



ESTIMATES

Immigration and Refugee Board

**2001-2002
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 to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall 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*.

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.

As part of its ongoing efforts to streamline reporting requirements, the Treasury Board of Canada Secretariat has requested that Immigration and Refugee Board and thirteen other departments explore alternative reporting structures to this year's *Report on Plans and Priorities*. It has, therefore, exempted the department from the usual guidelines for the preparation of this report.

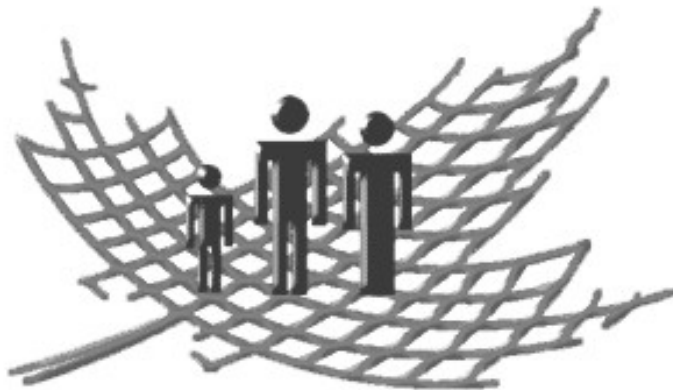
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Part III - Report on Plans and Priorities

Elinor Caplan
Minister of Citizenship and Immigration

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I. MESSAGES

1.1 CHAIRPERSON'S MESSAGE

I am pleased to present the 2001-2002 Report on Plans and Priorities for the Immigration and Refugee Board. This report outlines some of our recent accomplishments and sets out our key priorities and goals for the coming year.

As a quasi-judicial tribunal, the essential business of the Board is to make well-reasoned decisions efficiently and fairly. Last year, the Board renewed its efforts to reduce case processing times, increase productivity, lower case inventory and improve the quality of its decision-making. In large part, we have achieved these goals. Cases are being resolved more efficiently and there are tangible improvements in the quality of our decision-making. Processing times for immigration appeals have been reduced while for refugee claims we have maintained processing times despite a rapid influx of new claims. It is worth noting that the support and dedication of Board personnel enabled us to render decisions on the West Coast marine arrivals in less than six months, in 95 per cent of the cases.

Unfortunately, the story is not all rosy. The increased efficiency of the Board's largest division, the Convention Refugee Determination Division (CRDD), has been more than offset by a surge in refugee claims over the past two years. The Board's historic average has been 25,000 claims per year, whereas this



year we will receive approximately 36,000 claims. This will translate into an increase in our pending inventory to 32,000 claims by the end of March 2001.

In the coming year, the Board will maintain its efforts to improve both the quality and efficiency of its decision-making. These goals are not incompatible, in fact, they can be and are mutually reinforcing. The Board will employ a range of strategies from improved technology, to more effective case management and more focussed training programs. Some of the strategies, in particular new case management systems, will apply to all three divisions; others will be Division specific.

The Immigration Appeal Division (IAD) will continue to develop the Alternative Dispute Resolution program, work to promote consistency in decision-making



nationally, and work to maximize efficiency. The Adjudication Division expects to provide more effective and prompt detention reviews for a dispersed population of detainees. The CRDD will continue to promote consistent decision-making through its use of geographic networks, exchanges of country information across regions and a customized training program. A national policy to expedite well-founded claims will be implemented to assure a more consistent and effective use of the process across all regions.

The increase in the number of people seeking Canada's protection is clearly the largest challenge that will face the Board as it is unlikely that the number of claims referred annually will drop below 36,000 in the near future. The CRDD is committed to rendering decisions as quickly and as fairly as possible in order to limit increases in our pending inventory and processing time. At the same time, it is clear that case inventories and processing times cannot be reduced significantly without additional resources.

The IRB will continue to be an active participant in the legislative review process, providing Citizenship and Immigration Canada with an assessment of the operational and resource

implications of specific proposals. Planning is underway to ensure that we can promptly and effectively implement legislative changes that may be adopted. Parallel processes for implementation, including the drafting of new rules, the preparation of training programs and the modification of case processing systems will place a considerable additional demand on operational resources.

Record high levels of intake coupled with a new case management system and implementation of new legislation may have a short-term impact on IRB output.

Let me say that I am extremely proud of the work of all IRB personnel who bring energy, dedication and a spirit of innovation to their jobs every day. In many ways, they seek creative ways to deal simply, quickly and fairly with everyone. All three divisions are justly confident that their efforts to ensure the IRB is a model tribunal allow all to take pride in our reputation for fair and effective decision-making.

As I begin my second year as Chairperson of the IRB, I look forward to the significant challenges that confront the Board and I am confident that the Board will respond with imaginative and practical solutions.

Peter Showler
Chairperson



1.2 MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2001-2002 *Report on Plans and Priorities (RPP)* for the Immigration and Refugee Board (IRB).

To the best of my knowledge, the information:

- Accurately portrays the IRB's mandate, priorities, strategies and planned results;
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*;
- Is comprehensive and accurate; and
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.



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.

Nicole Senécal
Executive Director

Date





II. AGENCY OVERVIEW

2.1 MANDATE, ROLES AND RESPONSIBILITIES

Mandate and Roles

The Immigration and Refugee Board's (IRB) mandate is contained in Part IV of the *Immigration Act*.

The IRB is an independent tribunal that:

- makes determinations on refugee claims made in Canada;
- acts as an appeal tribunal for appeals from sponsorship refusals, from removal orders, and appeals by the Minister in the course of an inquiry; and
- adjudicates immigration inquiries and detention reviews.

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.

The IRB's vision is to excel in everything we do and to 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.

The IRB is committed to the following values: excellence in delivery; valuing people; open, honest, timely communication; relevant, responsive and accountable management; and, working together effectively.

Responsibilities

The Chairperson reports to Parliament through the Minister of Citizenship and Immigration. He is the IRB's chief executive officer and has five persons reporting to him.

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 that has a planned spending of \$37.8 million and 250 authorized Full-Time Equivalents (FTEs).

The Deputy Chairperson of the Convention Refugee Determination Division (CRDD), which has approximately 180 decision-makers appointed by the Governor in Council, is responsible for the results of the Refugee Determination business line. This business line has a planned spending of \$49.1 million and 672 FTEs.

The Deputy Chairperson of the Immigration Appeal Division (IAD), which has 27 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 \$5.2 million and 70 authorized FTEs.

