



Immigration and Refugee Board

2002-2003
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are tabled in the spring and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
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The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Immigration and Refugee Board

**2002–2003
Estimates**

Part III – Report on Plans and Priorities

Denis Coderre
Minister of Citizenship and Immigration

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I. MESSAGES

1.1 CHAIRPERSON'S MESSAGE

I am pleased to present the 2002-2003 Report on Plans and Priorities for the Immigration and Refugee Board (IRB). This report outlines the IRB's action plan for 2002-2003, a year of significant transition.

The new *Immigration and Refugee Protection Act* is expected to come into force in 2002, affecting directly the work of the IRB. The IRB's expanded jurisdiction reflects the confidence that Canadians and the Government of Canada have placed in the IRB. The legislative changes are the outcome of years of consultation with Canadians and also address more recent security concerns. The Act will be implemented at the same time as the IRB faces unprecedented workload pressures. The number of refugee claims received annually has doubled in the past four years, resulting in a backlog of claims and delays in hearing them.

In facing these challenges, the IRB must continue to safeguard the integrity of Canada's immigration and refugee determination system, while streamlining internal procedures and improving the way it manages case processes. Dealing with the increased workload and implementing new legislation, including the creation of a new Refugee Appeals Division, will test the IRB's human and financial resources severely in the coming year.

The events of September 11 increased public scrutiny of Canada's entire immigration and refugee system. While contributing to the

security of Canadians is a priority, as an independent tribunal the IRB is vigilant in upholding the Canadian values of fairness, equity and justice.

The federal government allocated additional resources to the IRB in the Budget of December 2001. These funds were earmarked specifically for IRB initiatives to reduce the backlog of refugee claims and shorten processing times. It will take some time before the positive impact will be felt and processing times and inventory will remain high in 2002-2003. But 2003-2004 will see improvements and, by the end of 2004-2005, the IRB is confident the backlog of refugee claims will be reduced greatly and processing times shortened.

Canadians expect public institutions to deliver results efficiently and effectively in response to the changing needs of modern society. The IRB is recognized both nationally and internationally as a leading-edge administrative tribunal and as a creative partner in Canada's immigration and refugee system. The IRB has achieved this recognition through hard work, innovation and a commitment to excellence.

In spite of the increased workload and the demands of implementing the new legislation, the IRB remains committed to its essential task of making well-reasoned decisions on immigration and refugee matters, efficiently and fairly.



Peter Showler
Chairperson



1.2 MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2002-2003 *Report on Plans and Priorities* (RPP) for the Immigration and Refugee Board (IRB).

To the best of my knowledge, the information in this document:

- accurately portrays the organization's plans and priorities;
- is consistent with the reporting principles contained in the *Guide to the Preparation of the 2002-2003 Report on Plans and Priorities*;
- is comprehensive and accurate;
- is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used to produce the RPP.

- The Planning, Reporting and Accountability Structure (PRAS) on which this document is based, has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Christiane Ouimet
Executive Director

Date



II. RAISON D'ÊTRE

On behalf of Canadians, the IRB makes well-reasoned decisions on immigration and refugee matters, doing so efficiently, fairly and in accordance with the law. As an administrative tribunal, the IRB applies the *Immigration Act*, and will apply the *Immigration and Refugee Protection Act* when it comes into force in 2002.

Every year, the IRB renders more than 50,000 decisions. It does so based on the evidence presented before it, and in a manner consistent with the Charter of Rights and Freedoms, principles of natural justice and procedural fairness.

In fulfilling its mission, the IRB helps shape the fabric of Canadian society by contributing to the government's objectives of building strong and safe communities that are open to diversity and innovation, in line with Canada's humanitarian tradition.

The IRB's mandate consists of:

- determining claims for refugee protection made in Canada;
- adjudicating immigration inquiries and detention reviews;
- hearing appeals from sponsorship refusals and removal orders, and hearing appeals by the Minister of Citizenship and Immigration (CIC) of decisions in immigration inquiries; and
- deciding appeals from decisions on protection claims made in Canada (once the *Immigration and Refugee Protection Act* is proclaimed).

Under the new *Immigration and Refugee Protection Act*, the IRB will comprise four divisions:

- The Refugee Protection Division, formerly the Convention Refugee Determination Division. The Division



**"...the IRB helps
shape the fabric of
Canadian Society..."**

will have expanded purview as protection-related decision-making will be consolidated at the IRB for claims found eligible by CIC;

- The Immigration Division, formerly the Adjudication Division. Amendments under the new legislation further protect the safety of Canadians, and increase procedural fairness;
- The Immigration Appeal Division, which will have an expanded authority to hear appeals regarding one new category of the family class and one new type of appeal; and
- The Refugee Appeal Division, an entirely new division, which will consider written appeals of Refugee Protection Division decisions.



III. STRATEGIC OUTCOMES

3.1 OVERVIEW

<p>The IRB's three strategic outcomes are to provide Canadians with:</p> <ul style="list-style-type: none"> • well-reasoned, timely decisions on immigration and refugee matters in accordance with the law; • a leading-edge administrative tribunal; and • a creative partner in the Canadian immigration system. 	<p>These derive from the IRB's Chart of Key Results Commitments (see Figure 3.1), as reflected in its Planning, Reporting and Accountability Structure.</p>
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Figure 3.1: Key Results Commitments

To provide Canadians with:	To be demonstrated by:
Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law	<ul style="list-style-type: none"> <input type="checkbox"/> The number of cases finalized by each division <input type="checkbox"/> The age and size of inventory <input type="checkbox"/> Processing times <input type="checkbox"/> Cost per case <input type="checkbox"/> The number of decisions set aside by the Federal Court <input type="checkbox"/> A consistent approach to decision-making <input type="checkbox"/> Case management initiatives
A leading-edge administrative tribunal	<ul style="list-style-type: none"> <input type="checkbox"/> Innovative and optimal use of technology <input type="checkbox"/> Recognition from individuals and organizations, both international and domestic <input type="checkbox"/> Professional development and responsible management of human resources
A creative partner in the Canadian immigration system	<ul style="list-style-type: none"> <input type="checkbox"/> An integrated approach to portfolio management <input type="checkbox"/> Effective relationships with clients and stakeholders (other administrative tribunals and non-governmental organizations)

3.2 PLANNING CONTEXT

The next section describes the environment in which the IRB will deliver on the above commitments.

International Context

The global movement of people directly affects the work of the IRB. Internal and

international conflicts over recent years, together with ecological disasters and economic uncertainty, have contributed to a massive movement of people around the globe. According to the United Nations High Commissioner for Refugees (UNHCR), at the start of 2001, some 21.8 million people, or



one out of every 275 persons on earth were considered persons of concern, falling under the mandate of the UNHCR.

Around the world there is increasing concern about international terrorism and its links to global migration. There is a new appreciation for the interdependencies among countries and regions, as well as a significantly heightened interest in immigration and refugee determination systems. Public interest in these systems has been especially high in the major immigrant-receiving countries.

In the 1990s, the total number of refugee claims filed in Europe, North America and Australia has fluctuated between 400,000 and 550,000 per year. Since 1999, the total has been close to the high end of this range. Canada's share of this total has remained fairly stable in recent years, fluctuating between 5% in 1995 and an estimated 8% in 2001. If Canada's annual refugee claimant intake drops to approximately 35,000 in 2003, as predicted by Citizenship and Immigration Canada (CIC), Canada's share of the total would decline modestly.

Domestic Context

The coming year represents a time of significant transition. The IRB will implement the *Immigration and Refugee Protection Act*. As a contribution to improved public security measures, the IRB will implement new streamlined processes for refugee claims to reduce the refugee claim backlog and shorten processing times. The IRB will continue to face pressures of increased workload.

- ***New Immigration and Refugee Protection Act***

The new *Immigration and Refugee Protection Act*, enacted by Parliament on November 1, 2001 is expected to come into force in 2002. The new legislation will introduce important changes affecting the work of the IRB and will significantly improve security, efficiency and fairness. The new Act will create a new Refugee Appeal Division which will consider written appeals from rejected claimants or appeals of positive decisions by the Minister. Implementing this

new Division while at the same time facing unprecedented workload pressures will prove challenging for the IRB.

- **Public Security**

After the events of September 2001, Canadians have become more concerned with issues of public security and more interested in Canada's immigration and refugee determination system, including the work of the IRB.

The December 2001 Federal Budget identified reduction of the backlog of refugee claims and shorter processing times for refugee claims as part of an overall agenda to enhance the security of Canadians. Prompt and accurate decision-making for both admissibility hearings and refugee claims will contribute to a more secure Canada.

- **Increased Workload**

Growing volumes are dramatically affecting the IRB's major activity, processing refugee claims. Workload pressures are also high on other fronts. The immigration appeals caseload, which increased significantly in the late 1990s, is likely to continue to be high over the next few years. Increased volumes of inquiries and detention reviews are also expected to continue.

The number of refugee claims referred annually to the IRB has almost doubled over the past four years and the number of claims received for 2001-2002 could reach as high as 50,000.

CIC is introducing measures that will affect the number of refugee claims referred to the IRB. For instance, visitor visa requirements have been introduced for certain countries. CIC is also negotiating a Safe Third Country agreement with the United States: this agreement would require those who travel through the U.S. or Canada to make their refugee claims in the country where they first arrive. While these measures are expected to result in lower volumes of refugee claims in future years, in the short term, they will have a negligible impact on the inventory of refugee cases which could be as high as 56,000 by April 1, 2002.



STRATEGIC OUTCOMES

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

The first order of business at the IRB is making well-reasoned, timely decisions on immigration and refugee matters in accordance with the law.

The following section outlines the IRB's plans and priorities to achieve this Strategic Outcome. The section, Planned Results by Business Line, looks at planned results specific to each of the business lines: Refugee Determination, Immigration Appeals, and Inquiries and Detention Reviews.

Given that 2002-2003 is a year of significant challenge and transition for the IRB, the priorities and planned results reflected in the following sections relate most directly to this first year of the planning period.

Plans and Priorities

The IRB will focus on four key priorities:

- Implementing the new *Immigration and Refugee Protection Act*;
- Introducing a streamlined process for refugee claims;
- Building capacity through case management improvements; and
- Focusing on the quality of decision-making.

