this objective and the recommendations made by the Auditor General of Canada, the Refugee Division continues to develop a number of case management initiatives which have improved productivity without compromising the quality of the decisions (see p. 26 for details).

Claims finalized

3.7 In 1998-99, the Refugee Division finalized about 30,000 claims, which is more than the number forecast. This figure represents an increase of almost 20% over 1997-98. This improved performance is due to increases in the number of members available to make decisions as well as to productivity gains in the average number of decisions made by each member.

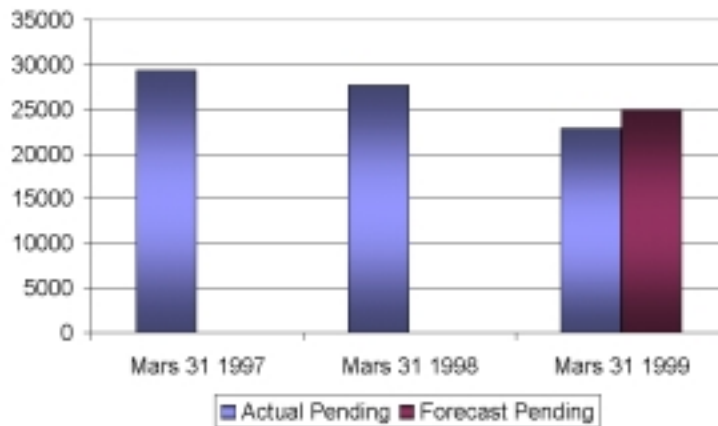
Figure 2 - Number of Claims Finalized



Size of the pending inventory

3.8 In 1998-99, the Refugee Division continued to reduce the inventory of pending claims (21,926 as of June 30, 1999). The Division finalized 20% more cases than it received and was, consequently, able to reduce the pending inventory by 5,000 claims.

Figure 3 - Size of Pending Inventory



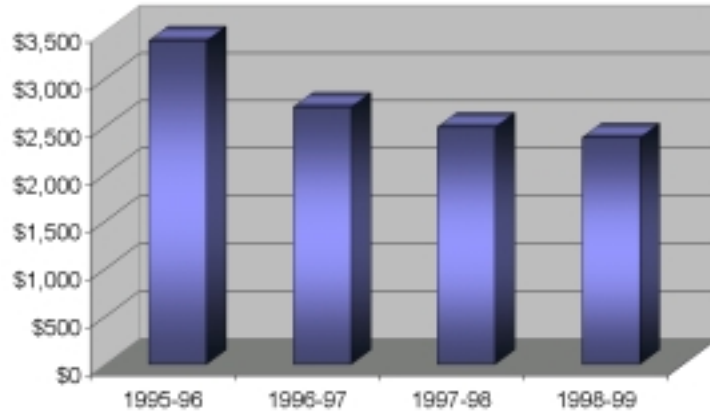
Age of the pending Inventory

3.9 The pending inventory of claims not only continued to decrease in 1998-99, it is now composed of more recent cases, as older claims continue to be completed and removed from the inventory. The proportion of claims that had been with the Refugee Division for less than 12 months rose from 65% of all outstanding claims at the beginning of 1998-99 to 79% by the end of the year.

Cost per claim

3.10 For the fourth consecutive year, the cost per claim finalized decreased; between 1997-98 and 1998-99, the average cost per claim dropped by over 4%, from \$2,489 to \$2,377. This decrease is a reflection of the higher productivity achieved by the Refugee Division again in 1998-99.

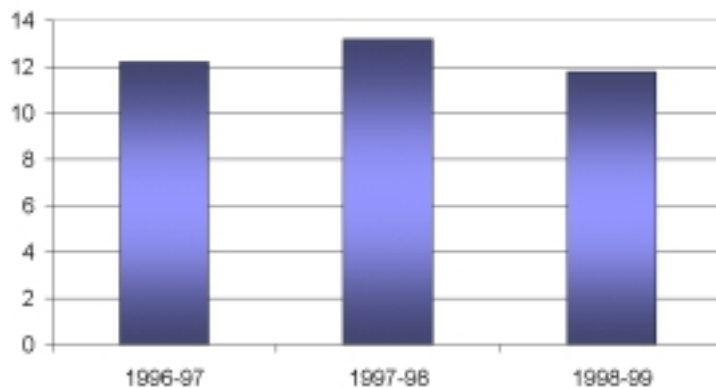
Figure 4 - Cost per Claim



Average processing time

3.11 The Refugee Division continued to bring down its processing time over the course of 1998-99. The average for the year was 11.8 months, compared to 13.2 months during 1997-98. To reach the goal of finalizing claims within 8 months requires continued progress in reducing the size of the pending caseload.

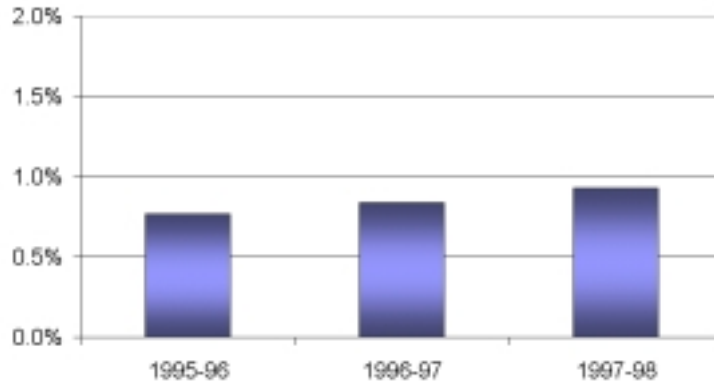
Figure 5 Months from Receipt of Record to Finalization



Decisions set aside by the Federal Court

3.12 It takes about 12 to 15 months for the Federal Court to complete judicial reviews of Refugee Division decisions. Thus, it is too early to say how many decisions rendered in 1998-99 will be set aside by the Court. In the recent years where figures were available, 1% or less decisions were set aside.

Figure 6 - Percentage of Decisions Set Aside by the Federal Court



A consistent approach to decision-making

3.13 Variation among regional offices of the Refugee Division has been noted with respect to operational processes as well as outcomes in cases from the same source countries. Since decisions are rendered by independent decision-makers, based on the specific evidence submitted in each individual case, a certain degree of variation in outcomes among offices is inevitable. However, there should be less variation in processes. The Board is committed to keeping both types of variation within acceptable limits. The Refugee Division promotes consistency in operational processes and decision making through actions such as:

- Geographic specialization of members and refugee claim officers;
- Monthly meetings of the case management team composed of managers, members, RCOs and support personnel;
- Information sharing between decision-makers;
- Consistent documentation across Canada;

- National conference featuring international experts on country conditions;
- Regional training on country conditions and ongoing national training program;
- Extensive training of new members, including mentoring by more experienced members;
- Provide reasons for positive decisions involving countries where there is a wide and unexplained variance in decisions;
- Policies and practice notices; and
- Lead case approach to facilitate the efficient, in-depth examination of recurring issues in cases.

3.14 While there has been improvement since the introduction of these initiatives, the IRB recognizes that further work is needed to address effectively the consistency issue and to measure progress. This is an IRB priority for the current fiscal year.