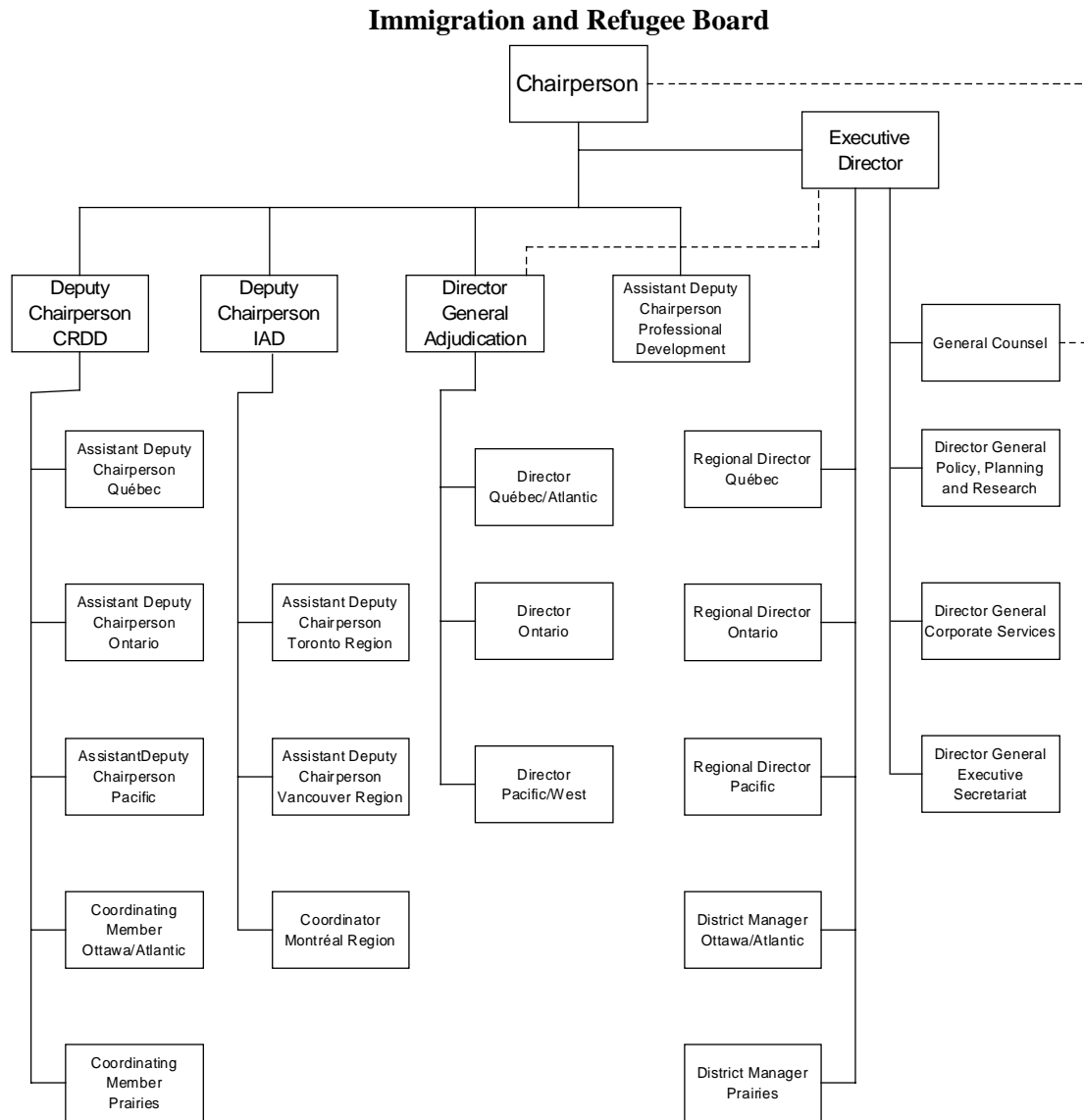


The Director General of the Adjudication Division, which has 28 decision-makers appointed under the *Public Service Employment Act*, is responsible for the Inquiries and Detention Reviews business line. This business line has a planned spending of \$4.7 million and 53 authorized FTEs.

In addition, there is an Assistant Deputy Chairperson who is responsible for professional development.

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

Table 2.1 Organization Chart



2.2 PROGRAM OBJECTIVE

The IRB'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 Relating to the Status of Refugees*.



2.3 PLANNING CONTEXT

- International Context

Internal strife, civil war and violations of human rights represent only some of the reasons for a continuing and mass migration of many of the world's citizens. The international refugee situation continues to be of concern to refugee-receiving nations. According to the United Nations High Commissioner for Refugees, there were approximately 22.3 million individuals of concern to the organization as of January 2000 – this represents one of every 269 persons on Earth. This compares to a January 1999 figure of 21.5 million.

A number of European refugee-receiving countries, including Belgium, France, Austria and the United Kingdom, have recently experienced spurts in intake similar to those seen more recently in Canada. Conversely, countries such as Germany and Switzerland saw reductions. The overall result during the last five years, that is from 1996 to 2000, was a 48 per cent increase in asylum applications lodged in European refugee-receiving countries. This compares to a 40 per cent increase in Canada over the same period.

- Domestic Context

Intake levels are very difficult to predict and are outside of the IRB's control. The IRB has recently experienced a large increase in refugee claims and a more modest increase in immigration appeals.

The IRB received 31,000 refugee claims in 1999-2000, a 24 per cent increase over the previous six-year annual average of 25,000. The number of refugee claims continued to increase during 2000-2001 to even higher levels than originally anticipated: by March 31, 2001 the annual intake is expected to reach 36,000 claims. This represents a 44 per cent increase over the historical average. The strong growth in intake has proven to be more than a short-term aberration and high numbers of claims are expected over the next three years.

The IRB expects an increase in immigration appeals due to an increase in applications for family class immigrant visas. The IRB's workload related to inquiries and detention reviews has stabilized.

- Legislative Review

Four years ago, the former Minister of Citizenship and Immigration Canada (CIC) initiated a review of the immigration and refugee legislation. Since the beginning, the IRB has been an active partner by providing the Legislative Review Advisory Group, the Minister and her officials with information and practical advice on the impact of specific legislative proposals on IRB operations. Over the next year the IRB will be working to improve the overall management of its growing caseload, while preparing also to meet the challenges involved in



implementing legislative change that may be approved by Parliament.

- Strategic Objectives

As a tribunal, the IRB will continue to strive to:

- reduce case processing time;
- improve the quality and consistency of its decisions; and
- increase productivity and reduce case inventory.

We remain committed to these strategic objectives established in 1999 even though the significant workload increase will make their attainment problematic.

The IRB is undertaking initiatives to improve the overall management of its caseload, taking into account all aspects of case processing, including activities before and after the hearing itself. The IRB has consistently focused on optimizing time spent in the hearing and decision-making phases. This is in keeping with the *raison d'être* of administrative tribunals, to promote a responsive and efficient means of delivering administrative justice.

A commitment to quality at the IRB means that expediency will not be achieved at the expense of quality. IRB decisions must be fair and perceived to be fair. A quality decision requires that the decision-maker has competently prepared for the hearing, has given fair consideration to the evidence and the submissions of the parties, and has identified relevant facts, applicable legislation and case law in reaching his/her conclusions. The conclusions are then communicated to the parties in a well-reasoned decision. A quality decision also requires that the processes used to

reach the decision are fair, transparent and understood by the parties.

Productivity has a direct impact on the average processing time and the pending inventory. Over the years, the IRB has constantly improved its productivity by finalizing more cases with the same level of resources. However, productivity gains alone cannot compensate for the significant workload increase. The IRB will need to look at various options to face this workload increase, including seeking additional resources.



A commitment to quality at the IRB means that expediency will not be achieved at the expense of quality.



2.4 AGENCY PLANNED SPENDING

Table 2.2 Agency Planned Spending

(millions of dollars)	Forecast Spending 2000-2001*	Planned Spending 2001-2002	Planned Spending 2002-2003	Planned Spending 2003-2004
Budgetary Main Estimates	85.9	83.6	80.9	81.4
Total Main Estimates	85.9	83.6	80.9	81.4
Adjustments**	9.4	13.2	11.7	11.7
Net Planned Spending	95.3	96.8	92.6	93.1
Plus: Cost of services received without charge	11.9	13.5	13.5	13.5
Net Cost of Program	107.2	110.3	106.1	106.6

Full Time Equivalent	1060	1045	1040	1044
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* Reflects the best forecast of total net planned spending to the end of the fiscal year.

** For 2000-2001, adjustments reflect approvals obtained since the Annual Reference Level Update (ARLU) exercise and include Budget initiatives. The adjustments for 2001-2002 and future years, reflect \$11.0 million for approved additional translation costs and the completion of the Case Management project.



III. PLANS, RESULTS, ACTIVITIES AND RESOURCES

3.1 BUSINESS LINE DETAILS

Table 3.1 below provides a snapshot of budget and human resources authorized by the government for each business line, as well as our forecast of expenditure in the current fiscal year. The Corporate Management and Services business line includes significant expenditures which directly support the main operations of the IRB,

including the Case Management System and translation services. For 2001-2002 and future years, planned spending includes approved costs for additional translation and the completion of a major investment in case management technology.