The IRB will address these priorities while at the same time managing a significant increase in its workload. These priorities build on the IRB's ongoing commitment to improving the overall management of its caseload, and to making better use of the time spent in the hearing and decision-making phases. This is in keeping with the *raison d'être* of administrative tribunals, which is to promote a responsive and efficient means of delivering administrative justice. These priorities reflect a firm commitment to quality decision-making.

A) Implementing New Legislation

The new *Immigration and Refugee Protection Act* will introduce important changes that affect the IRB. For example:

- In the Refugee Protection Division, decision-makers will, in addition to determining whether the claimant is a "Convention refugee", determine whether the person is "in need of protection". (Protection grounds will be consolidated at the IRB, with the exception of pre-removal risk assessment, which will remain the responsibility of CIC). Single-member decision-making panels will be the norm, replacing two member panels.
- The Immigration Appeal Division will have responsibility for hearing appeals regarding one new category of the family class (common-law partners whose application for permanent resident status has been refused) and one new appeal type (permanent residents found by overseas CIC officials to have not fulfilled their residency obligations).





- In the Immigration Division, decision-makers will look at a new type of hearing for cases in which the Canadian Security and Intelligence Service (CSIS) has identified security issues.
- A new Refugee Appeal Division will review appeals of decisions of the Refugee Protection Division. The Refugee Appeal Division will promote greater consistency in refugee protection decisions. The Division will be able to issue precedent-setting decisions on issues of particular significance.

The effective implementation of the new Act is important to the IRB. As a result, the IRB is:

- implementing new rules of practice for each division, along with accompanying commentaries, handbooks and case management manuals;
- delivering training courses and materials to decision-makers and staff;
- ensuring availability of legal research and analysis of issues related to the new legislation;
- adapting regional and district operations;

- implementing comprehensive communications focused on staff, stakeholders and the public; and
- using its Internet site (<http://www.irb.gc.ca>) to disseminate reports, forms and other documents to support the legislation.

Establishing the Refugee Appeal Division will represent a particular challenge to the IRB given the resources and considerable effort associated with creating the new division. It will involve appointment and training of experienced decision-makers, staffing and training of professional and administrative support positions, provision of accommodation and office infrastructure, adaptation of systems and creation of case management processes. Efforts will also be required to ensure an effective operational interface between the Refugee Protection Division and the Refugee Appeal Division and their case management processes.

B) Streamlined Process for Refugee Claims

Additional resources received as a result of the last Federal Budget will be used to reduce the backlog of refugee claims and shorten processing times. This is an essential contribution to ensuring that cases are reviewed and heard as soon as possible.

This winter the IRB introduced a new streamlined process for handling refugee claims, which will be implemented fully during the coming year. The objectives are to streamline the process of refugee claim determination and to reduce the backlog resulting from an unprecedented increase in the number of new claims by:

- reviewing cases immediately after referral from CIC and dividing them into defined "streams";
- processing cases more quickly by making better use of short hearings and interviews; and
- identifying complex cases, and cases with associated security considerations early in the process.



The central element of the streamlining initiative is to assign dedicated resources to triage claims into four different streams, according to the nature and characteristics of the case. Building on current IRB processes, an increased number of suitable claims that may be allowed without a hearing will be directed to an interview (instead of a full hearing), which will help finalize such cases more quickly. Straightforward cases with only one or two issues will quickly be sent to short hearings. Regular cases will proceed to a full hearing. Cases involving security or complex issues will be identified early to ensure necessary case preparation and prompt scheduling of the hearing.

This initiative complements and supports the roles of other departments and enforcement agencies involved in enhancing public security. First, each case is reviewed early in the process to identify possible security risks for appropriate action, including quickly bringing such cases to a hearing. Second, the IRB meets individual claimants to assess their credibility through a hearing or interview (the only government agency to do so). This adds significant value, especially when claimants come from countries where official records are not readily available. Third, as more refugee claimants will be detained by CIC as part of that department's increased enforcement activities, the claims of these individuals will receive priority processing at the IRB.

Streamlining is a direct response to the direction delivered to the IRB through the last Federal Budget and the IRB is committed to enhancing efficiency through the expeditious processing of appropriate claims. At the same time, the IRB's commitment to quality decisions will not be compromised. Every claimant will receive fair consideration, and initiatives to improve the quality of decision-making will continue to be an IRB priority.

C) Building Capacity Through Case Management Improvements

The IRB will continue to place a priority on improving the overall management of its caseload. This means improving all aspects of case processing, including activities before, during and after the hearing. Continued improvements will help reduce processing

times, increase productivity, reduce the inventory of pending cases, and establish improved accountabilities.

The IRB will:

- establish practices to support shorter and more focused hearings, including pre-hearing conferences;
- establish best practices to contact parties early;
- improve scheduling practices;
- expand the practice of delivering decisions and reasons orally at the conclusion of hearings;
- reduce the number of postponements and adjournments;
- check that all stages of the process (e.g. scheduling, processing, and writing reasons) meet standards;
- use new technologies to improve IRB caseload management;
- expand the use of Alternative Dispute Resolution (ADR) for immigration appeal sponsorship cases and improve training to support the use of ADR, following completion of an evaluation now underway; and
- improve procedures to quickly identify straightforward immigration appeal cases that may proceed without an oral hearing.

D) Quality of Decision-Making

The IRB emphasizes overall timeliness and efficiency of its case management processes, but it does not substitute expediency for quality. The IRB will continue to improve the quality of its decisions. This means that decisions are reached using processes that are fair, transparent and understood by the parties. Decision-makers must be well prepared for the hearing; must fairly consider the evidence and the submissions of the parties; and must identify relevant facts, applicable legislation and case law in decisions. Quality involves clearly communicating a well-reasoned decision. Quality also requires consistent handling of similar cases.



Planned Results by Business Line

While the previous section outlined Board-wide plans and priorities, the following sections outline the IRB's planned results specific to the following business lines:

- Refugee Determination;
- Immigration Appeals; and
- Inquiries and Detention Reviews.

A) Refugee Determination Business Line

Refugee Protection Division

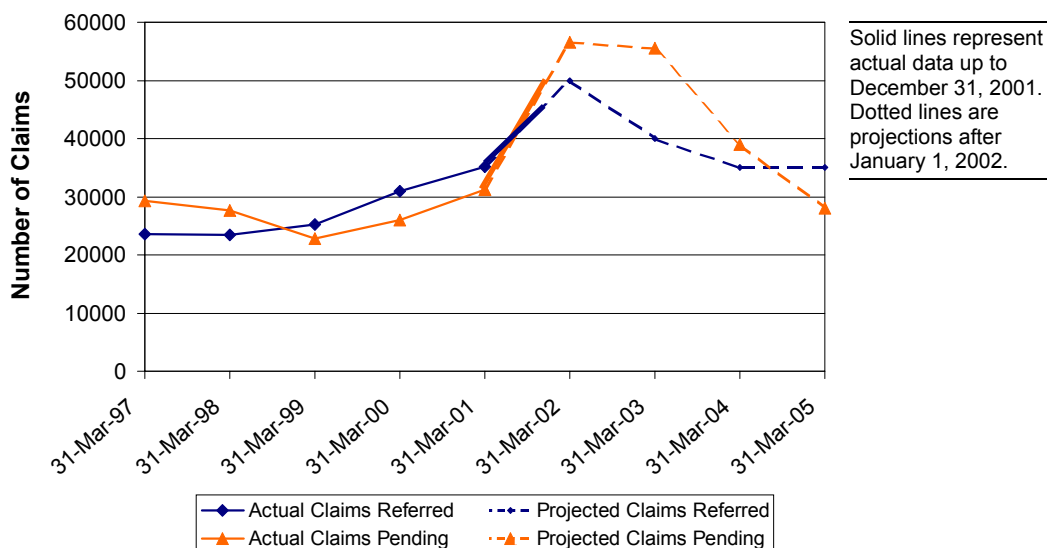
With the new *Immigration and Refugee Protection Act*, single-member decision-making panels will become the norm, replacing two-member panels. The Division will continue to determine whether the claimant is a "Convention refugee" and will also determine whether the person is "in need of protection" (based on the *Convention Against Torture* or the criteria for risk to life or risk of cruel and unusual punishment). Currently, these protection criteria are assessed at different times by different organizations.

In 2002-2003, the Division will cope with implementation of the new Act while tackling a

record high inventory of claims. However, with the combination of new resources, significant improvements in output and an expected drop in the number of claims referred to it by CIC, the Division aims to conclude at least as many claims as it receives, so that the pending inventory does not increase. Then, in the two following years, further productivity gains and an anticipated leveling off of the number of new cases should lead to a marked reduction in the number of pending claims and in average processing times.

Inventory has been growing as a result of several years of high intake of refugee claims. Since 1999, the Division has seen dramatic increases in the number of claims referred to it by CIC (refer to Figure 3.2). Intake during 2001-2002 so far has surpassed all forecasts: it could reach as high as 50,000 claims by year end. This would represent an increase of over 40% from the preceding year and a 100% increase over the annual intake of just four years ago. As a result of the record number of new cases received since 1999, and fewer than projected concluded cases in 2001-2002 (partly a consequence of the Division's efforts to prepare for the new legislation), inventory could reach an unprecedented 56,000 claims by April 1, 2002. This would be an 80% increase over April 1, 2001 inventory.

Figure 3.2: Refugee Claims Referred and Pending Inventory – 1997-2005



• **Claims Referred**

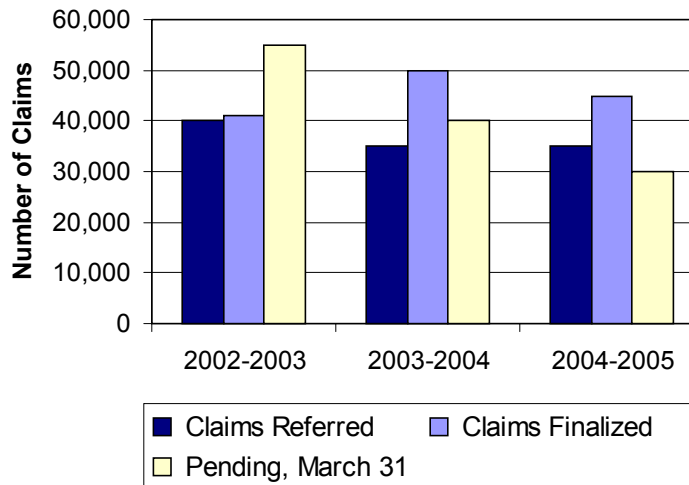
The IRB estimates a decline in the number of claims referred to it from CIC, to about 40,000 claims in 2002-2003. A further decrease, to 35,000 claims per year, is projected for each of the two following years although this is still higher than annual levels of 25,000 experienced in the 1990s. Factors that point to a probable decline include the following:

- new visitor visa requirement for selected countries (including Hungary and Zimbabwe);
- expected agreements between Canada and the U.S. to enhance co-operation, possibly including some form of "Safe Third Country" agreement; and
- increased interdiction efforts by CIC officers overseas.