Immigration Appeals

Immigration Appeals (millions of dollars)

| | |
|--------------------------|--------------|
| Planned Spending | \$4.7 |
| <i>Total Authorities</i> | <i>\$4.8</i> |
| 1998-99 Actuals | \$4.5 |

*For the explanation of the variance between planned and actual spending see Financial Table 2

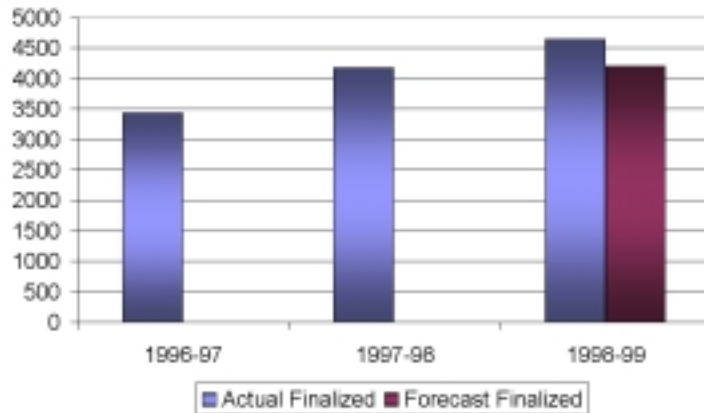
3.15 The Appeal Division finalized a record number of appeals – 4,600 – while managing to decrease its inventory of pending cases, as well as decreasing the average age of cases waiting to be heard and the average cost of each appeal. The Appeal Division met its nine-month processing time commitment to Parliament a year earlier than planned.

3.16 These significant achievements were made possible by an increase in the number of cases completed by members, improved case management processes and the introduction of Alternative Dispute Resolution (ADR) in Toronto. At the same time, the Division promoted a high standard of quality in its hearings and decisions.

Appeals finalized

3.17 In 1998-99, the Appeal Division finalized over 4,600 appeals - 10% more than the number finalized in 1997-98, and 35% more than in 1996-97.

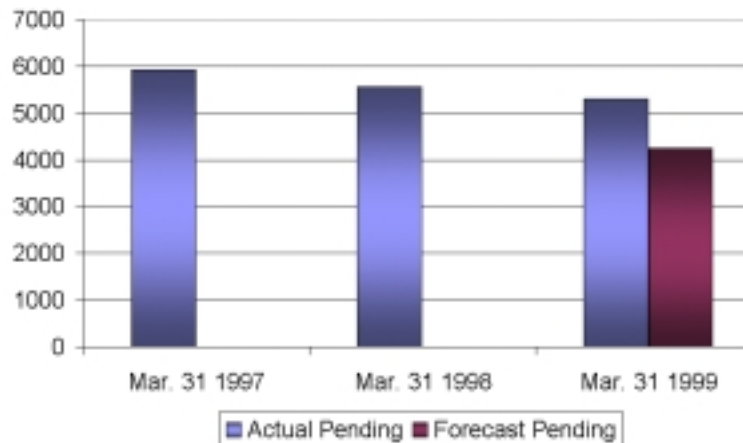
Figure 7 - Number of Appeals Finalized



Size of the pending inventory

3.18 There were 5,300 appeals pending as of March 31, 1999 - 5% less than one year earlier and 10% less than two years ago. For the second year in a row, there was a significant increase in new appeals filed with the Division. However, the record number of appeals finalized allowed the Division to reduce its pending inventory.

Figure 8 - Size of Pending Inventory



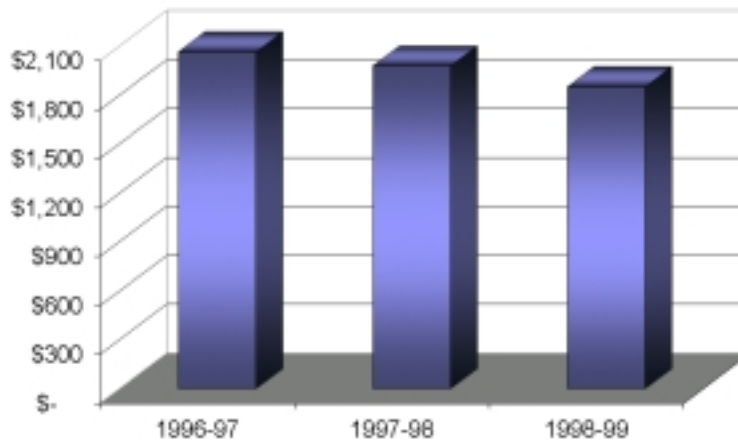
Age of Pending Inventory

3.19 The pending inventory is composed of more recent cases. By the end of 1998-99, 85% of all active appeals outstanding with the Appeal Division had been pending for less than 12 months, up from 75% at the beginning of the year.

Cost per appeal

3.20 For the fourth year in a row, the cost per appeal dropped. It went from \$1,975 per appeal, in 1997-98, to \$1,726 in 1998-99, as the Appeal Division once again improved productivity.

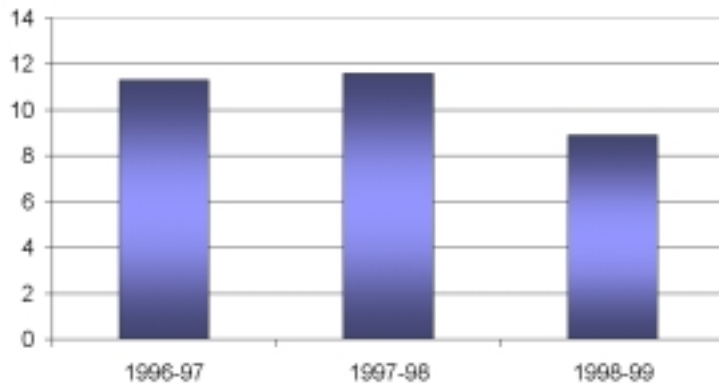
Figure 9 - Costs per Appeal



Average processing time

3.21 The Appeal Division committed to reducing processing time from almost 12 months, in 1997-98, to less than 9 months by the end of 1999-2000. This goal was achieved in 1998-99, one year earlier than expected.

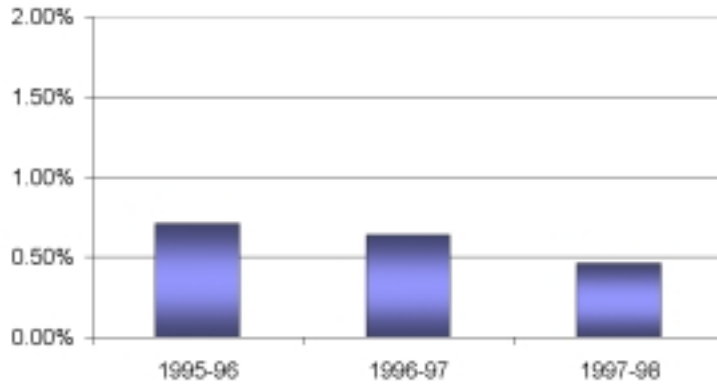
Figure 10 - Months from Receipt of Record to Finalization



Decisions set aside by the Federal Court

3.22 In the three most recent years for which figures are available, less than 1% of decisions were set aside by the Court.

Figure 11 - Percentage of Decisions Set Aside by the Federal Court



A consistent approach to decision-making

3.23 The Appeal Division promotes consistency in decision-making through actions such as:

- monthly meetings of members;
- monthly meetings of the regions' managers;
- sharing of information and discussion about emerging issues and developments in the law;
- focused professional development materials and training sessions;
- extensive new member training program;
- three-member panels for new member training and for cases that may result in a decision with persuasive value for similar cases;
- policies and practice notices.