Table 3.1 Net Planned Spending and Full-Time Equivalents

	Forecast Spending 2000-2001		Planned Spending 2001-2002		Planned Spending 2002-2003		Planned Spending 2003-2004	
	\$millions	FTE	\$millions	FTE	\$millions	FTE	\$millions	FTE
Refugee Determination	50.8	674	49.1	672	48.4	667	48.7	670
Immigration Appeals	5.9	70	5.2	70	5.2	70	5.2	70
Inquiries and Detention Reviews	5.0	52	4.7	53	4.7	53	4.7	53
Corporate Management and Services	33.6	264	37.8	250	34.3	250	34.5	251
Total	95.3	1060	96.8	1045	92.6	1040	93.1	1044

Refugee Determination

The objective of the Refugee Determination business line is to determine claims to Convention refugee status made by persons within Canada.

The Refugee Determination business line fulfils 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 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. It 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 persons who have arrived in Canada, and which are referred to the IRB by Citizenship and Immigration Canada (CIC).

Immigration Appeals

The objective of the Immigration Appeals business line is to hear the appeals of:

- certain persons who have been denied admission to or have been ordered removed from Canada;
- Canadian citizens and permanent residents whose family members have been refused permanent resident status in Canada; and
- the Minister of an adjudicator's decision.

The Immigration Appeals business line makes available to Canadian citizens and permanent residents whose family members have been refused landing in Canada, as well as to persons who have been denied admission to or ordered deported from Canada, a quasi-judicial tribunal to which they may appeal. This is done by hearing appeals of refusals of sponsored applications for permanent residence, appeals against removal orders issued against permanent residents, persons found to be Convention refugees or by persons in possession of valid visas and appeals of the Minister of an adjudicator's decision to grant admission or not to order removal.

Inquiries and Detention Reviews

The objective of the Inquiries and Detention Reviews business line is to conduct:

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

The Inquiries and Detention Reviews business line contributes to ensuring the safety of Canadian society by conducting inquiries on persons seeking admission at a Canadian port of entry believed to be inadmissible or persons 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 objective of the Corporate Management and Services business line is to:

- support the IRB in its deliberations; and
- help to improve its ability to render fair, consistent and sound decisions in the timeliest way possible.



The Corporate Management and Services business line supports the other three business lines. It provides the IRB with efficient management processes and administrative services while promoting organizational effectiveness and supporting the organization in adapting to its changing environment.

This business line:

- coordinates IRB's policy and planning processes;
- 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 a case management system and translation service. This business line also provides support for government-wide initiatives, including service improvement, modern comptrollership, and government-on-line.



3.2 KEY RESULTS COMMITMENTS, PLANNED RESULTS, RELATED ACTIVITIES AND RESOURCES

The IRB is committed to the following:

Table 3.2 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
a leading-edge administrative tribunal	<ul style="list-style-type: none"> <input type="checkbox"/> innovative and optimal use of technology <input type="checkbox"/> case management process initiatives <input type="checkbox"/> professional development <input type="checkbox"/> recognition from individuals and organizations, both international and domestic
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"/> responsiveness to emerging issues <input type="checkbox"/> effective relationships with clients and stakeholders (other administrative tribunals and non-governmental organizations)

KEY RESULTS COMMITMENT: Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law

The following section outlines planned results in relation to the first key results commitment for Refugee Determination, Immigration Appeals, and Inquiries and Detention Reviews business lines. Legislative review could not be fully taken into account: the implementation of new legislation if adopted, will have a significant impact on performance.



Refugee Determination

As a result of sustained strong productivity, the Convention Refugee Determination Division (CRDD) is on target to meet its projected output of 29,500 claims finalized in 2000-2001. This represents 1,700 more claims finalized than in 1999-2000. Despite the strong performance, the CRDD is facing a continued challenge because intake is expected to remain at record high levels over the planning period.

Projected results for Refugee Determination assume the approval of modest additional resources in the next fiscal year. The significant workload increase will challenge the IRB to manage its case processing time and pending inventory. The impact of implementing legislative change, if approved, has not been taken into account.

- **Claims Referred**

The surge in intake began in 1999-2000, when a total of 31,000 claims were referred to the CRDD – 24 per cent more than the average annual level of 25,000 claims received during the preceding six years. In 2000-2001, intake is expected to reach 36,000 claims – 44 per cent more than the historical average annual intake, and considerably higher than the 32,000 predicted in last year's Report on Plans and Priorities (RPP). Intake for 2001-2002 and each of the two following years is projected at 36,500 total claims. This assumes continuation of current high intake levels, but no significant further increase.

As indicated in the last RPP, the strong growth in intake has proven

to be more than a short-term aberration. Moreover, the source of the increase continues to be broadly based: high growth comes both from traditional source countries, such as India, Mexico, Pakistan and Sri Lanka, and from new sources, including Argentina, Colombia, Hungary and Turkey.

The sources of claims continue to be numerous: high growth comes both from traditional source countries and from new sources.



- **Claims Finalized**

The CRDD expects to finalize 32,500 claims in 2001-2002, a 10 per cent gain over the 29,500 we expect to complete in 2000-2001. Assuming both modest and additional resources and improved productivity, the total number of claims finalized annually is expected to rise and stabilize at 34,000 in 2002-2003 and 2003-2004.

- **Pending Inventory**

Although the CRDD has made and continues to make gains in the

number of claims finalized, the gains are not sufficient to offset the unprecedented intake levels. Continuing record intake cannot be matched by a corresponding increase in output without additional resources. Consequently, increases in the inventory, along with higher average processing times, appears unavoidable. The pending inventory is projected to be 32,000 at the end of March 2001 and to rise to 36,000 by March 2002, then again to 38,500 by the end of March 2003.

Table 3.3 Refugee Claims Referred, Finalized and Pending

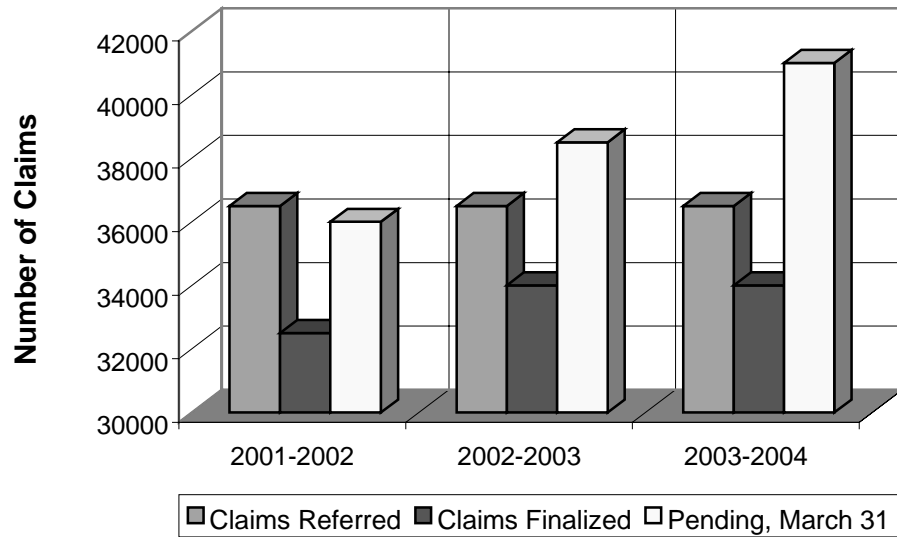


Table 3.4 Inventory of Refugee Claims

	2001-2002	2002-2003	2003-2004
Pending, April 1	32,000	36,000	38,500
Claims referred	36,500	36,500	36,500
Claims finalized	32,500	34,000	34,000
Pending, March 31	36,000	38,500	41,000



- Processing Time

Given the significant increase in claims, the IRB will not be able to continue its progress in reducing processing times. It is anticipated that the processing time will be between thirteen and fourteen months in 2001-2002 and 2002-2003.