• **Claims Finalized**

With additional resources announced in the last Federal Budget directed to immediate focused efforts to boost production through a streamlined processing of claims, the Division expects to finalize 41,000 claims in 2002-2003 – almost 40% more than the 30,000 claims finalized in 2000-2001, a high output year for the IRB. The Division expects further gains in productivity, and predicts that output will rise again in 2003-2004, when it expects to finalize 50,000 claims. Total output may be expected to drop somewhat in 2004-2005, to around 45,000 claims, as additional resources sunset on March 31, 2004.

Figure 3.3: Refugee Claims Referred, Finalized and Pending



	2002-2003	2003-2004	2004-2005
Pending, April 1	56,000	55,000	40,000
Claims Referred	40,000	35,000	35,000
Claims Finalized	41,000	50,000	45,000
Pending, March 31	55,000	40,000	30,000



- **Pending Inventory**

Because of the additional resources and higher output, the IRB expects to reduce its pending inventory over the next three fiscal years – assuming that the number of new claims received annually declines gradually. The pending inventory is expected to decline from a projected peak in the middle of 2002-2003. By the end of 2002-2003, the pending inventory should stabilize at approximately 55,000 claims, before dropping to around 40,000 by the end of 2003-2004 and to 30,000 by the end of 2004-2005.

An indication of the age of the pending inventory is the proportion of claims which have been pending for more than one year. Currently, about 17% of claims fall into this category. The Division aims to reduce this proportion over the course of the planning period.

- **Processing Time**

Exponential growth in new claims has left the Division with the highest caseload in its history. Despite the rapidly growing caseload, the Division was successful in reducing its average case processing time from almost 13 months in 1998-1999, to under 10 months in 2000-2001.



With the unprecedented volume of claims, average processing time in 2002-2003 is expected to be between 15 and 18 months. However, concerted efforts to reduce the pending inventory combined with the anticipated lower number of claims received are expected to lead to a steady decline in average processing time in the following two years.

- **Cost per Claim**

The average cost per claim in 2002-2003 is expected to be approximately \$2,590. The total cost per claim includes a share of the Corporate Management and Services business line which is proportionally allocated to the other three business lines.

- **Decisions Set Aside by the Federal Court**

While the impact of the new legislation is difficult to assess at this time, the Federal Court is expected to continue to set aside very few Division decisions over the next three fiscal years. Historically, the Federal Court has set aside less than 1% of Division decisions.

- **Consistent Approach to Decision-Making**

Since independent decision-makers base their judgements on the evidence submitted in each individual case, there will be some variation in outcomes across and even within the regional offices.

Greater consistency in treatment of similar claims across the country, while continuing to respect independence of decision-makers, is one of the IRB's priorities.

A particular challenge for this Division in developing consistent approaches is the large complement of decision-makers spread across the five regional offices. The IRB has been dealing with this challenge since 1997. In the fall of 2001, the Division broadened the scope of its efforts when it introduced a new project to support several complementary initiatives to promote the overall quality of



decisions, including greater consistency in the decisions reached. These include:

- grouping decision-makers and refugee claim officers into specialized teams that develop expertise related to particular source countries and providing increased support to groups of representatives from various sectors within the IRB to facilitate discussions of relevant country conditions and legal issues;
- introducing measures to identify the sorts of claims that typically come from certain countries;
- harmonizing key documents for specified countries so that all regions have access to consistent information; and
- providing a forum for decision-makers and refugee claim officers to identify and assess areas of concern, while respecting adjudicative independence.

Refugee Appeal Division

Under the new Act, the new Refugee Appeal Division will consider written appeals of Refugee Protection Division decisions.

As such, the volume of work at the Refugee Appeal Division will depend on the number of negative decisions rendered by Refugee Protection Division, as well as positive decisions appealed by the Minister. The IRB expects between 7,000 and 8,000 appeals to be considered by the Refugee Appeal Division in 2002-2003, assuming the coming into force of the legislation part way through 2002. The first full year of operation for the Refugee Appeal Division would be 2003-2004, when the new Division could expect to receive between 9,000 and 11,000 appeals. The forecast drop in Refugee Protection Division decisions in 2004-2005 would subsequently translate into a corresponding drop in appeals filed.

Figure 3.4: Refugee Appeal Division – Expected Appeals

	Expected Appeals
2002-2003	7,000 - 8,000
2003-2004	9,000 - 11,000
2004-2005	8,000 - 10,000

B) Immigration Appeals Business Line

The new legislation will also affect the Immigration Appeal Division. The Division will hear appeals regarding one new category of the family class (sponsors of common-law partners whose application for permanent resident status has been refused), and one new appeal type (permanent residents found by CIC overseas to have not fulfilled their residency obligations).

As the IRB gains experience with the new legislation, the Board will have a better idea of its impact on the Division's workload. However, by 2003-2004, the Division caseload could increase by as much as 40% over current levels. This is because of new types of appeals, as well as projected increases in both the refusal rates of applicants overseas and appeal rates by sponsors.

Such caseload increases would pose serious challenges for the Division. They would lead to a marked increase in the number of pending appeals and in average processing time over the next several years.

• Appeals Filed

The Immigration Appeal Division expects 5,000 appeals in 2002-2003, an increase of about 10% over historical averages. This increase will be due largely to appeals related to the residency obligation, which may be filed soon after the new legislation comes into force in 2002. In 2003-2004, the Division expects 6,500 appeals, due to CIC processing new case types (particularly sponsorship applications for common-law partners). The 2003-2004 increase will also be driven by higher refusal and appeal rates for these new cases, since the new legislation will not yet have precedents to guide immigration officers or appellants.



The number of appeals should drop slightly in 2004-2005, to 5,900, as people become more experienced with the Act and become less likely to test the new appeal provisions.

• **Appeals Finalized**

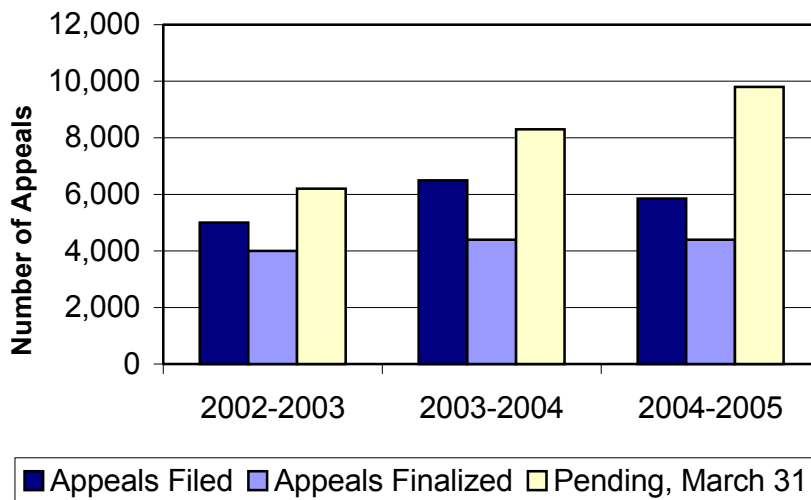
The Immigration Appeal Division expects to finalize 4,000 appeals in 2002-2003, and then 4,400 in each of the following two fiscal years. The record output levels of the past several years will be difficult to sustain in 2002-2003, because the Division will be focused upon implementing the new legislation. Although productivity is expected to bounce back in 2003-2004 and 2004-2005, the Division will

not be able to increase productivity sufficiently to meet the large increase in the forecast number of appeals filed.

• **Pending Inventory**

Given the expected large increase in intake, and assuming no additional resources, the inventory of pending cases is projected to rise from about 5,200 appeals to 6,200 by the end of March 2003 and then to jump by over a third, to 8,300, by March 2004. The following year, the inventory is forecasted to rise again by nearly 20%, to reach 9,800 by the end of March 2005.

Figure 3.5: Immigration Appeals Filed, Finalized and Pending



	2002-2003	2003-2004	2004-2005
Pending, April 1	5,200	6,200	8,300
Appeals Filed	5,000	6,500	5,900
Appeals Finalized	4,000	4,400	4,400
Pending, March 31	6,200	8,300	9,800



- **Processing Time**

Since 1998-1999, the Immigration Appeal Division has brought down the average processing time for appeals from nine months to six and a half months. However, given the significant increase expected in the number of appeals filed, the average processing time will probably increase significantly, to possibly eight or nine months in 2002-2003. In the following two years, processing times may rise even further.

- **Cost per Appeal**

The average cost per appeal in 2002-2003 is expected to be approximately \$2,330. The total cost per appeal includes a share of Corporate Management and Services business line which is proportionally allocated to the other three business lines.

- **Decisions Set Aside by the Federal Court**

While the impact of the new legislation is difficult to assess at this time, the Federal Court is expected to continue to set aside very few Division decisions over the next three fiscal years. Historically, the Federal Court has set aside less than 1% of Immigration Appeal Division decisions.

- **Consistent Approach to Decision-Making**

It is difficult for any tribunal to make decisions consistently, and this is particularly the case for a national tribunal with broad discretionary power to interpret, for example, "compassionate or humanitarian considerations" or "all the circumstances."

The Immigration Appeal Division is making its decisions more consistent through focused professional development, new member training, legal services review of issues and draft decisions, member meetings and communications, and policies and practice notices.

The new legislation highlights the importance of consistent decision-making. Ongoing application of the Consistency Plan of April 2001 is a priority. It contributes to a systematic, integrated approach to consistency, to ensure clarity in decision-

making and, at the same time, respect for adjudicative independence. It provides for effective ways to identify and assess areas of concern. The Division is also developing an adjudication strategy that will identify important or emerging issues, and that will look for collegial decision-making on these issues.