Inquiries and Detention Reviews

Inquiries and Detention Reviews (millions of dollars)

| | |
|--------------------------|--------------|
| Planned Spending | \$6.2 |
| <i>Total Authorities</i> | \$6.3 |
| 1998-99 Actuals | \$4.0 |

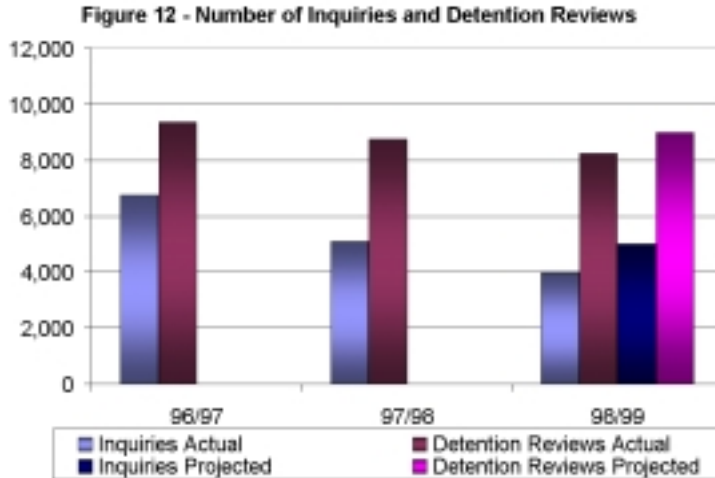
*For the explanation of the variance between planned and actual spending see Financial Table 2.

- 3.24 The mandate of the Adjudication Division is to conduct immigration inquiries and detention reviews. The adjudicator holds a detention review 48 hours after the initial detention of the person concerned by the Department of Citizenship and Immigration, at least once during the next 7 days and at least once every 30-day period thereafter. In cases where the person's identity has not been established, a detention review is held after 7 days and every 7 days thereafter, until identity has been established.
- 3.25 All immigration inquiries and detention reviews are adversarial in nature. The adjudicator is an independent decision-maker and sits as a one-member tribunal.
- 3.26 Inquiries are held when a person who is seeking admission to Canada is considered to be inadmissible, or when it is alleged that a person, already in Canada, has contravened the *Immigration Act*. In some situations, which are defined in the *Act*, a senior immigration officer can determine the case. Other cases are referred to the Adjudication Division for inquiry. Detention reviews are held on persons who have been detained because they are considered unlikely to appear for an examination, inquiry or removal, to be a danger to the public, or the Minister is unable to satisfy the adjudicator with respect to that person's identity. The

Minister must however satisfy the adjudicator that reasonable efforts are being made to establish that person's identity.

Inquiries and Detention Reviews finalized

3.27 In 1998-99, the Adjudication Division concluded 3,975 inquiries and 8,249 detention reviews for a total of 12,324 decisions.



3.28 An increase in the number of cases being handled by the Senior Immigration Officers, may explain in part the decrease in the caseload for the Adjudication Division. However, the overall complexity of the work has remained, as cases dealing with complex allegations are being referred to the adjudicators. The initiative introduced to deal with people suspected of war crimes and crimes against humanity continues to increase the complexity of the immigration inquiries handled by the Adjudication Division.

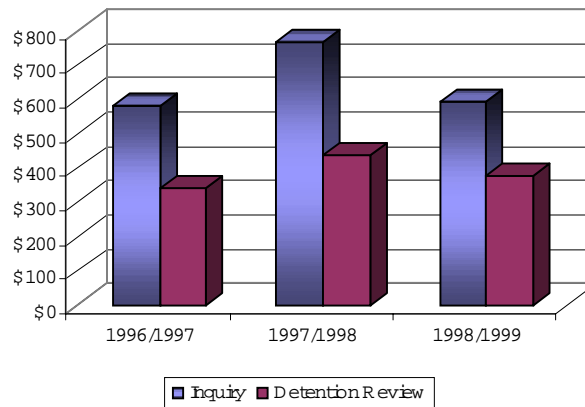
Size and Age of the pending inventory

3.29 There was no inventory of cases in the Division and the workload was current in all regions at the end of the fiscal year.

Cost per case

3.30 The average cost of both an inquiry and a detention review declined in 1998-99. The average cost of an inquiry dropped from \$765 in 1997-98 to \$594 in 1998-99, and the average cost of a detention review decreased from \$435 in 1997-98 to \$378 in 1998-99.

Figure 13 - Cost per Case



Decisions set aside by the Federal Court

3.31 The quality of decisions continued to be high in 1998-99. Less than 1% of decisions were overturned by the Federal Court.

Organization-Wide Performance Accomplishments

RESULT: A leading-edge administrative tribunal

3.32 This subsection provides a perspective for the IRB performance for areas that transcend individual business lines. It relates to initiatives which characterize the IRB as a leading-edge organization and a creative partner in the Canadian immigration system.

Innovative and optimal use of technology

Videoconferencing

3.33 The Board is currently developing a policy and procedures to articulate and to confirm the existing use of videoconferencing in conducting hearings. The policy will outline factors to be considered in determining the appropriateness of videoconferencing in any given situation.

Case management process initiatives

Refugee Division

3.34 In order to manage better the significant number of claims referred each year, the Refugee Division continues to develop measures to improve the efficiency and speed of refugee claims processing. These case management initiatives have resulted in a reduction of the average processing time and an improvement of the overall productivity. The following are examples of the most significant case management measures:

- Delivering decisions orally at the conclusion of the hearing rather than reserving the cases. In 1998-99, 38% of the decisions were rendered orally. The Refugee Division will continue to move towards its goal of making oral decisions the norm.

- Processing priority was given to dealing with new cases while excess processing capacity was directed to clearing the oldest cases in the pending inventory.
- Newly-referred claimants are being met in some instances prior to the formal hearing to ensure hearing readiness and provide necessary directions early on where necessary.
- Practice Notices are issued as a way to bring more rigour in case management and to give claimants and counsel clear directions and expectations of the process.
- Scheduling practices are refined to improve accountability of decision-makers in the completion of their caseload and responsiveness to the dynamic nature of tribunal hearing schedules.

Case management process initiatives (suite)

Appeal Division

3.35 The following are examples of the most significant case management initiatives for fiscal year 1998-99:

- Assignment courts, modified and implemented nationally in 1998-99, require parties or counsel to appear in person to schedule hearings unless they have confirmed that they are ready for hearing;
- Show cause court requires CIC to appear to explain any failure to file a record within six months of the appeal, as required by IAD rules;
- Early review of files to identify cases where resolution without hearing may be possible ;
- Strategic scheduling of many short hearings for the same day where the issues appear straightforward or where it

appears that the Division may lack jurisdiction ;

- Pre-hearing conferences to narrow the issues that must be dealt with in the hearing room;
- Regional case management teams to oversee processes and make effective use of monitoring reports;
- ADR Pilot Project in Toronto – using mediation and other alternative dispute resolution methods to attempt to resolve appeals more quickly and without a formal adversarial hearing.

Professional development and promoting a learning environment

3.36 As reported in the last Departmental Performance Report, in 1997-98, the Board adopted a National Learning Framework that integrates all learning and professional development activities for both members and public servants. In 1998-99, this framework, which is based on the guiding principles of co-ordination, integration and inclusiveness, was implemented.

3.37 The framework, and the resulting National Learning Plan, have improved the delivery of training and professional development at the Board in a number of ways - better planning, more interest in training, less duplication, greater inclusiveness and increased integration. The integrated approach has meant that sectors of the Board which received their training separately in the past, are now, where it is possible and appropriate, attending sessions together. This has resulted in a greater appreciation of the various operational roles at the Board.