- Cost per Claim

The average cost per finalized claim in 2001-2002 is expected to be approximately \$2,700, similar to the average cost per finalized claim in 2000-2001. The IRB uses the full-costing method in arriving at the total cost per claim, which requires that the spending of the Corporate Management and Services business line be proportionally allocated to the other three business lines.

For 2000-2001, the full costs of Refugee Determination consist of business line spending of \$50.8 million and of \$27.7 million which represents the CRDD's pro rata share of Corporate Management and Services (see Table 3.1). The average cost per claim is determined by dividing the full cost of \$78.5 million by 29,500 claims anticipated to be finalized in 2000-2001, and rounded to the nearest hundred.

- Decisions Set Aside by Federal Court

The proportion of CRDD decisions set aside by the Federal Court is expected to remain at less than one per cent over the next three fiscal years, as in past years.

- Consistent Approach

A degree of variation in outcomes across regional offices is inevitable as decisions are rendered by

independent decision-makers based on the evidence submitted in each individual case.

Various measures are being implemented to help the IRB ensure the consistent treatment of similar cases across the country, while respecting the independence of decision-makers. These include:

- Grouping decision-makers and refugee claims officers into teams specialized in particular source countries;
- Requiring transcripts of written reasons for both positive and negative decisions for countries where there is a significant regional variation;



-
- Strengthening national geographic networks comprised of representatives from various sectors of the IRB;
 - Introducing measures to determine the profile of both incoming claims and decisions, for those countries for which a regional variance in outcomes has been identified as significant; and
 - Harmonizing key documentary evidence for specified countries with a view to ensuring that such evidence is consistent across all regions.

Immigration Appeals

The number of family class visa applications has increased steadily over the last four years. This and the anticipated clearing of past applications by Citizenship and Immigration Canada (CIC) will lead to more sponsorship appeals. Sponsorship appeals account for 80 per cent of the intake of the Immigration Appeal Division (IAD). The IAD will aim to sustain its record productivity levels and an average processing time of six to eight months. The impact of implementing legislative change, if approved, has not been taken into account.

- Appeals Filed

It is projected that the IAD will receive 4,600 appeals in 2001-2002, and 4,800 in 2002-2003 and 2003-2004. The continuing increases reflect the larger numbers of family class applications being finalized by CIC officials, together with sustained rates of appeal for those applications which are refused.

- Appeals Finalized

The IAD expects to finalize 4,400 appeals in 2001-2002 and then 4,500 in each of the following two years while sustaining the record productivity levels achieved in 2000-2001.

- Pending Inventory

It is expected that the inventory of pending cases will increase by 200 appeals in 2001-2002 and then by 300 in the following two years.



Table 3.5 Immigration Appeals Filed, Finalized and Pending

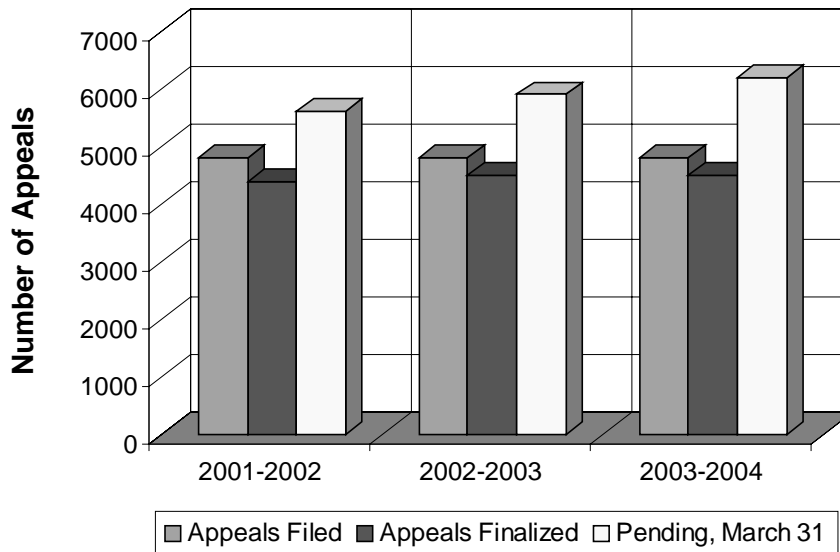


Table 3.6 Inventory of Immigration Appeals

	2001-2002	2002-2003	2003-2004
Pending, April 1	5,200	5,400	5,700
Appeals filed	4,600	4,800	4,800
Appeals finalized	4,400	4,500	4,500
Pending, March 31	5,400	5,700	6,000

- Processing Time

The IAD is expecting an average processing time of between six to eight months in 2001-2002 and the following two years.

- Cost per Appeal

The average cost per finalized appeal in 2001-2002 is expected to be approximately \$2,000, similar to the average cost per finalized appeal in 2000-2001. The IRB uses the full-costing method in arriving at the total cost per appeal, which requires that the spending of the Corporate Management and Services business line be proportionally allocated to the other three business lines.

For 2000-2001, the full cost for Immigration Appeals consists of business line spending of \$5.9 million and of \$3.2 million which represents the IAD's pro rata share of Corporate Management and Services (see Table 3.1). The average cost per appeal is determined by dividing the full cost of \$9.1 million by 4,600 appeals anticipated to be finalized in 2000-2001, and rounded to the nearest hundred.

- Decisions Set Aside by Federal Court

The number of decisions set aside by the Federal Court is expected to remain small over the next three fiscal years. It is expected that the



Federal Court will, as in past years, set aside less than one per cent of all IAD decisions.

- Consistent Approach

Consistency in decision-making is a challenge for any tribunal, especially a national tribunal with a statutory power to make decisions on the basis of broad discretionary considerations, such as “compassionate or humanitarian considerations” or “all the circumstances.”

The IAD continues efforts to support consistency through techniques such as focused professional development and new member training, national videoconference sessions, legal services review of issues and draft decisions, member meetings and communications, and policies and practice notices.



Consistency in decision-making is a challenge for any tribunal.

The IAD is in the process of moving to the next stage of promoting consistency. The challenge will be to establish a systematic and integrated approach to consistency, which will ensure clarity in decision-making, respect adjudicative independence, and include effective ways to evaluate progress and identify areas of concern. As part of its consistency plan, the IAD is developing an adjudication strategy that will incorporate procedures for identifying important or emerging issues, and the use of collegial decision-making through consultation between members on draft decisions involving these issues.

In addition, the first set of Chairperson’s Guidelines for the IAD regarding removal order appeals under section 70 of the *Immigration Act* is expected in 2001. The *Guidelines on Section 70 Removal Order Appeals* will assist IRB members in their exercise of discretion regarding appeals from removal orders against permanent residents, particularly with respect to the possible imposition of stays, and the terms and conditions for stays. The IRB received extensive and valuable comments from the internal and external consultation in late 1999 and early 2000, which will lead to changes in the draft. The current plan is to complete the guidelines as soon as anticipated new legislation is in place. Then, the IRB will implement a plan for training members and communicating the guidelines to the public and the stakeholders.



Inquiries and Detention Reviews

In all likelihood, the workload of the Adjudication Division will remain stable over the next three fiscal years of the planning period, at 3,700 inquiries and 9,600 detention reviews a year.

- **Detention Reviews Finalized**

In 2001-2002, the Adjudication Division expects to complete approximately 9,600 detention reviews. The projected increase in intake reflected in the Report on Plans and Priorities (RPP) for 2000-2001 did not materialize as there were no large-scale arrivals of migrants on the British Columbia coast over the summer of 2000, contrary to what had occurred in 1999. The IRB has taken into account the possibility of future large-scale unexpected arrivals by developing a contingency plan for strengthening its ability to respond to various scenarios.