C) Inquiries and Detention Reviews Business Line

When the new Act comes into force, the Adjudication Division will become the Immigration Division. Under the new Act, the mandate of the Division will not change; the new legislation introduces amendments to maintain the integrity of the system, to protect the safety of Canadians and to increase procedural fairness.

The number of concluded inquiries, which will be known under the new legislation as "admissibility hearings", is expected to remain fairly stable, at close to the current level of 3,700; over each year of the planning period.

In 2002-2003, CIC security initiatives will lead to more people being detained and a commensurate increase in the Division's detention review workload. The level of resources that CIC devotes to detentions will determine the precise impact on the Division and the detention review workload.

"The new legislation highlights the importance of consistent decision-making."



- Inquiries/Admissibility Hearings Finalized**

The legislation will not change the Division's mandate regarding inquiries/admissibility hearings. As was forecasted last year, there should be about 3,700 such cases each year. However, these cases, particularly those involving alleged links to war crimes and terrorism, are often more complex now, so each inquiry takes longer to process.

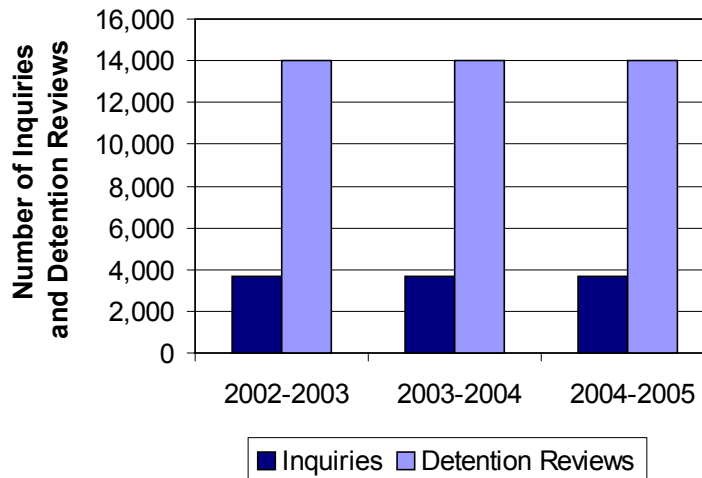
- Detention Reviews Finalized**

The Division expects to review some 14,000 detentions in 2002-2003, and in each of the two subsequent years, well above the 11,000 reviews expected in 2001-2002. There are two reasons for the higher volume. First,

recent trends show an increase to between 900 and 1,000 detention reviews being concluded per month, from the previous level of 800 per month. Second, the new projections assume CIC will have capacity for up to 1,500 additional detainees per year, each of whom would require an average of two detention reviews.

The Division must meet statutory timelines for detention reviews as detainees' rights have precedence over any administrative impediment. In other words, once detained, a person has the right to appear before an Immigration Division member after 48 hours, and subsequently after 7 days and then every 30 days; the legislation requires that these timeframes be respected, regardless of resource considerations.

Figure 3.6: Inquiries and Detention Reviews Finalized



	2002-2003	2003-2004	2004-2005
Inquiries	3,700	3,700	3,700
Detention Reviews	14,000	14,000	14,000
Total	17,700	17,700	17,700



- **Cost per Inquiry/Admissibility Hearings and Detention Review**

The average cost per inquiry/admissibility hearing and detention review in 2002-2003 is expected to be approximately \$830 and \$370, respectively. The total cost per case includes a share of Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

- **Consistent Approach to Decision-Making**

The Division's ability to make quality decisions consistently can be gauged by looking at the number of decisions set aside by the Federal Court. For years, the Federal Court has overturned an average of 0.05% of decisions.

Given the importance of consistency, the Division's new learning plan includes professional development sessions on emerging issues. These sessions are conducted via videoconference across the country, allowing adjudicators to exchange their views face-to-face. This continued communication is fundamental to maintaining a high level of quality in a changing and challenging environment.

"Given the importance of consistency, the Division's new learning plan includes professional development sessions on emerging issues."



STRATEGIC OUTCOMES

3.4 A LEADING-EDGE ADMINISTRATIVE TRIBUNAL

The following section outlines the IRB's plans and priorities that contribute to its commitment to being a leading-edge tribunal.

Innovative and Optimal Use of Technology

- **Case Management System**

The IRB has established a project team to guide the development and implementation of a new case management system to replace its current system. In the short term the IRB will adapt its current systems for planned implementation of the new legislation, while continuing to develop new software tools to support operational and strategic case management.

The objective of the new case management system will be to improve the efficiency of IRB case management and service delivery. It will enable better case processing techniques and streamlined procedures to be introduced. Once fully implemented, it will help improve timelines for case finalizations.

- **Reasons Database**

As an administrative tribunal specializing in immigration and refugee matters, the IRB has developed an extensive body of case law. Decision-makers and staff need effective access to this information, but not all decisions are available in electronic format and retrieval and search capabilities are quite limited.

The IRB will build a database that will allow easy access to reasons, and provide for effective search capabilities. This database will enhance the organization's overall decision-making capabilities and help ensure consistency in decision-making.

- **Digital recording**

The IRB will replace its old analogue recorders (tapes) with digital recording machines in its hearing rooms. It is expected

that digital recording will generate significant savings, minimizing the payback period. In addition, digital recording offers better control over recording, better sound quality, easier storage, electronic accessibility and reduced courier costs. This new technology will greatly improve the IRB's information management capabilities.

Recognition from Individuals and Organizations, both International and Domestic

- **Intergovernmental Consultations**

The IRB continues to be a recognized leader in 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 participates in the COI Website Steering Group as well as an initiative that is investigating automated translation of member-state information.

In 2002-2003, the IRB will continue to participate in the Working Group's committee on country of origin documentation. This committee is expanding the ability of member states to share information. The IRB will continue to provide information and advice to countries establishing Country of Origin units. Recently, it provided advice and information to the Irish Refugees Appeals Tribunal and the South African Refugee Affairs Appeal Tribunal.

- **International Association of Refugee Law Judges**

The IRB plays an important role in the work of the International Association of Refugee Law Judges (IARLJ). United Nations officials and foreign delegates have recognized Canada for its work in promoting best practices within the



international community of decision-makers who deal with refugee matters. The Chairperson of the IRB will be leading a training committee for the IARLJ and will help develop a training program over the next couple of years. The IRB will also continue to participate in working groups tasked with examining an array of issues in refugee law and procedure. Finally, the IRB will participate in the next IARLJ Conference in New Zealand in October 2002.

- **United Nations High Commissioner for Refugees Initiatives**

The IRB is actively involved in Global Consultations on International Protection, an initiative that the United Nations High Commissioner for Refugees (UNHCR) launched in early 2001. This process promotes the fullest implementation of the *Convention Relating to the Status of Refugees* and develops complementary new approaches, tools and standards to ensure the availability of international protection where Convention coverage needs to be buttressed.

Further meetings are planned for 2002. The UNHCR is developing an international agenda for protection, which will be derived from the Global Consultations process. The agenda will determine concrete goals and actions to strengthen protection internationally and to guide protection partners. In conjunction with CIC, the IRB will help establish Canadian priorities in this regard.

Responsible Management of Human Resources

The IRB depends on the sustained efforts of a professional, motivated and representative workforce aligned to meet the IRB's business needs.

The IRB faces important human resources management issues. While the number of employees has increased minimally in the last three years, workload has risen dramatically and the demands will increase in 2002-2003 as staff implements the new Act. The organizational design of the IRB poses challenges to recruitment and retention: there are some gaps between administrative, supervisory and managerial functions, thereby



rendering internal career development more difficult and posing challenges for retention. In addition, by 2005, about 10% of the IRB's staff will be eligible for retirement and 75% of the adjudicators in the Immigration Division will be eligible for retirement by this date.

The IRB plans several complementary initiatives to ensure that it has the kind and number of staff to do the job. To keep its best talent, it plans to strengthen its approaches to career planning. It will review its organizational structure to address gaps and to create a more attractive career continuum. It will also make more strategic use of career development programs to provide opportunities from within.

The IRB will enhance its performance feedback processes and reinforce links to learning strategies. The IRB will also review its recognition policy. It will develop recruitment strategies to respond to new work pressures and retirement forecasts. The IRB will be equally focused on ensuring that its recruitment, retention and promotion



strategies reflect the diversity and employment equity principles.

Strategies for managing change will support the streamlined processing of refugee claims, a smooth implementation of the new Act and other major initiatives. In particular, the IRB will develop competencies and provide tools so that it can quickly and effectively identify, address and manage people issues.

- **Professional Development**

The IRB has a national learning plan for its personnel. This plan improves the quality and consistency of IRB decisions, reduces the time in which those decisions are made, and increases the productivity of the tribunal as a whole. The learning focus for 2002-2003, both for decision-makers and for personnel supporting the hearing process, will be on the legal and process issues raised by the new *Immigration and Refugee Protection Act*.

New members get three weeks of classroom training followed by a six-month, on-the-job learning program customized to the new member's learning needs. The six-month program is essentially a mentoring and coaching program supplemented by follow-up training sessions on substantive and

procedural issues. A team comprising a legal advisor, a mentor and a professional development advisor supports new members.

For experienced members, a customized learning program affords a more tailored, comprehensive approach. It evaluates members' needs for professional development and offers a more focused response to those needs, with the help of professional development advisors.

The plan also provides for ongoing monthly professional development programs on substantive and procedural issues. Employees who support members in the preparation and conduct of hearings also attend some of these monthly training sessions. The monthly sessions will be particularly important in 2002-2003, given the introduction of the new Act.

The IRB's learning agenda also addresses the needs of Public Service managers and employees. In the coming year, the emphasis will be on training related to the administrative procedures required by the new Act, change management tools for IRB personnel, employment equity and diversity, and the Act itself.

"Strategies for managing change will support the streamlined processing of refugee claims, a smooth implementation of the new Act and other major initiatives."



STRATEGIC OUTCOMES

3.5 A CREATIVE PARTNER IN THE CANADIAN IMMIGRATION SYSTEM

The following section describes the IRB's plans and priorities that contribute to its commitment to being a creative partner in the Canadian immigration system.