3.38 The National Learning Framework has addressed professional development and learning at the group, as well as the individual, level. With respect to the latter, a major innovation in the national learning curriculum was the implementation, early in 1999, of the Core Learning Program, designed to assist everyone at the Board

design individual self-learning programs, thereby furthering a continuous learning environment at the Board.

Recognition from individuals and organizations

International Association of Refugee Law Judges (IARLJ)

In October 1998, the IRB co-chaired with the Federal Court of Canada, the Third Annual Conference of the IARLJ. Delegates from 51 countries were in attendance in Ottawa, and for the first time, many of the delegates came from the developing world and the emerging democracies of Eastern Europe. The Deputy Secretary-General of the United Nations, Madame Louise Fréchette, observed as a keynote speaker at the conference that:
“the Canadian refugee determination system is seen... as a model of fairness and thoroughness.”

3.39 The Board’s international reputation is based in part on its willingness to exchange its research, practices, procedures and jurisprudence with foreign governments and international non-governmental organizations. Information produced by the Research Directorate is available on the Internet at the IRB Website. This reputation is enhanced through active participation in the Inter Governmental Consultations (IGC) Country-of-Origin Working Group whose 1999 Chair is the Director of Research of the IRB, as well as bilateral cooperation with other refugee determination systems and the UNHCR.

3.40 In November 1998, the U.S. Immigration and Naturalization Service asked the IRB to help train its decision makers on the guidelines on child refugee claimants. The Board issued guidelines on child refugee claimants in 1996 and was the first refugee determination system in the world to do so.

RESULT: A creative partner in the Canadian immigration system

3.41 In order to provide quality service to the public, the IRB is committed to work with its key partners in ensuring that there is coherence and co-ordination within the program as a whole.

An integrated approach to portfolio management

CIC/IRB Sub-agreement

In February 1999, CIC and the IRB signed a sub-agreement regarding *Claim-related Information from Refugee Claimants* which will improve the consistency of the information from refugee claimants gathered and transmitted by CIC to the IRB.

Responding to emerging issues

Immigration Legislative Review

3.42 In January 1999, the Minister announced the Government's intentions regarding new directions for immigration and refugee policy. From the outset, the IRB has been an active participant in the legislative review process, and continues to provide CIC with an assessment of the operational and resource implications of specific proposals on the work of the Board's three Divisions.

New Policy Framework

3.43 The Board has expanded its operational policy capacity by creating a policy committee, a policy development framework, and a strategic planning calendar. The first two policies to be issued under the new policy framework have been released: *The Treatment of Unsolicited Information in the Refugee Division* and *Court-Ordered Rehearings*. Policy development is a systematic and dynamic process for arriving at commonly accepted principles that are consistently applied throughout the IRB.

Lead cases

3.44 Refugee claims from the same country often raise issues that recur in many cases. To facilitate the efficient, in-depth examination of these recurring issues, the IRB may decide, in particular with emerging trends, to select a representative sample of similar claims to be dealt with as "lead cases".

3.45 In response to the sudden influx of Hungarian Roma claimants, the IRB used the "lead case" concept. Assisted by research from the Board and the representation of the claimants and the Minister, the lead case approach allowed the Board to establish a baseline of up-to-date information on country conditions in Hungary

and give a focus to the principal legal issues that arose from the facts. The lead case approach is expected to have an impact both on efficiency and on consistency by focussing and providing a starting point for the large number of similar cases.

Effective relationships with clients and stakeholders

Consultative Committee on Practices and Procedures (CCPP)

- 3.46 The Consultative Committee on Practices and Procedures includes representatives from key non-governmental organizations, the Canadian Bar Association, Associations of immigration lawyers, and the United Nations High Commissioner for Refugees.
- 3.47 For a number of years, the CCPP has been a forum for consultations and the exchange of information between the IRB and its stakeholders. In an effort to strengthen this relationship, the Committee's mandate was recently revised to ensure that we all take full advantage of the opportunities to share expertise and experiences.
- 3.48 During the last fiscal year, the CCPP members were consulted on several policy issues. These consultations resulted in policy developments which takes into account the valuable insight and perspectives of the stakeholders on the refugee and immigration programs.

Public Complaints Process

- 3.49 To ensure public confidence in the integrity of the administrative justice system, the IRB established a Public Complaints Process in 1995. Claimants, or appellants, or interested counsel may make a complaint to the Assistant Deputy Chair in cases where it is alleged that a Board member may have breached the provisions of the Code of Conduct or acted in a manner inconsistent

Some facts about complaints

In 1998, 17 complaints were received of which 12 originate from the same law firm. To date:

- 2 were founded
- 8 were not founded
- 2 were outside the IRB jurisdiction
- 3 are held pending judicial review by the Federal Court
- 1 was not pursued by the complainant
- 1 is currently under investigation

with the discharge of his or her duty. This mechanism allows the IRB to inquire into such matters and, when warranted, to take appropriate measures to resolve the complaint. The Public Complaints Process provides a fair examination of all complaints with a view to promoting the highest standard of quality and to respecting the rights of all those concerns.

- 3.50 In response to the commitment to strengthen its framework for dealing with complaints, the IRB commissioned an independent study. Consultations were held on the study's proposals to enhance the process for handling complaints and an enhanced process will soon be introduced.

Client Service Standards

- 3.51 The IRB is committed to supporting the government-wide Quality Service Initiative designed to strengthen client-centred service delivery. The IRB undertook to develop and introduce client service standards within the organization. A cross-Canada pilot project will be set up to determine whether the proposed standards are appropriate and realistic.

4

Consolidating Reporting

YEAR 2000 READINESS

- 4.1 In July 1999, the Office of the Chief Informatics Officer of the Treasury Board Secretariat confirmed that the IRB's systems are 90 percent Year 2000 compliant. The remaining 10 percent will involve minor modifications. The IRB is now developing a business resumption plan and examining its potential vulnerability from external sources.

5

Financial Performance

Financial Performance

- 5.1 In 1998-99, the IRB's actual spending (\$84.7 million) was very close to its total authorities (\$85.0 million). Moreover, the cost per case declined in all three divisions. Taken together, these results point to an effective and efficient use of resources.
- 5.2 At the aggregate level, the only significant variance to report is between Planned Spending (\$66.5 million) and Total Authorities (\$74.0 million) for operating expenditures (see Financial Table 1). This difference of \$7.5 million was obtained through 1998-99 Supplementary Estimates as follows:
- \$0.9 million for the carry forward 1997-98 funds;
 - \$2.6 million to support the increase to the Refugee Division member complement as well as to address operational requirements in response to recommendations made by the Auditor General; and
 - \$4.0 million to compensate the IRB's budget for collective bargaining increases.

This section includes the financial tables that are relevant to IRB operations:

Table 1: Financial Requirements by Authority

Table 2: Planned versus Actual Spending by Business Line

Table 3: Historical Comparison of Planned versus Actual Spending by Business Line

Table 5: Comparison of 1998-99 Planned Spending, and Total Authorities to Actual Expenditures by Organization and Business Line

Table 15: Contingent Liabilities

Financial Table 1

| Financial Requirements by Authority (millions of dollars) | | | | |
|--|--|-----------------------------|------------------------------|---------------|
| Vote | | 1998-99 | | |
| | | Planned Spending | Total Authorities | Actual |
| Immigration and Refugee Board | | | | |
| 15 | Operating expenditures | 66.5 | 74.0 | 73.7 |
| (S) | Contributions to employee benefit plans | 10.5 | 11.0 | 11.0 |
| Total | | 76.9¹ | 85.0 | 84.7 |

¹ Due to rounding, figures may not add to totals shown.