As for the effect that the overall situation will have on the workload of the Adjudication Division in the

medium term, it is expected that if there is no highly significant influx of migrants, the Division will finalize approximately 9,600 detention reviews in 2001-2002 and in each of the two subsequent years. These projections also take into account the ongoing impact of recent Federal Court decisions. As a result of these decisions, the Division is required to review the reasons for detention of persons otherwise eligible for day parole following a criminal conviction.

- **Inquiries Finalized**

The Adjudication Division expects to complete 3,600 inquiries in 2001-2002 and the same number in each of the two subsequent fiscal years. While the number of inquiries remains stable, the issues and arguments are often more complex as in cases involving war crimes and terrorism for example. The effect of such cases is to increase the time needed for each inquiry.



Table 3.7 *Inquiries and Detention Reviews Finalized*

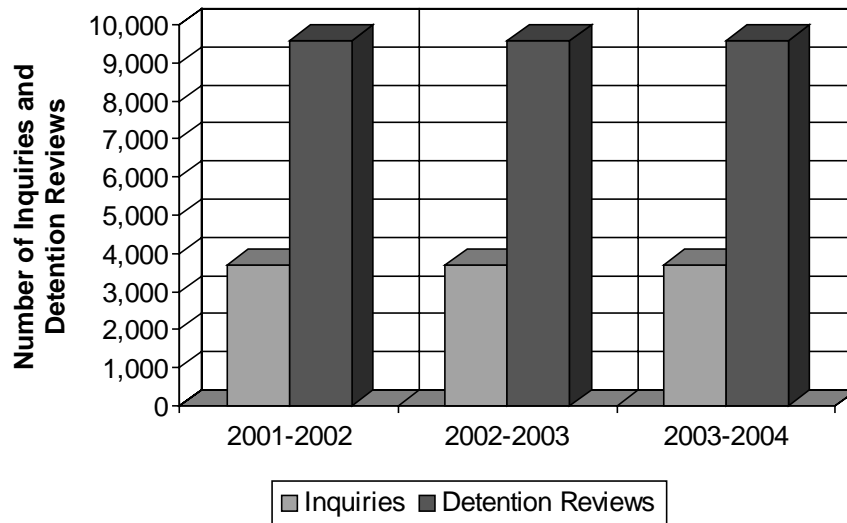


Table 3.8 *Total Number of Inquiries and Detention Reviews*

	2001-2002	2002-2003	2003-2004
Inquiries	3,700	3,700	3,700
Detention Reviews	9,600	9,600	9,600
Total	13,300	13,300	13,300

- **Cost per Inquiry and Detention Review**

The average cost per inquiry and detention review in 2001-2002 is expected to be approximately \$900 and \$400 respectively. This is similar to the average cost per inquiry and detention review in 2000-2001. The IRB uses the full-costing method in arriving at the total cost per inquiry and detention review, which requires that the spending of the Corporate Management and Services business line be proportionally allocated to the other three business lines.

For 2000-2001, the full cost for Inquiries and Detention Reviews consists of business line spending of

\$5 million and of \$2.7 million which represents the Adjudication Division's pro rata share of Corporate Management and Services (see Table 3.1). The average cost per inquiry and detention review is determined by first allocating 45 per cent of the full cost of \$7.7 million toward inquiries and 55 per cent toward detention reviews on the basis of time required to finalize a case. The resulting amount is then divided by 4,000 inquiries anticipated to be finalized in 2000-2001 or by 11,000 detention reviews anticipated to be finalized in this period. The average cost per inquiry and detention review is rounded to the nearest hundred.



- **Consistent Approach**

Of the 15,000 decisions rendered by adjudicators each year, only a few are the subject of judicial review before the Federal Court. In recent years the percentage of successful judicial reviews has been less than 0.05 per cent.

The Adjudication Division pays particular attention to detention cases. Over the years it has developed tools for promoting consistency in decision-making. Such tools include the *Guidelines on Detention* (which came into effect in March 1998), the objective of which is to facilitate the work of adjudicators who review the reasons for the detention of persons in detention. Tracking takes place to verify their application. The Adjudication Division's National Conference held in May 2000 provided a forum to review reasons for detention. These exercises gave

the adjudicators an opportunity to discuss and think about the reasons for as well as alternatives to detention. Lastly, professional development sessions are held at the regional and national level on a regular basis. Their purpose is to provide adjudicators with information on trends in case law and to foster consistency in the decision-making process. In 2001-2002, the focus will be on the inquiries concerning alleged war criminals and international terrorists.

The Adjudication Division also plans for the renewal of its workforce as a large number of adjudicators will be eligible to retire in the near future. The hiring, training and mentoring of new adjudicators will ensure that the quality of decision-making is maintained along with the current level of productivity.

IRB-Wide Related Activities

In addition to a continued focus on business line-specific results, the IRB will undertake a number of Board-wide activities to achieve well-reasoned, timely decisions in accordance with the law.

KEY RESULTS COMMITMENT: A leading-edge administrative tribunal

The following section outlines planned results and related activities that contribute to the IRB's commitment to be a leading-edge tribunal.

Innovative and Optimal Use of Technology

- Case Management System Software

The IRB is introducing new software in support of operational and strategic case management activities. A project team has

acquired and will implement a new case management system (CMS) to replace the System for Tracking Appellants and Refugees and the Adjudication Tracking System.

The objectives of the CMS are to help facilitate the improvement of IRB service delivery through



enhanced case management. Efficiency gains will come through technology that is more responsive to user needs and that provides for more effective sharing of information. Once fully implemented, the CMS is expected to help improve timelines for finalizing cases.

The new system will have the flexibility to accommodate legislative changes and workload increases. The project is to be implemented by March 2002.

Case Management Process Initiatives

- Process Improvements

Improving the overall management of their caseload continues to be a priority for all Divisions. This means improving all aspects of case processing, including activities before, during and after the hearing. These improvements will help to reduce processing times, increase productivity, reduce the inventory of pending cases, and establish improved accountabilities.

Specific examples of improved processes include:

- increased use of Alternative Dispute Resolution for IAD sponsorship cases;
- monitoring against time standards for all stages of the process (e.g. for scheduling, processing, writing reasons);
- greater use of single-member panels in the CRDD;
- sharing of best practices across regions and divisions with respect to early contact with parties;

- instituting more effective scheduling practices;
- expanded use of oral decisions and reasons; and
- greater use of streaming and screening practices, including expediting straightforward cases.

Through the Oral Reasons and Decisions Policy, the IRB has confirmed its goal of making the rendering of oral decisions the norm in its three divisions. The oral delivery of decisions and supporting reasons enhances the accessibility and timeliness of decision-making in refugee and immigration processes.

- Alternative Dispute Resolution (ADR)

The IAD is proceeding to implement ADR nationally. The purpose of ADR is to attempt to resolve cases without a formal adversarial hearing by using more informal, less confrontational and more consensual approaches, such as mediation. ADR is consistent with the IRB's vision to deal with matters simply, quickly and fairly. The Toronto region has integrated ADR as an ongoing feature for processing certain types of sponsorship appeals. Implementation of ADR in Vancouver began in the spring of 2000, and will commence in Montréal in 2002.

Professional Development

- National Learning Plan

As a leading-edge tribunal, the IRB establishes and implements a national learning plan to promote and support strategic objectives. This plan, targeted to respond to evolving learning needs of IRB personnel, is designed to improve the quality and consistency of IRB decisions, reduce the time in which



those decisions are made, and increase the productivity of the tribunal as a whole. The plan addresses the specific abilities and knowledge required by IRB personnel.

The plan for newly-appointed members includes a three-week initial classroom training and then a six-month learning program as the member works, which is customized to the new member's needs. The six-month program is essentially a mentoring program with follow-up training sessions on substantive and procedural issues. Newly-appointed members are supported by a team composed of a legal advisor, a mentor and a professional development adviser.