Portfolio Management

- **Collaboration with CIC on Administrative Matters**

CIC and the IRB are building a stronger relationship within the immigration portfolio, which has created opportunities for effective communication and co-ordination while respecting the institutional independence of the IRB and its decision-makers.

The year 2002-2003 will see high levels of cooperation between the two organizations. This builds on collaboration throughout the process leading to the enactment of the *Immigration and Refugee Protection Act* during which the IRB advised CIC of the impact on Board activities of proposed legislative changes. Most recently, cooperation in support of CIC's efforts to enhance front-end security screening of refugees is leading to the development of consolidated forms and expansion of electronic information exchange. Continued close collaboration will be key to ensure a successful transition to the new legislation, including a communication program to ensure stakeholders are well informed of the changes and well positioned to adapt to them.

The *1996 Administrative Framework Agreement* opens communication to help both organizations manage workload and to use information resources better. It clearly sets out the administrative relationship between the two organizations.

- **Policy Development**

The IRB will maintain its capacity to develop, implement and revise operational policies to address emerging needs and strategic priorities.

Work will continue as a priority on the adjustment of various policies in support of the implementation of the *Immigration and Refugee Protection Act*.

Effective Relationships with Clients and Stakeholders

- **Consultative Committee on Practices and Procedures**

The Consultative Committee on Practices and Procedures (CCPP) is an important forum for the IRB as the Board builds and maintains effective relationships with its stakeholders. The CCPP helps its members exchange information, resolve issues of mutual concern and understand each other's views.

The CCPP includes representatives from key non-governmental organizations, the Canadian Bar Association, associations of immigration lawyers, the Canadian Council for Refugees and the United Nations High Commissioner for Refugees. These organizations represent a continuum of key stakeholders who play an important role in the efficiency of the IRB's operations.

Two meetings are planned for 2002-2003 and the IRB will look at opportunities to draw on the experience and expertise of CCPP members for ongoing initiatives. IRB officials will also participate in meetings and conferences of member-organizations to promote the introduction of the new legislation.

- **Assisting Unrepresented Parties and Non-Lawyer Counsel**

The IRB is conscious of the particular needs of unrepresented parties, both claimants and appellants, and non-lawyer counsel who may



appear before it. It plans a number of targeted initiatives to respond to these needs.

The IRB is leading a project to respond to the needs of unrepresented refugee claimants. The project will be comprised of a series of phased initiatives to enhance the accessibility of information for unrepresented claimants and to familiarize them with the key elements of the refugee determination process. This project is being carried out in close co-operation with key non-governmental organizations such as the Canadian Council for Refugees, and the United Nations High Commissioner for Refugees, as well as CIC.

The first phase of the project, now underway, involves the preparation of an explanatory document for claimants that will provide an overview of the refugee determination process in simple language. Refugee claimants, as well as those non-governmental organizations that provide assistance to claimants, will use this document. It will provide a foundation of basic information that will be built upon through subsequent initiatives to develop more detailed guides to particular aspects of the refugee determination process. Enhanced understanding will provide efficiencies in the process for all. Completion of the plain language guide is planned to coincide with the introduction of the new legislation. Subsequently, the IRB will work with stakeholders to implement the next phases of this project.

Efforts are also planned to support parties appearing before the Immigration Appeal Division. Since 2000, the Division has delivered information sessions for immigration consultants several times a year. This will continue with content to cover the new legislation. These sessions will improve the effectiveness of the representation of appellants and, therefore, will lead to more efficient hearings and case processing. The Division also plans to update plain language information guides for unrepresented appellants to reflect the new legislation.

- **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. Several industrialized nations have adopted creative and efficient systems for refugee determination. The IRB will continue work to compare its system to those of other countries. This will help the IRB understand emerging trends and see different approaches and innovative solutions that other countries have developed.

- **Protocol Addressing Member Conduct Issues**

The IRB was the first federal administrative tribunal to institute a formal process for dealing with complaints about member conduct. The *Protocol Addressing Member Conduct Issues* recognizes that high standards of conduct are required of public officials, such as IRB members, who make quasi-judicial decisions that profoundly affect the lives of individuals. The Protocol is based on the premise that an accessible, expeditious and effective public complaint process strengthens public institutions such as the IRB.

The IRB will continue to monitor the Protocol, which it instituted in October 1999.

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

The *Immigration and Refugee Protection Act* will give the Chairperson the statutory power to make rules for the conduct of persons in proceedings before the IRB. The Chairperson can also decide the consequences of, and sanctions for, any breach of those rules. Accordingly, the IRB will put such rules in place, covering the conduct of all persons participating in proceedings before the IRB. Unacceptable conduct includes, for example, continually failing to respect the processes of the IRB and failing to live up to one's commitments. Such behaviour, even by a small number of counsel, influences the efficient and fair operations of the IRB.



IV. ORGANIZATION

4.1 MANDATE AND ROLE

Created by an Act of Parliament in 1989, the IRB is the largest administrative tribunal in Canada performing quasi-judicial functions. Its mandate is contained in Part IV of both the current *Immigration Act* and new *Immigration and Refugee Protection Act*.

Every year, it renders more than 50,000 decisions. It does so based on the evidence presented before it, and in a manner consistent with the Charter of Rights and Freedoms, principles of natural justice and procedural fairness. Every aspect of the IRB's work touches on the life and liberty of the people who appear before it.

As an independent tribunal, the IRB has a mandate consisting of the following:

- determining claims for refugee protection made in Canada;
- adjudicating immigration inquiries and detention reviews;
- hearing appeals from sponsorship refusals and removal orders, and hearing appeals by the Minister from decisions in immigration inquiries; and
- deciding appeals from decisions of the Refugee Protection Division on refugee claims made in Canada (once the *Immigration and Refugee Protection Act* has been proclaimed).

The Immigration and Refugee Board has four business lines:

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

4.2 BUSINESS LINE DETAIL

Refugee Determination

The Refugee Determination business line determines claims to Convention refugee status made by persons in Canada. Under the new *Immigration and Protection Act*, the *Convention Against Torture* and the risk to life



will be part of protection determination decisions.

This business line fulfills Canada's obligations as a signatory to the 1951 *United Nations Convention Relating to the Status of Refugees* and the 1967 *Protocol Relating to the Status of Refugees*. These documents require Canada to protect those 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. Canada does this by hearing and deciding claims for refugee status made within Canada. Refugee determination at the IRB deals exclusively with claims to refugee status made by people who have arrived in Canada and whom CIC has referred to the IRB. The IRB contributes to the early identification of claims where security and the integrity of the process are at issue.

The new *Immigration and Refugee Protection Act* creates the Refugee Appeal Division, where failed refugee claimants or the Minister can appeal decisions made by the Refugee Protection Division. Decisions made by a three-member panel of the Refugee Appeal Division become binding precedents for single-member panels of the Division and for all panels of the Refugee Protection Division. An appeal is limited to the record of Refugee Protection Division proceedings. This means that no new evidence may be introduced



before the Refugee Appeal Division. In addition, the appeal process will be conducted exclusively through written submissions: the Division will not conduct hearings.

The Refugee Appeal Division will have a dual mandate. It will review Refugee Protection Division decisions upon appeal to address errors in individual cases. It will also promote greater consistency in decisions related to refugee protection by issuing leading and precedent-setting decisions on issues of particular significance. It must achieve these objectives while efficiently adjudicating the high volume of appeals.

Immigration Appeals

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

- Canadian citizens and permanent residents sponsoring members of the family class whose applications for permanent resident visas have been refused;
- permanent residents and certain other people who have been ordered removed from Canada; and
- the Minister of an adjudicator's decision at an inquiry.

Inquiries and Detention Reviews

The Inquiries and Detention Reviews business line conducts:

- inquiries/admissibility hearings involving people alleged to be inadmissible to or removable from Canada; and
- detention reviews for people detained for immigration reasons.

This business line contributes to ensuring the safety of Canadian society by conducting inquiries/admissibility hearings on people seeking admission at a Canadian port-of-entry believed to be inadmissible or people in Canada believed to be removable; and by conducting detention reviews for persons who have been detained during the examination, inquiry or removal process.

Corporate Management and Services

The Corporate Management and Services business line:

- supports the IRB in making decisions; and
- improves the IRB's ability to render timely, fair, consistent and sound decisions.

This business line supports the other three business lines. It provides the IRB with efficient management processes and administrative services while promoting organizational effectiveness and helping the IRB adapt to its changing environment.

This business line:

- co-ordinates the IRB's policy and planning processes;
- develops case management processes to support decision-making;
- provides legal services support;
- provides administrative, financial and personnel services, including recruitment, classification, promotion, training and employee relations; and
- manages the information technology infrastructure to support decision-making and performance measurement.

Also included are services that directly support the day-to-day operations of the three main business lines, including the case management system and translation services. This business line also supports government-wide initiatives, including service improvement, modern comptrollership, and government-on-line initiatives.



4.3 RESPONSIBILITIES

The Chairperson is the IRB's chief executive officer. The Chairperson reports to Parliament through the Minister of Citizenship and Immigration and is appointed by the Governor in Council to hold office during good behaviour for a fixed term of up to seven years. The following individuals report to the Chairperson. (Refer to Organization Chart at Figure 4.1.)

The Executive Director is the IRB's chief operating officer and as such is responsible for IRB operations and the overall administration of the IRB. The Executive Director is also directly responsible for the results of the Corporate Management and Services business line, which has a planned spending of \$50.7 million and 253 full-time equivalents (FTEs).

The Deputy Chairperson of the Convention Refugee Determination Division will be called the Deputy Chairperson of the Refugee Protection Division under the new Act. This Division has approximately 177, increasing to 197, decision-makers appointed by the Governor in Council. The Deputy Chairperson is responsible for the results of the Refugee Determination business line. This business line has a planned spending of \$62.6 million and 785 FTEs (for the Refugee Protection Division only).

The Deputy Chairperson of the Immigration Appeal Division, which has approximately 24 decision-makers appointed by the Governor in Council, is responsible for the results of the Immigration Appeals business line. This business line has a planned spending of \$5.5 million and 70 FTEs.

The Director General of the Adjudication Division will be called the Director General of the Immigration Division under the new Act. This Division has approximately 27

decision-makers appointed under the *Public Service Employment Act*. The Director General is responsible for the Inquiries and Detention Reviews business line. This business line has a planned spending of \$4.8 million and 55 FTEs.