Financial Table 2

| Planned versus Actual Spending by Business Line – 1998-99 (millions of dollars)¹ | | | | | | | | | |
|--|--------------|------------------------|----------------------|---|---|---|---|--|---|
| Business Lines | FTEs | Oper- ating | Capi- tal | Voted Grants and Contri- butions | Sub- total: Gross Voted Expend- itures | Statu- tory Grants and Contri- butions | Total Gross Expend- itures | Less: Respen- dable Revenue | Total Net Ex- pendi- tures |
| Refugee Determination | | | | | | | | | |
| - planned | 638 | 40.8 | - | - | 40.8 | - | 40.8 | - | 40.8 |
| - <i>total authorities</i> | - | 44.8 | - | - | 44.8 | - | 44.8 | - | 44.8 |
| - actuals | 644 | 47.8 | - | - | 47.8 | - | 47.8 | - | 47.8 |
| Immigration Appeals | | | | | | | | | |
| - planned | 74 | 4.7 | - | - | 4.7 | - | 4.7 | - | 4.7 |
| - <i>total authorities</i> | - | 4.8 | - | - | 4.8 | - | 4.8 | - | 4.8 |
| - actuals | 68 | 4.5 | - | - | 4.5 | - | 4.5 | - | 4.5 |
| Inquiries and Detention Reviews | | | | | | | | | |
| - planned | 56 | 6.2 | - | - | 6.2 | - | 6.2 | - | 6.2 |
| - <i>total authorities</i> | - | 6.3 | - | - | 6.3 | - | 6.3 | - | 6.3 |
| - actuals | 50 | 4.0 | - | - | 4.0 | - | 4.0 | - | 4.0 |
| Corporate Management and Services | | | | | | | | | |
| - planned | 258 | 25.2 | - | - | 25.2 | - | 25.2 | - | 25.2 |
| - <i>total authorities</i> | - | 29.1 | - | - | 29.1 | - | 29.1 | - | 29.1 |
| - actuals | 251 | 28.3 | - | - | 28.3 | - | 28.3 | - | 28.3 |
| Total | | | | | | | | | |
| - planned | 1,026 | 76.9 | - | - | 76.9 | - | 76.9 | - | 76.9 |
| - <i>total authorities</i> | - | 85.0 | - | - | 85.0 | - | 85.0 | - | 85.0 |
| - actuals | 1,013 | 84.7 | - | - | 84.7 | - | 84.7 | - | 84.7 |
| Other Revenues and Expenditures | | | | | | | | | |
| Non-respendable revenues² | | | | | | | | | |
| - planned | | | | | | | | | - |
| - <i>total authorities</i> | | | | | | | | | - |
| - actuals | | | | | | | | | - |
| Cost of services provided by other departments | | | | | | | | | |
| - planned | | | | | | | | | 10.5 |
| - <i>total authorities</i> | | | | | | | | | - |
| - actuals | | | | | | | | | 12.7 |
| Net Cost of the Program | | | | | | | | | |
| - planned | | | | | | | | | 87.5 |
| - <i>total authorities</i> | | | | | | | | | - |
| - actuals | | | | | | | | | 97.4 |

The variances between planned and actual spending by business line are largely due to the allocation of \$7.5 million in additional resources obtained through 1998-99 Supplementary Estimates (see Financial Table 1). Moreover, the planned spending amounts do not reflect re-allocations among business lines which will be proposed in the 2000-2001 Annual Reference Level Update.

¹ Due to rounding, figures may not add to totals shown.

² These Revenues were formerly called "Revenues Credited to the Consolidated Revenue Fund". The IRB receives minimal amounts of revenue every fiscal year (average of \$0.06 million).

Financial Table 3

| Historical Comparison of Planned versus Actual Spending by Business Line (millions of dollars) | | | | | |
|---|---------------------------|---------------------------|---|--|---------------------------|
| Business Lines | Actual 1996-97 | Actual 1997-98 | Planned Spending 1998-99 | Total Authorities 1998-99 | Actual 1998-99 |
| Refugee Determination | 41.3 | 43.5 | 40.8 | 44.8 | 47.8 |
| Immigration Appeals | 4.4 | 4.5 | 4.7 | 4.8 | 4.5 |
| Inquiries and Detention Reviews | 4.9 | 5.9 | 6.2 | 6.3 | 4.0 |
| Corporate Management and Services | 26.8 | 25.4 | 25.2 | 29.1 | 28.3 |
| Total¹ | 77.4 | 79.3 | 76.9 | 85.0 | 84.7 |

¹ Due to rounding, figures may not add to totals shown.

Financial Table 5

| Comparison of 1998-99 Planned Spending, and Total Authorities to Actual Expenditures by Organization and Business Line (millions of dollars) | | | | | |
|--|-----------------------|---------------------|---------------------------------|-----------------------------------|---------------------|
| Organization | Business Lines | | | | Totals ² |
| | Refugee Determination | Immigration Appeals | Inquiries and Detention Reviews | Corporate Management and Services | |
| Convention Refugee Determination Division | | | | | |
| - planned | 18.1 | | | | 18.1 |
| - <i>total authorities</i> | 19.9 | | | | 19.9 |
| - actuals | 21.2 | | | | 21.2 |
| Immigration Appeal Division | | | | | |
| - planned | | 3.3 | | | 3.3 |
| - <i>total authorities</i> | | 3.4 | | | 3.4 |
| - actuals | | 3.2 | | | 3.2 |
| Adjudication Division | | | | | |
| - planned | | | 3.3 | | 3.3 |
| - <i>total authorities</i> | | | 3.3 | | 3.3 |
| - actuals | | | 2.1 | | 2.1 |
| Professional Development Branch | | | | | |
| - planned | 0.3 | | | | 0.3 |
| - <i>total authorities</i> | 0.4 | | | | 0.4 |
| - actuals | 0.4 | | | | 0.4 |
| Executive Director¹ | | | | | |
| - planned | 22.4 | 1.4 | 2.9 | 25.2 | 51.9 |
| - <i>total authorities</i> | 24.6 | 1.4 | 3.0 | 29.1 | 58.1 |
| - actuals | 26.3 | 1.3 | 1.9 | 28.3 | 57.8 |
| Totals² | | | | | |
| - planned | 40.8 | 4.7 | 6.2 | 25.2 | 76.9 |
| - <i>total authorities</i> | 44.8 | 4.8 | 6.3 | 29.1 | 85.0 |
| - actuals | 47.8 | 4.5 | 4.0 | 28.3 | 84.7 |

¹ Includes the resources of the Chairperson's Office, the Director of Legal Services, and all support services provided by headquarters and regional offices.

² Due to rounding, figures may not add to totals shown.