For experienced members, a recently implemented customized program affords a more individualized and comprehensive approach to the evaluation of members' professional development needs and a more focused response to those needs. Where individual professional development needs have been identified for experienced members, they are assigned a mentor to address their learning needs.

In addition, all members attend ongoing monthly professional development programs on substantive and procedural issues. Monthly training sessions involve, for example, guidance on the application of elements of the Convention refugee definition, the assessment of country conditions of refugee-producing countries, the challenges raised by emerging substantive and procedural issues relevant to immigration appeals, best practices in the conduct of a hearing, and oral and written reasons. Some of these monthly training sessions

are also attended by employees who support members in the preparation and conduct of hearings.

The IRB's learning agenda also includes activities of specific interest to Public Service managers and employees. These activities support the key results commitments for the IRB to be a leading-edge tribunal and a creative partner in the Canadian immigration system. In the coming year, emphasis will be on training for the new Case Management System or initiatives such as the Universal Classification Standard. The introduction of a new legislative framework, if adopted by Parliament, as well as workplace issues such as harassment prevention, will also be topics covered by training programs offered to all personnel.

Recognition from Individuals and Organizations, both International and Domestic

- Intergovernmental Consultations

The IRB continues to be a recognized leader in the activities of the Country of Origin Information Working Group of the Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia. From December 1998 to June 2000 the IRB chaired this working group. IRB delegates continue to lead many of the group's ongoing initiatives. These include the development of a website where the IRB participates as a member of the steering committee, development of a publication on the country-of-origin research programs in participating States, and publication of an internationally-distributed Working Group Newsletter, which is scheduled for release in the spring of 2001.



- International Association of Refugee Law Judges (IARLJ)

The IRB plays an important role in the work of the International Association of Refugee Law Judges. Canada has been recognized by United Nations officials and foreign delegates for its efforts to promote 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 on behalf of the IARLJ and will help develop a training program over the next couple of years. The IRB will continue its participation in working groups that are looking at issues in refugee law and procedure. The IRB will participate in the next IARLJ Conference in New Zealand in 2002.

KEY RESULTS COMMITMENT: A creative partner in the Canadian immigration system

The IRB is one of many players who contribute to a responsive immigration system. The IRB plans to continue its efforts to be a creative partner in this system. The following section outlines Board-wide planned results and related activities in line with this commitment.

Integrated Approach to Portfolio Management

- Collaboration with CIC

Citizenship and Immigration Canada (CIC) and the IRB have made significant progress in building a stronger relationship within the immigration portfolio. The portfolio approach has created opportunities for effective communication and co-ordination.

The 1996 *Administrative Framework Agreement* (AFA) allows for a more open communication in enhancing workload management and the effective use of information resources. It clearly sets out the administrative relationship between the two organizations, while respecting the institutional independence of the IRB and the independence of its decision-makers. Collaborative efforts are ongoing under three AFA sub-

agreements on technical issues: the *Information Sharing Agreement (ISA)*, the *Priorities Co-ordination Agreement (PCA)* and the *Agreement Regarding Claim-Related Information from Refugee Claimants*. The IRB will continue to participate in portfolio management initiatives over the planning period.

- Role in Legislative Review

The legislative reform work being led by CIC is an important initiative that will affect the operations of the IRB in a significant way. The IRB will continue to be an active participant in the legislative review process, providing CIC with an assessment of the operational and resource implications of specific legislative proposals on the work of the IRB's three divisions.



- Policy Development

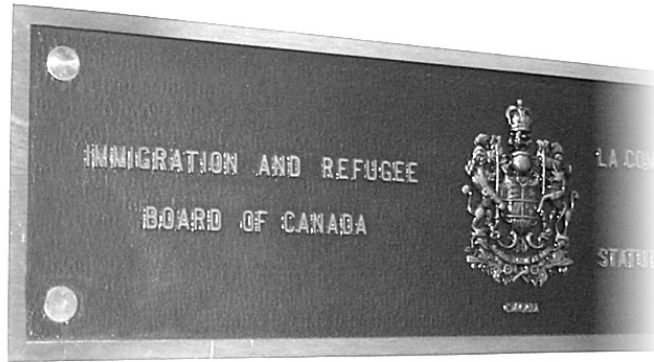
The IRB continues to enhance its capacity to develop and implement operational policies that are responsive to evolving needs and that contribute to strategic priorities.

Work will continue on the development of various policies, including consultation with stakeholders. A priority for 2001-2002 is the implementation of a national policy to guide the application of a process for expediting refugee claims in the CRDD. The expedited process remains a valuable means for the CRDD to identify and deal quickly and fairly with manifestly well-founded claims in a consistent manner in all regions. The policy will be finalized and implemented in 2001-2002.

Responsiveness to Emerging Issues

- Contingency Planning

The IRB will continue to enhance its responsiveness to emerging issues, such as the possibility of a large-scale influx of migrants, through contingency planning. Contingency planning requires the IRB to establish flexible mechanisms to reallocate financial and human resources as well as effective channels of communications with stakeholders.



The IRB continues to enhance its capacity to develop and implement operational policies that are responsive to evolving needs and that contribute to strategic priorities.

Effective Relationships with Clients and Stakeholders

- Consultative Committee on Practices and Procedures (CCPP)

The CCPP includes representatives from key non-governmental organizations (NGOs), the Canadian Bar Association (CBA), associations of immigration lawyers and the United Nations High Commissioner for Refugees (UNHCR). Over the years, the CCPP became an important forum to exchange information, find solutions to issues of mutual concern and provide for a better understanding of respective views. In 2000, the IRB held two CCPP meetings in addition to consulting Committee members on IRB policy initiatives. The IRB will continue to use this very important forum over the coming years.





The IRB will continue to enhance its responsiveness to emerging issues, such as the possibility of a large-scale influx of migrants, through contingency planning.

- Protocol Addressing Member Conduct Issues

The IRB was the first federal administrative tribunal to institute a formal process to deal with complaints about member conduct. In October 1999, the IRB further developed this process and issued its *Protocol Addressing Member Conduct Issues*. The IRB will continue to monitor implementation of the Protocol and to take remedial action in those cases where it is warranted. The Protocol recognizes that high standards of conduct are required of public officials, such as IRB members, who have been entrusted with the responsibility of making quasi-judicial decisions that profoundly affect the lives of individuals. The Protocol is based on the premise that a public institution such as the IRB is strengthened by an accessible, expeditious and effective public complaint process.

- Code of Conduct for Counsel

Although the IRB is generally satisfied with the quality of counsel who appear before its three divisions, whether they be lawyers or other counsel, there have been

some serious concerns expressed about the behaviour of some counsel. Unacceptable behaviour includes, for example, continually failing to respect the processes of the IRB and failing to live up to one's commitments. Such behaviour, even in the case of a small number of counsel, has a serious impact on the efficient and fair operations of the IRB.

To ensure that all "fee for service" counsel who appear before the IRB understand the expectations of the IRB in terms of their conduct, the IRB will develop a "Code of Conduct for Counsel Appearing before the IRB."

- Information for Consultants and Unrepresented Appellants and Claimants

The Immigration Appeal Division (IAD) continues to consider ways to improve conduct and competence of some of the counsel that appear at IAD appeal hearings. In a pilot project focused on immigration consultants, but also open to lawyers, several Toronto IAD members have developed an information session to provide information to counsel about basic expectations in presenting an immigration appeal. The IAD's Toronto office had two successful sessions, each with over 80 immigration consultants, in November, 2000 and February 2001. Other sessions will take place in 2001.

To assist unrepresented appellants, the Division is developing a series of plain language information guides on how to prepare for specific types of appeal. An initial prototype on marriage appeals was sent out for internal and external consultation in



the summer of 2000, and the complete set of information guides will be ready for a final consultation in early 2001.