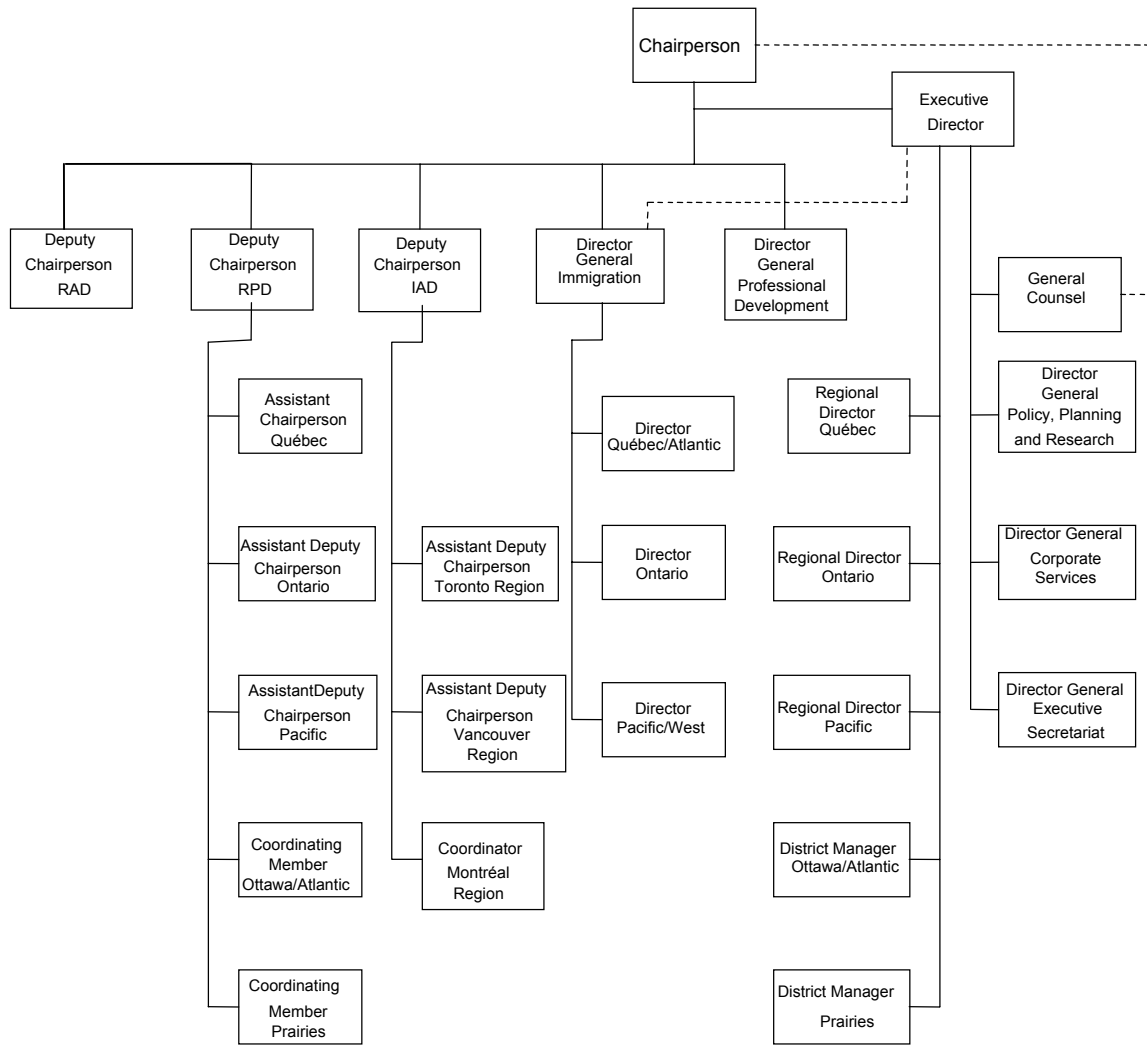
In addition, there is a Director General, Professional Development, responsible for the development and delivery of the national professional development program for decision-makers of the divisions and for public service staff involved in the hearings.

When the *Immigration and Refugee Protection Act* comes into force, and creates the Refugee Appeal Division, a new Deputy Chairperson will be responsible for this Division and will report to the Chairperson. The division is expected to have between 10 to 14 decision-makers appointed by the Governor in Council.

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



Figure 4.1: Organization Chart *



Legend

RAD Refugee Appeal Division
 RPD Refugee Protection Division
 IAD Immigration Appeal Division

* Under the new *Immigration and Refugee Protection Act*.



Figure 4.2: Agency Planned Spending

(millions of dollars)	Forecast Spending 2001-2002	Planned Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005
Refugee Determination	48.4	62.6	62.9	53.9
Immigration Appeals	5.2	5.5	5.5	5.5
Inquiries and Detention Reviews	4.1	4.8	4.8	4.8
Corporate Management and Services *	25.9	50.7	52.2	52.3
Total Main Estimates **	83.6	123.7	125.5	116.6
Adjustments	25.7	0	0	0
Net Planned Spending	109.3	123.7	125.5	116.6
Plus: Cost of services received without charge	14.6	15.4	15.5	14.2
Net Cost of Program	123.9	139.1	141.0	130.8
Full Time Equivalents	1060	1163	1165	1112

* The Corporate Management and Services business line includes resources received to meet the requirement of the *Official Languages Act*; \$24 million in 2002-2003 and \$25.8 million in the following years.

** Figures have been rounded and may not add to totals.



V. ANNEXES

5.1 FINANCIAL INFORMATION

Figure 5.1: Net Cost of Program for the Estimates Year

Immigration and Refugee Board	
(millions of dollars)	
Planned Spending	123.7
<i>Plus: Services Received without Charge</i>	
Accommodation provided by PWGSC	9.9
Contributions covering employees insurance premiums and expenditures paid by TBS	5.4
Salary and associated expenditures of legal services provided by Justice Canada	0.1
2002-2003 Net Program Cost	139.1

Figure 5.2: Net Planned Spending and Full-time Equivalents by Business Line

	Forecast Spending 2001-2002		Planned Spending 2002-2003		Planned Spending 2003-2004		Planned Spending 2004-2005	
	\$millions	FTE	\$millions	FTE	\$millions	FTE	\$millions	FTE
Refugee Determination	61.4	688	62.6	785	62.9	788	53.9	734
Immigration Appeals	5.8	63	5.5	70	5.5	70	5.5	70
Inquiries and Detention Reviews	4.8	53	4.8	55	4.8	55	4.8	55
Corporate Management and Services *	37.3	256	50.7	253	52.2	252	52.3	253
Total **	109.3	1060	123.7	1163	125.5	1165	116.6	1112

* The Corporate Management and Services business line includes resources received to meet the requirement of the *Official Languages Act*; \$5 million in 2001-2002, \$24 million in 2002-2003 and \$25.8 million in the following years.

** Figures have been rounded and may not add to totals.



5.2 GOVERNMENT-WIDE AND HORIZONTAL/COLLECTIVE INITIATIVES

The IRB is developing new rules to complement the new *Immigration and Refugee Protection Act*. Once the legislation is in force, these rules will replace the existing rules.

LEGISLATION AND REGULATIONS	PLANNED RESULTS
<p><i>Refugee Protection Division Rules</i> <i>Refugee Appeal Division Rules</i> <i>Immigration Division Rules</i> <i>Immigration Appeal Division Rules</i></p>	<p>These rules complement and implement procedures established by the <i>Immigration and Refugee Protection Act</i> and will replace existing rules of the IRB.</p> <p>The rules provide a fair, open and accessible process for parties and other interested people before each of the four divisions. They increase the efficiency and timeliness of proceedings and case management, helping the IRB fulfill its mandate. They provide for uniformity and simplicity of structure and language and, as much as possible, treat similar subjects in a common way.</p>
<p><i>Oath or Solemn Affirmation of Office Rules (Immigration and Refugee Board)</i></p>	<p>The <i>Immigration and Refugee Protection Act</i> requires that members appointed by the Governor in Council swear the oath or solemn affirmation of office set out in the IRB rules. The inclusion of the oath or affirmation in the rules formalizes the IRB's current practice and underscores the importance of the responsibilities that members undertake.</p>
<p><i>Conduct of Persons in Proceedings Rules (Immigration and Refugee Board)</i></p>	<p>The <i>Immigration and Refugee Protection Act</i> gives the Chairperson the statutory power to make rules for the conduct of people participating in proceedings before the IRB, with specific rules for counsel. The Chairperson can also decide the consequences of, and sanctions for, a breach of those rules. As a result, everyone appearing before the IRB will understand the IRB's expectations for their conduct, which should address some serious concerns about the behaviour of some counsel.</p>



Government On-line

The October 12th, 1999 Speech from the Throne affirmed that the Federal Government's goal was to be known around the world as the government most connected to its citizens, with Canadians able to access all government information and services on-line at the time and place of their choosing.

The resulting Government On-Line (GOL) initiatives are intended to provide Internet access to government services, as well as to encourage the reorganization and optimization of service delivery. A consistent government-wide capability is being promoted by the GOL project through a common approach specified by the TB Chief Information Officer Branch.

The IRB will undertake work in fiscal year 2002-2003 to make important forms available electronically to the public, and to install web site search/email capabilities.

Subsequently, work related to interactive transactions, active forms, Treasury Board "common look and feel" standards and web site help will be initiated.

Effort related to the Information Sharing Agreement between CIC and the IRB will continue on an ongoing basis. There is also potential for a cooperative endeavour with the RCMP, CSIS and the provinces to improve the processing of higher risk refugees.

Modern Comptrollership

The IRB was one of the original fifteen pilot departments that took the lead on the Modern Comptrollership initiative and participated as a member of the Modernization Task Force. During Phase I, in addition to completing an assessment of its modern management practices, the IRB took an active role in providing advice and guidance and has been dedicated towards shaping the initiative and steering it in the context of the broader management improvement agenda.