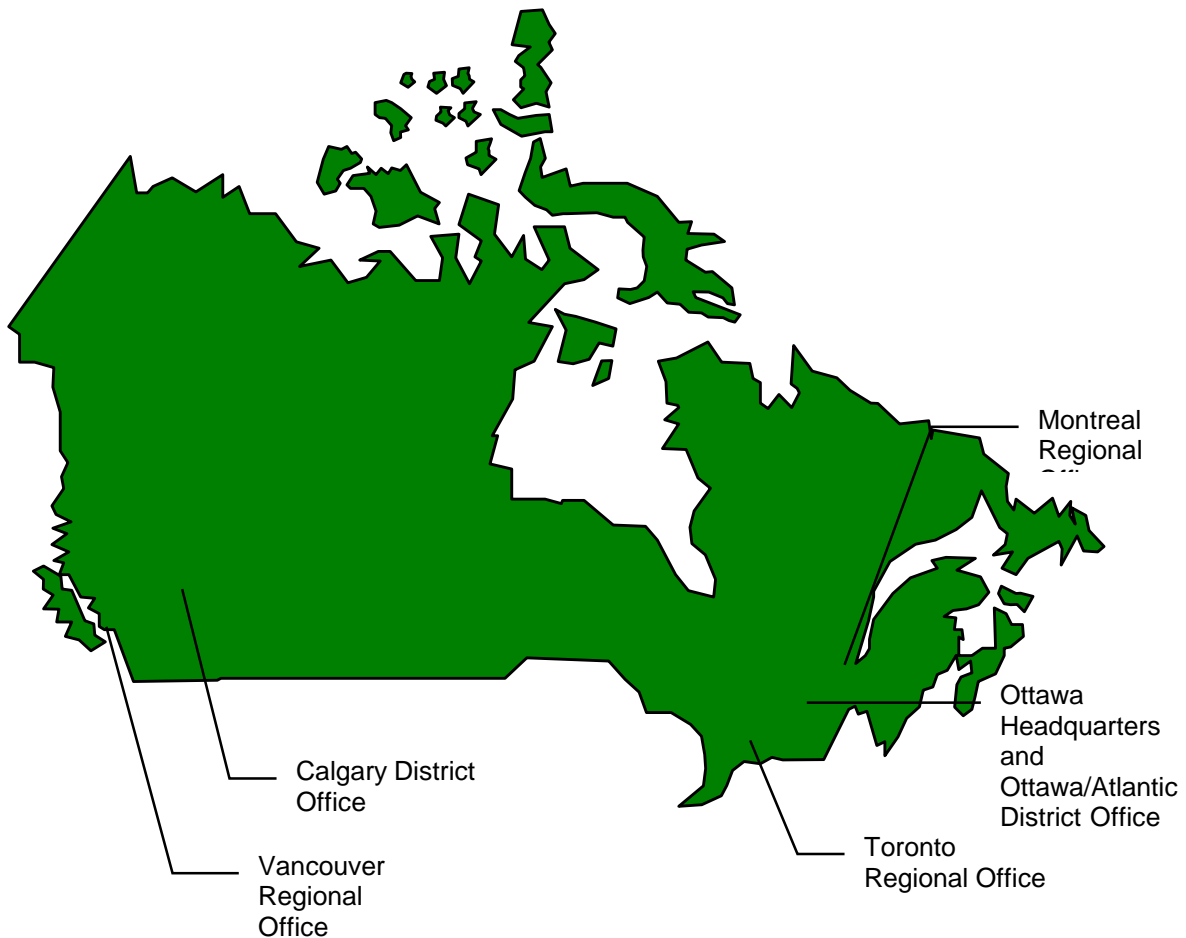
Financial Table 15

| Contingent Liabilities (millions of dollars) | Amount of Contingent Liability | | |
|--|--------------------------------|------------------|--------------------------------------|
| | March 31 1997 | March 31 1998 | Current as of March 31 1999 |
| Claims and Pending and Potential Litigation | 94.2 | 95.1 | 93.7 |
| Total | 94.2 | 95.1 | 93.7 |

6

Other Information

Further Information & IRB Website



For further information on the IRB contact:

Denise Robichaud
Director, Public and
and Parliamentary Affairs
(613) 943-0201

or visit our Website at: <http://www.irb.gc.ca>

Legislation & Associated Regulations Administered

Legislative Authority:

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

The Board has responsibility to Parliament for the following Regulations:

Convention Refugee Determination Division Rules SOR/93-45

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

Adjudication Division Rules SOR/93-47

Other Departmental Reports

1999-2000 Estimates: A report on Plans and Priorities

Performance Report for 1997-98

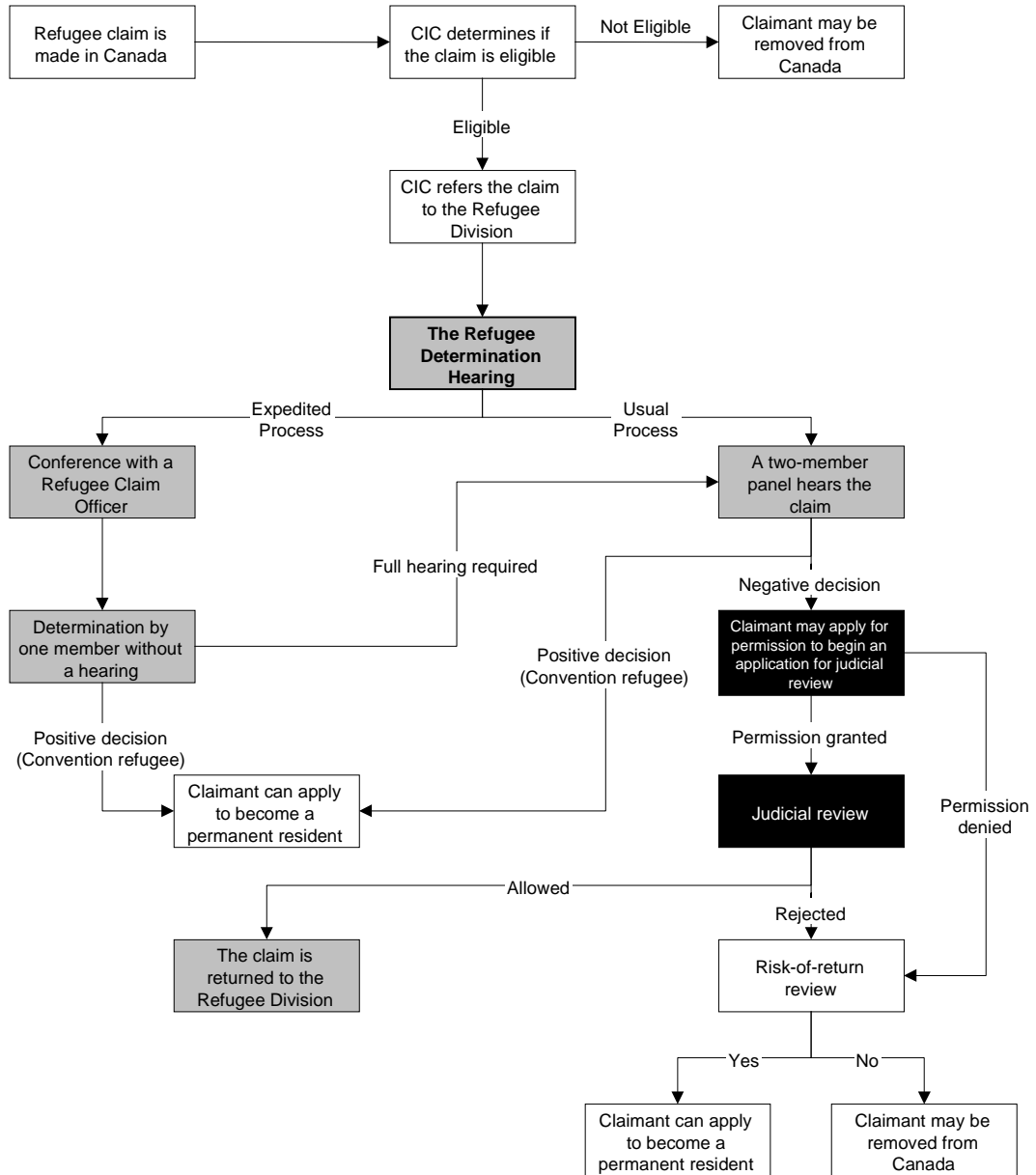
1998-99 Estimates: A Report on Plans and Priorities