An innovative project to address the unique needs of refugee claimants who are unrepresented by legal counsel was initiated in co-operation with the Canadian Council for Refugees (CCR), the United Nations High Commissioner for Refugees

(UNHCR) and CIC. The project involves assessing particular needs of unrepresented claimants and NGOs that are in a position to represent them. The objective is to develop tools that will help refugee claimants to understand the refugee determination process and provide adequate support to NGOs.



IV. HORIZONTAL INITIATIVES

Modern Comptrollership

The IRB is one of fifteen pilot departments for the modernization of the comptrollership function. As well as supporting the IRB's vision of a leading-edge administrative tribunal, the IRB's experience in this initiative will be invaluable to other small agencies as they modernize their own comptrollership functions.

Modern comptrollership is about the sound management of resources and effective decision-making. Among other things, it will provide managers, parliamentarians and the public with integrated financial and non-financial information. To this end, the IRB will complete in 2000-2001 the full implementation of the Financial Information Strategy, adapting its financial policies and practices to support a private sector model of accounting.

Further to the assessment of the IRB's capacity in the area of modern comptrollership completed in 2000-2001, the IRB will launch a number of modernization initiatives in the next year.

Universal Classification Standard (UCS)

Three years ago, the Government of Canada undertook to completely review the way positions in the Public Service are described and classified and introduced a new "Universal Classification Standard".

The IRB fully supports this Public Service-wide initiative. Over 200 work descriptions representing all functions being performed at the IRB have been written and evaluated in accordance with the UCS. The IRB is reviewing the revised work descriptions to ensure they are consistent with those in other government departments and agencies. Over the next fiscal year, the IRB will focus its activities on communications with managers, employees and union representatives and on developing and implementing a change management strategy to support the classification conversion exercise.

Service Improvement Initiative

In *Results for Canadians: A Management Framework for the Government of Canada*, the Government committed to achieving a significant, quantifiable improvement in client satisfaction with its services. The government-wide Service Improvement Initiative – to be implemented by departments and agencies through a phased approach – established a target of a minimum 10 per cent increase in client satisfaction by 2005.

For the IRB, 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 will involve establishing annual targets for client satisfaction, develop service improvement plans based on clients' priorities and

report performance against service standards. Phase three of the initiative will be carried out over the 2002 to 2005 period. This will involve continuing annual targets for client satisfaction, developing service improvement plans, measuring client satisfaction and reporting progress.



The Government has committed to achieve a significant, quantifiable improvement in client satisfaction with its services over the next five years.



V. FINANCIAL INFORMATION

Table 5.1 Net Cost of Program for the Estimates Year

Immigration and Refugee Board	
(\$ millions)	
Planned Spending	96.8
<i>Plus: Services Received without Charge</i>	
Accommodation provided by PWGSC	9.3
Contributions covering employees insurance premiums and expenditures paid by TBS	4.2
2001-2002 Net Program Cost	110.3

Table 5.2 Financial Spending Plan

(\$ millions)	Forecast Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003	Planned Spending 2003-2004
Refugee Determination	50.8	49.1	48.4	48.7
Immigration Appeals	5.9	5.2	5.2	5.2
Inquiries and Detention Reviews	5.0	4.7	4.7	4.7
Corporate Management and Services*	33.6	37.8	34.3	34.5
Total	95.3	96.8	92.6	93.1

* For 2001-2002 and future years, spending reflects \$11.0 million for translation costs.



Table 5.3 Planned Full Time Equivalents (FTEs) by Business Line

	Forecast Utilization 2000-2001	Planned Utilization 2001-2002	Planned Utilization 2002-2003	Planned Utilization 2003-2004
Refugee Determination	674	672	667	670
Immigration Appeals	70	70	70	70
Inquiries and Detention Reviews	52	53	53	53
Corporate Management and Services	264	250	250	251
Agency Total	1060	1045	1040	1044



VI. OTHER INFORMATION

6.1 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)

6.2 OTHER REPORTS

Reports on Plans and Priorities, from 1997-1998 to 2000-2001

Performance Reports, from 1995-1996 to 1999-2000

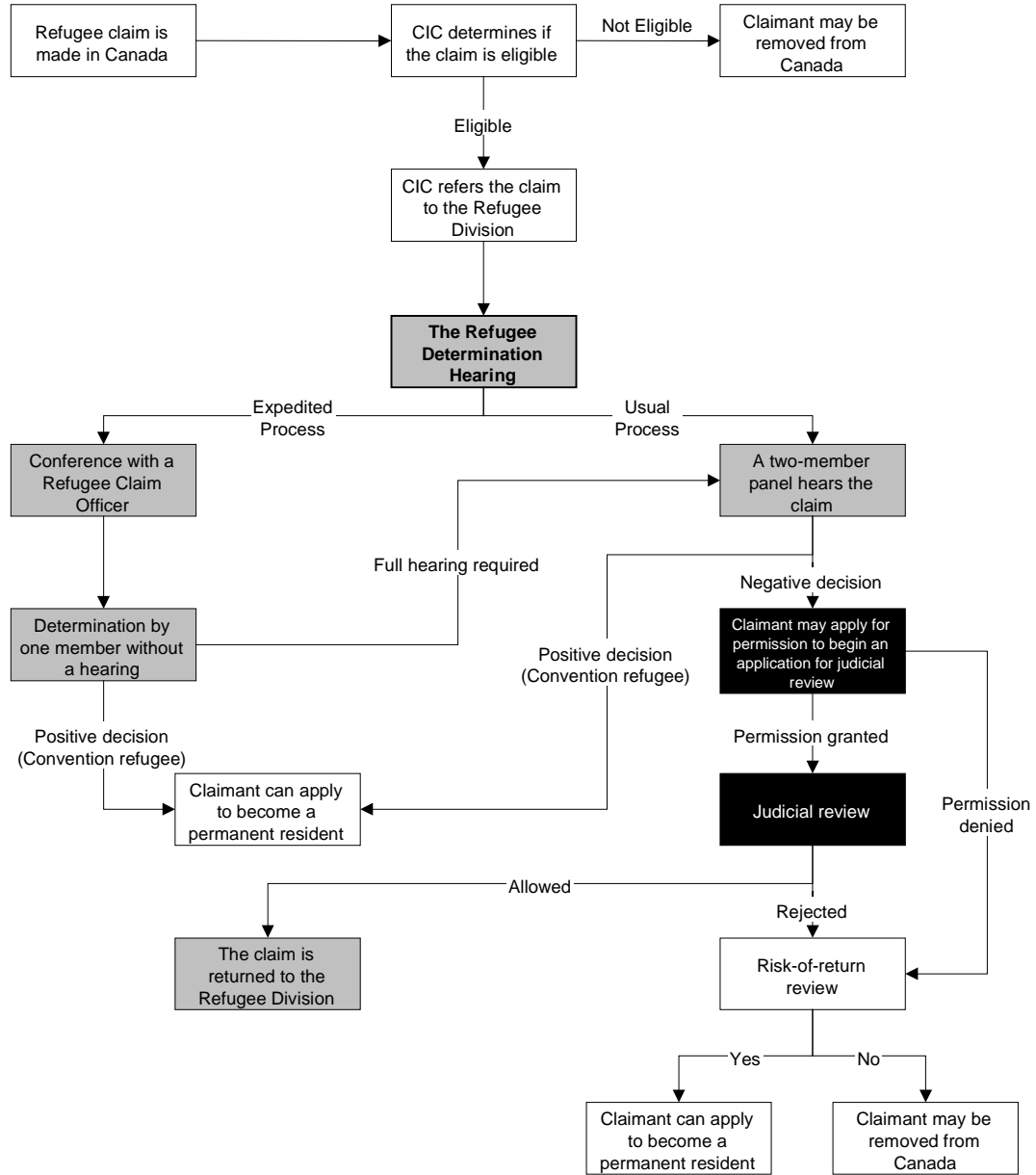
6.3 FURTHER INFORMATION

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.