During 2001-2002, the IRB has been directing its efforts at establishing a Modern Management Project Office and finalizing the action plan. 2002-2003 and subsequent years, will see continued rollout of this initiative. In 2002-2003, the major activities planned will be directed at implementing a risk management framework, working towards entrenching the new philosophy in the mindset of senior managers and other levels of management across the Board through awareness training and the development of a web site on modern management at the IRB, keeping the modern comptrollership theme as an integral element of the Board's National Learning Plan for managers at all levels, and to establish an internal audit implementation plan. In subsequent years, the IRB will continue to rollout the modern management action plan in order to raise the bar on all of the essential elements.

Modern comptrollership is about the sound management of resources and effective decision-making. The IRB remains strongly committed to this initiative and it's the goal and vision of the IRB to become a truly leading-edge administrative tribunal.



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.

The IRB will commence phase one of this initiative in 2002-2003. Phase one will be used to identify key services for inclusion in the initiative, establish service standards for those services, and measure client

satisfaction with respect to the process in order to establish a baseline. It should be noted that this initiative will not involve measurement of any satisfaction with the outcomes of the IRB's adjudicative decisions.

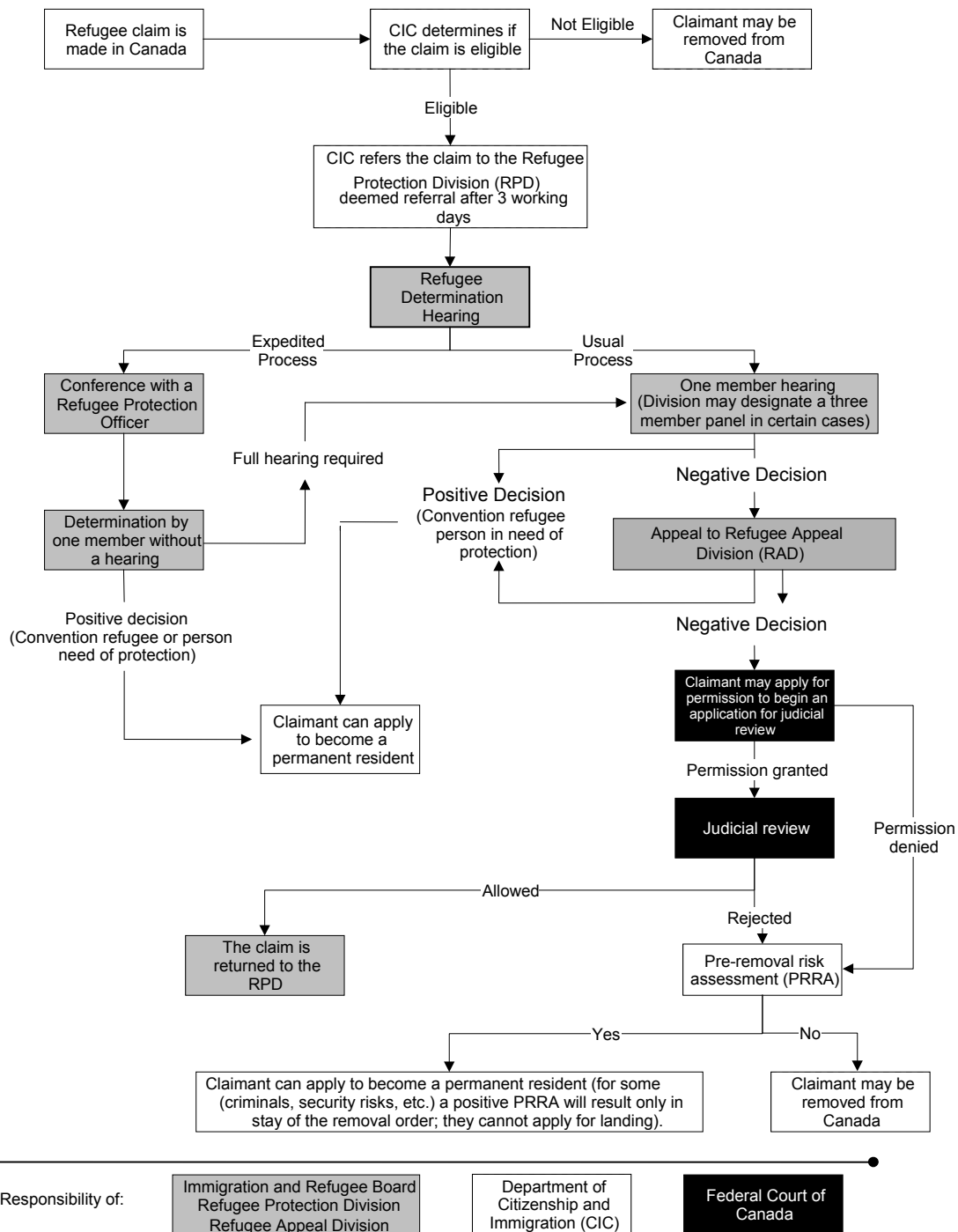
Phase two, to be carried out in 2003-2004, will involve establishing annual targets for client satisfaction, developing service improvement plans based on client priorities and reporting performance against service standards.

Phase three of the initiative will be carried out on an ongoing basis, and will involve continuing annual targets for client satisfaction, developing service improvement plans, measuring client satisfaction and reporting progress.



5.3 IMMIGRATION AND REFUGEE BOARD PROCESSES

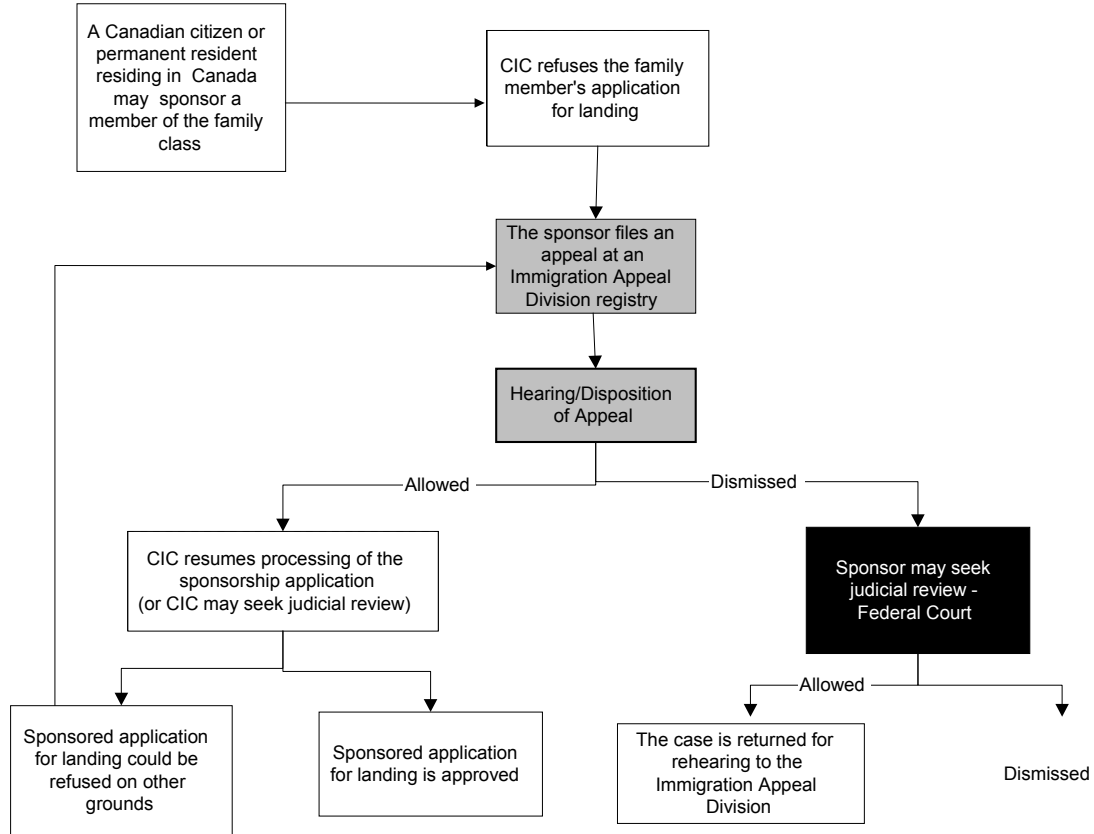
The Refugee Determination Process*



* Process under the new *Immigration and Refugee Protection Act*.



The Sponsorship Appeal Process*



Responsibility of:

Immigration and Refugee Board
Immigration Appeal Division (IAD)

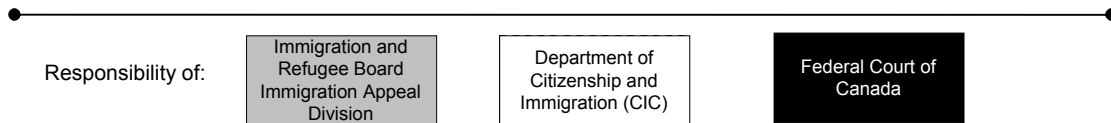
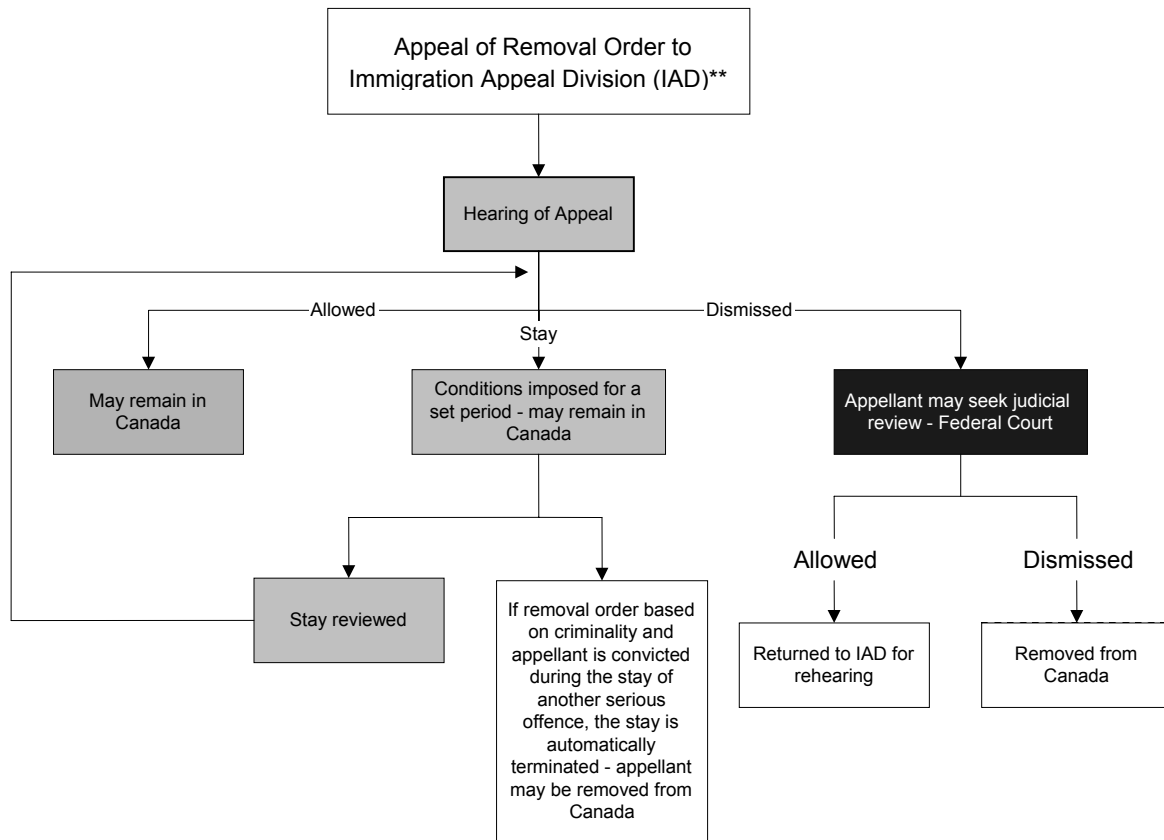
Department of Citizenship and Immigration (CIC)