Performance Report for 1996-97

Report on Plans and Priorities for 1997/98 - 1999/2000

Performance Report for 1995-96

The Convention Refugee Determination Process



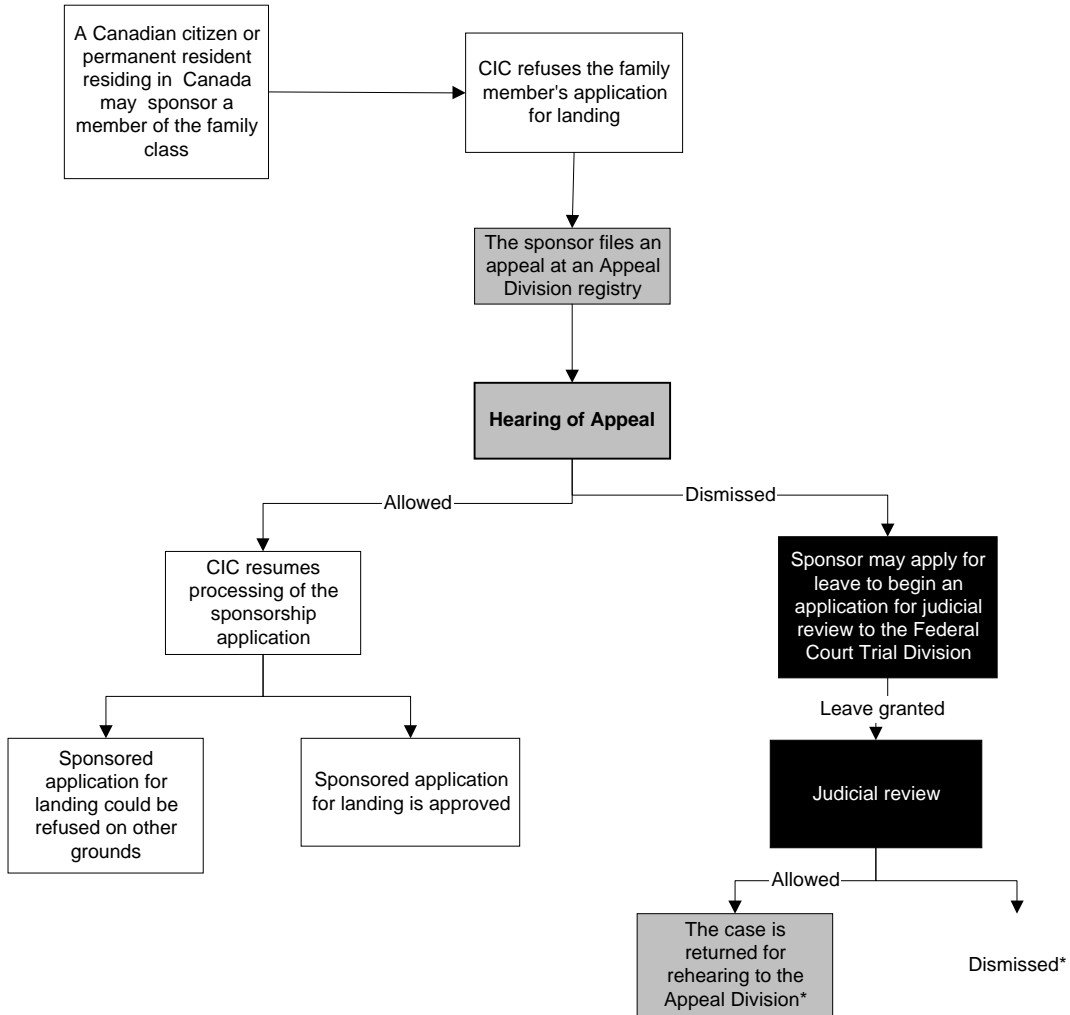
Responsibility of:

Immigration and Refugee Board Refugee Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

The Sponsorship Appeal Process



*There is a possibility of appeal to the Federal Court where a serious question of general importance is certified

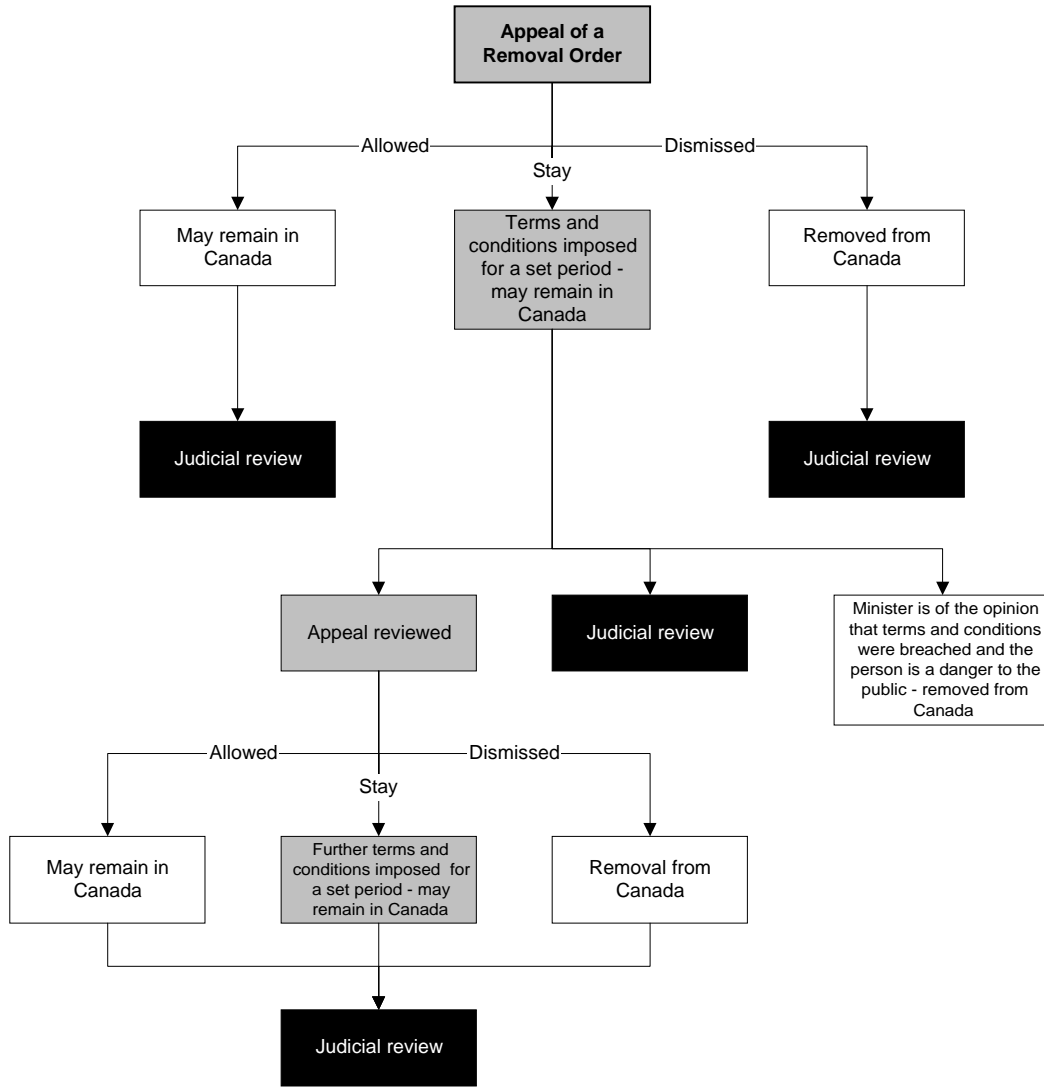
Responsibility of:

Immigration and Refugee Board
Immigration Appeal Division (IAD)

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

The Removal Order Appeal Process



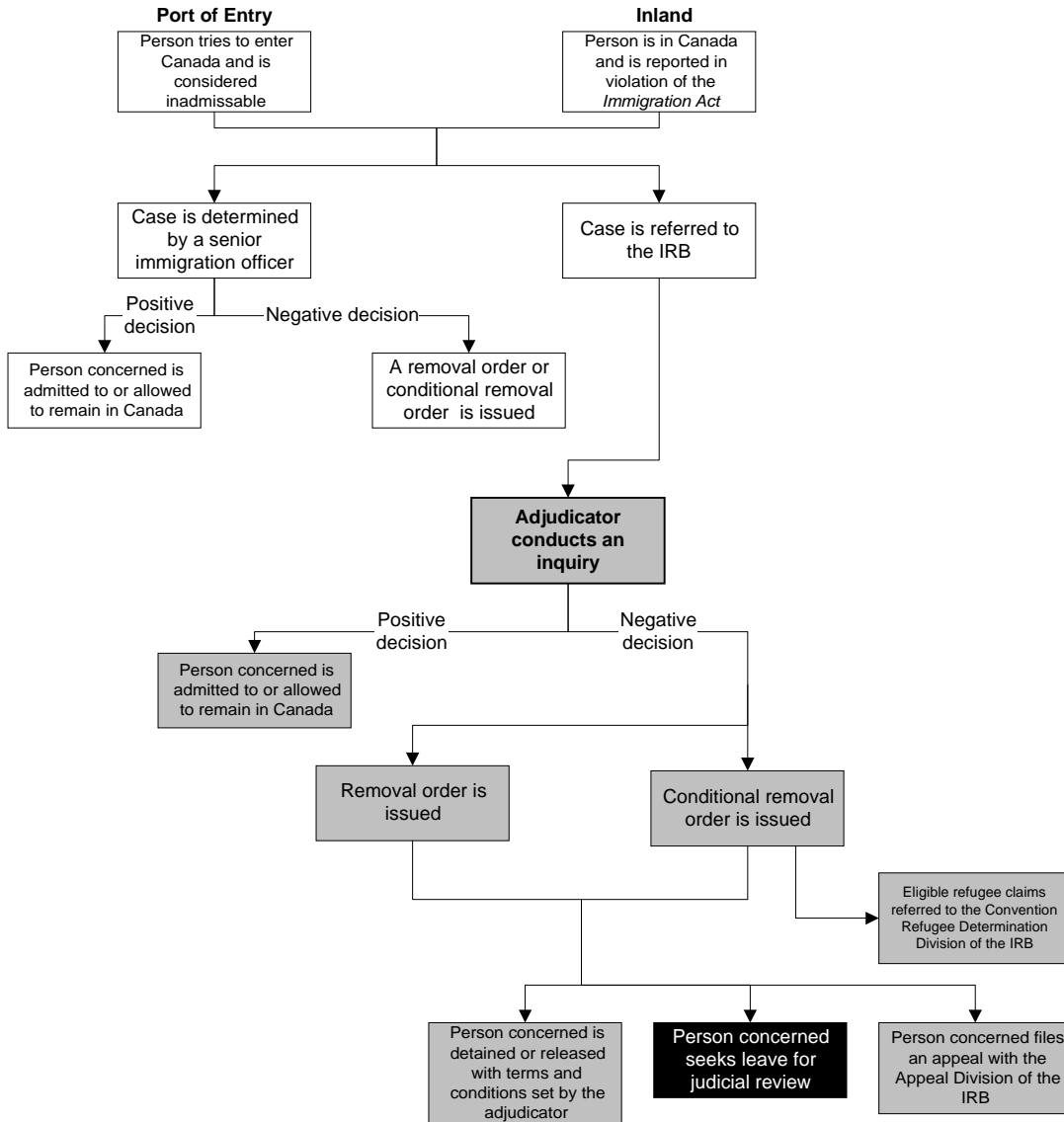
Responsibility of:

Immigration and Refugee Board
Immigration Appeal Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

The Immigration Inquiry Process



Responsibility of:

Immigration and Refugee Board
Adjudication Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

KEYWORD INDEX

- A -

| | |
|--|--------|
| Actual spending | 35, 36 |
| Age of pending inventory (Refugee Division) | 14 |
| Age of pending inventory (Appeal Division) | 19 |
| Alternative dispute resolution for sponsorship appeals | 18, 27 |
| Annual Reference Level Update | 35 |
| Appeals finalized | 18 |
| Assignment courts | 26 |
| Average processing time (Refugee Division) | 15 |
| Average processing time (Appeal Division) | 20 |

- B -

| | |
|------------------------------|---|
| Business Line Structure..... | 9 |
|------------------------------|---|

- C -

| | |
|---|------------|
| Case management | 13, 25, 26 |
| Chairperson | 8, 9 |
| Claims finalized | 13 |
| Claim-related Information from Refugee Claimants | 29 |
| Code of Conduct | 30 |
| Consultative Committee on Practices and Procedures (CCPP) | 30 |
| Core Learning Program | 27 |
| Corporate Management and Services | 9 |
| Cost per case | 24 |
| Cost per appeal | 20 |
| Cost per claim | 15 |

- D -

| | |
|---|-----------|
| Department of Citizenship and Immigration | 7, 11, 29 |
| Deputy Chairperson | 9 |

- E -

| | |
|--------------------------|---|
| Executive Director | 8 |
|--------------------------|---|

- F -

| | |
|-------------------------------|------------|
| Federal Court Decisions | 16, 21, 24 |
|-------------------------------|------------|

- I -

| | |
|---|----------|
| Immigration Act | 6, 7, 40 |
| Immigration Legislative Review | 8, 29 |
| Inquiries and Detention Reviews finalized | 23 |
| Inter Governmental Consultations (IGC) | 28 |
| International Association of Refugee Law Judges (IARLJ) | 28 |

| | |
|---|------------|
| - L - | |
| Lead cases | 17, 29 |
| Liabilities | 38 |
| - M - | |
| Minister of Citizenship and Immigration | 7, 29 |
| - N - | |
| National Learning Framework | 27 |
| New Policy Framework | 29 |
| - O - | |
| Offices | 39 |
| Oral Decisions | 11, 25 |
| Organization Chart | 10 |
| Organization-Wide Performance Accomplishments | 25 |
| - P - | |
| Planned Spending | 35, 36, 37 |
| Planning, Reporting and Accountability Structure (PRAS) | 9 |
| Pre-hearing conferences | 27 |
| Portfolio management | 7, 27 |
| Professional Development | 27 |
| Public complaints | 30 |
| - R - | |
| Reports | 41 |
| Regulations | 40 |
| Research Directorate | 28 |
| Report on Plans and Priorities (1998-99) | 11 |
| - S - | |
| Size of pending inventory (Refugee Division) | 14 |
| Size of pending inventory (Appeal Division) | 19 |
| Size of pending inventory (Adjudication Division) | 23 |
| Stakeholders | 30 |
| - U - | |
| United Nations Convention on the Status of Refugees (1951)..... | 6,7 |
| United Nations High Commissioner for Refugees (UNHCR) | 30 |
| - V - | |
| Videoconferencing | 25 |
| - W - | |
| Website | 28, 39 |
| - Y - | |
| Year 2000 | 32 |