Federal Court of Canada

* Process under both the *Immigration Act* and the new *Immigration and Refugee Protection Act*.



The Removal Order Appeal Process*



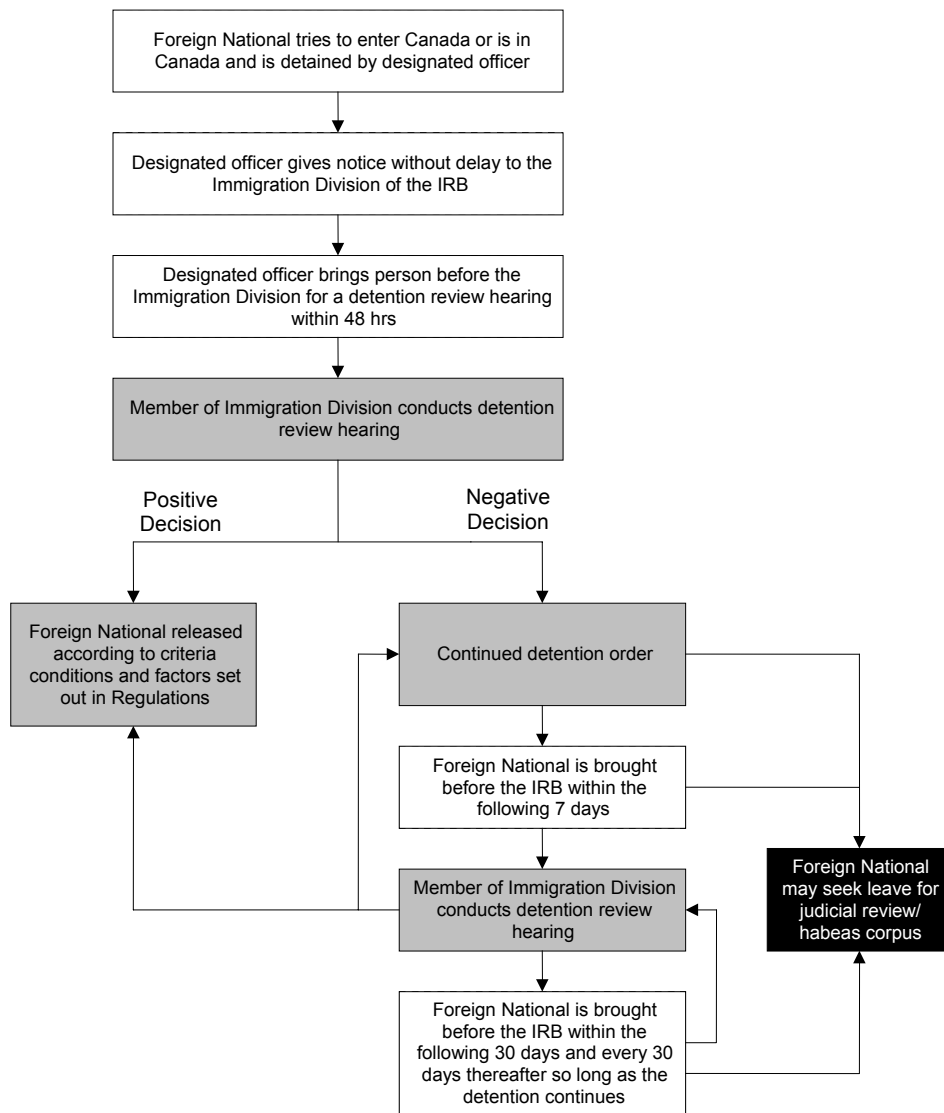
* Under the new *Immigration and Refugee Protection Act*.

** No appeal where appellant is inadmissible on ground of security, violating human or international rights, serious criminality (with minimum two years imprisonment) or organized criminality.

NOTE: The appellant or CIC may request the Federal Court to judicially review any decision of the Immigration Appeal Division.



The Detention Review Process*



Responsibility of:

Immigration and
Refugee Board
Immigration Division

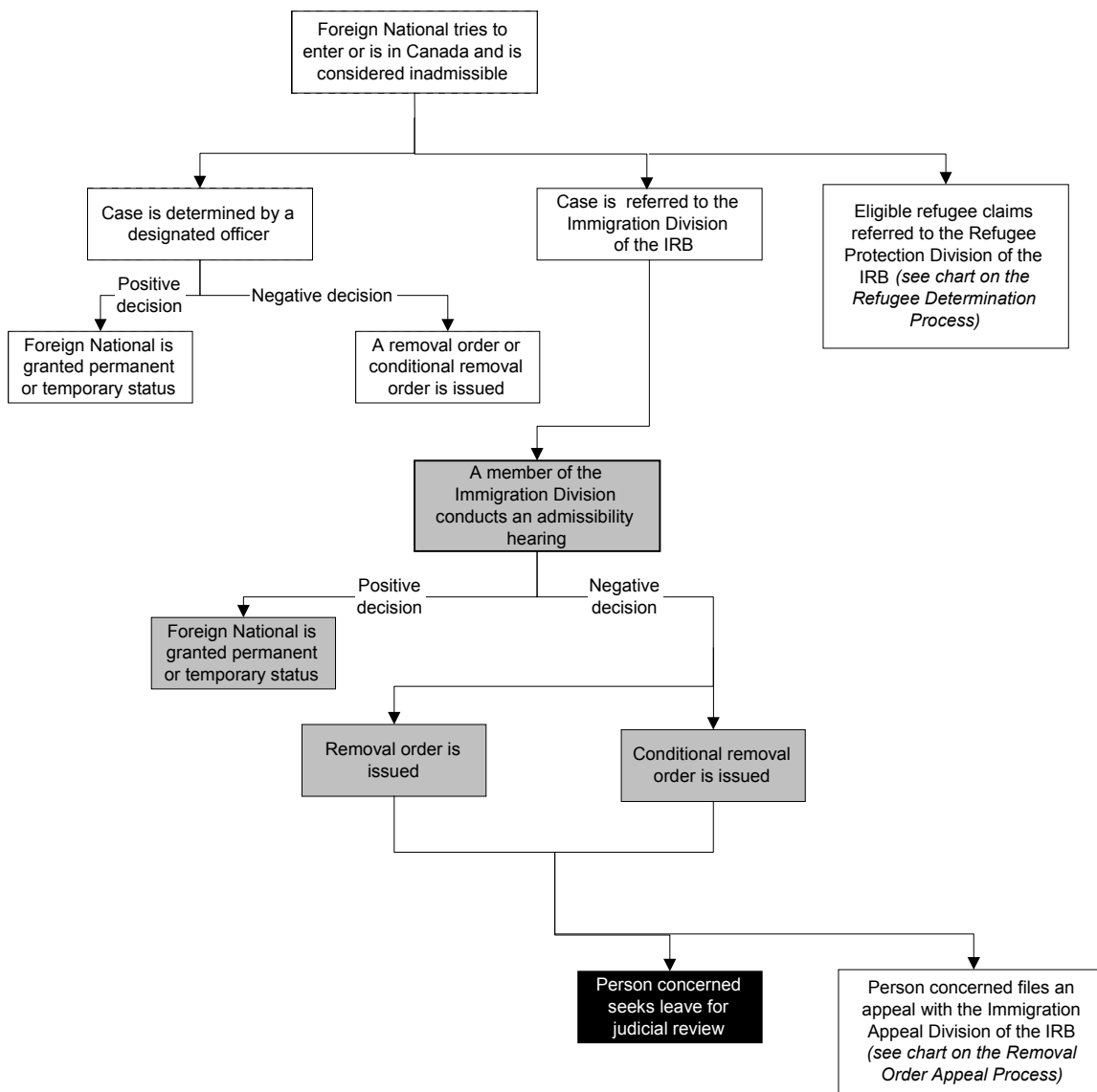
Department of
Citizenship and
Immigration (CIC)

Federal Court of Canada or
Appropriate Provincial
Court for Habeas Corpus

* Under the new *Immigration and Refugee Protection Act*.



The Admissibility Hearing Process*



Responsibility of:

Immigration and Refugee Board
Immigration Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

* Under the new *Immigration and Refugee Protection Act*.

NOTE: Admissibility hearings are referred to as inquiries in the current *Immigration Act*.



5.4 OTHER INFORMATION

Legislation 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)

Legislation to be Administered

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

Other Reports

Reports on Plans and Priorities, from 1997-1998 to 2001-2002

Performance Reports, from 1995-1996 to 2000-2001

Further Information

For further information on the IRB, visit the IRB Website at www.irb.gc.ca or contact Public and Parliamentary Affairs at (613) 943-0201.

* Expected to come into force in 2002.