6.4 IRB PROCESSES

The Convention Refugee Determination Process



Responsibility of:

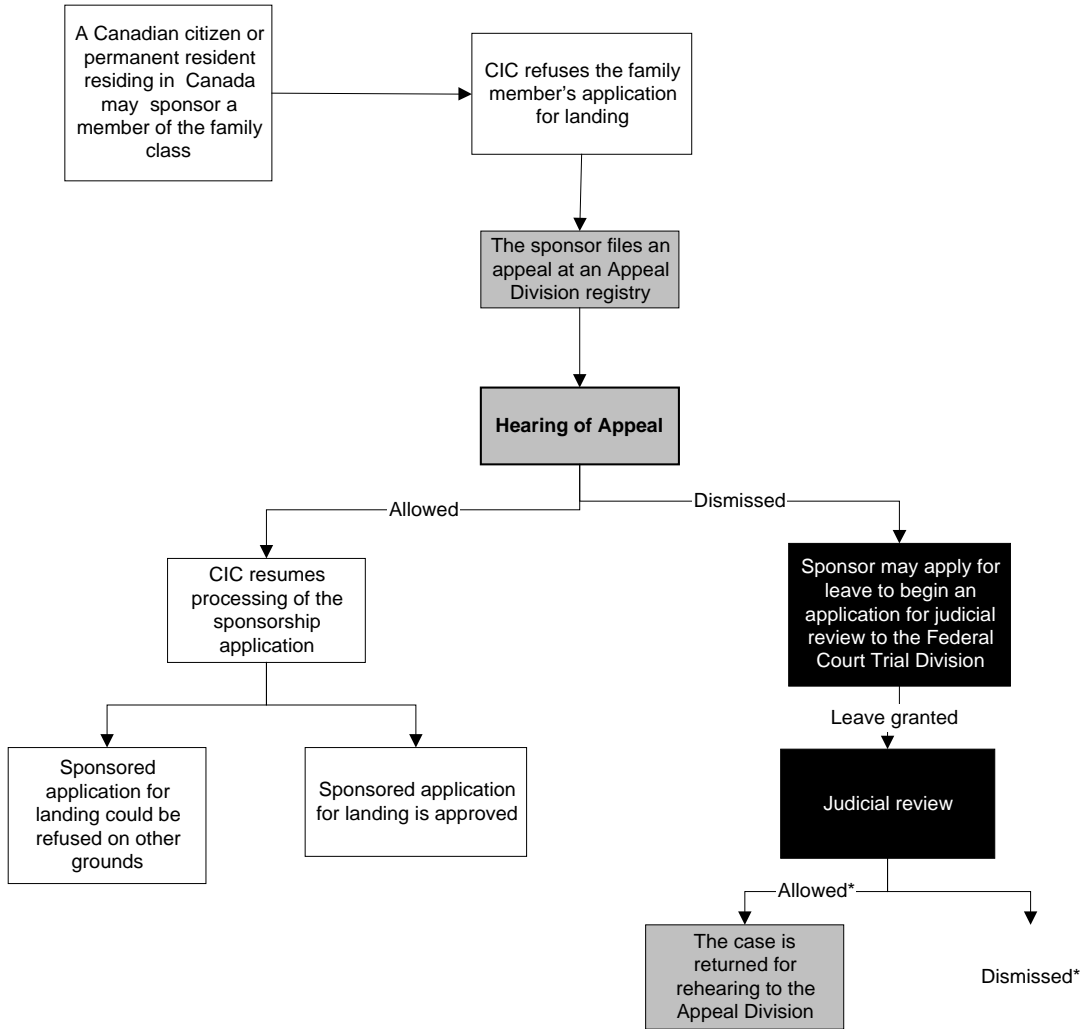
Immigration and Refugee Board Refugee Division

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:

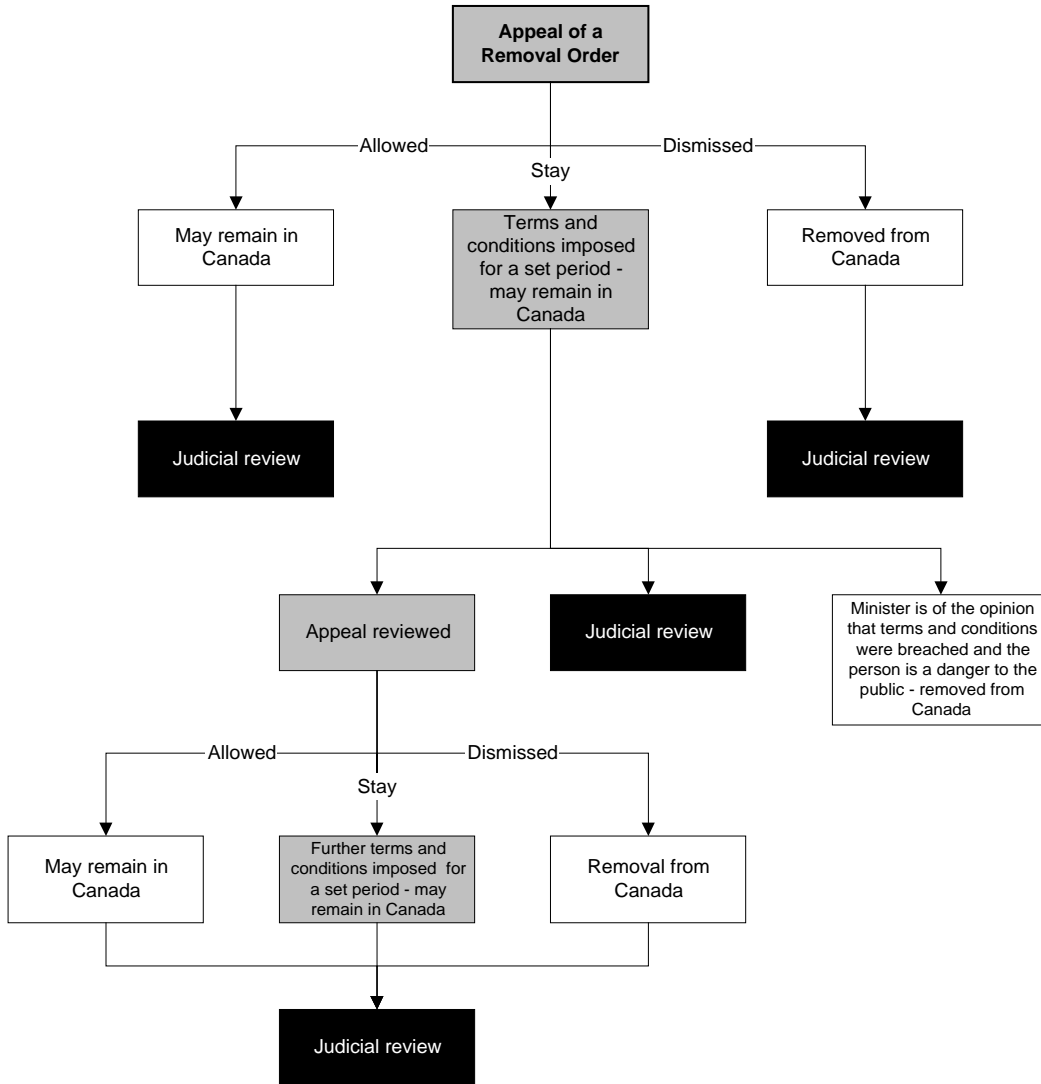
Immigration and Refugee Board
Immigration Appeal Division (IAD)

Department of Citizenship and Immigration (CIC)

Federal Court of Canada



The Removal Order Appeal Process



Responsibility of:

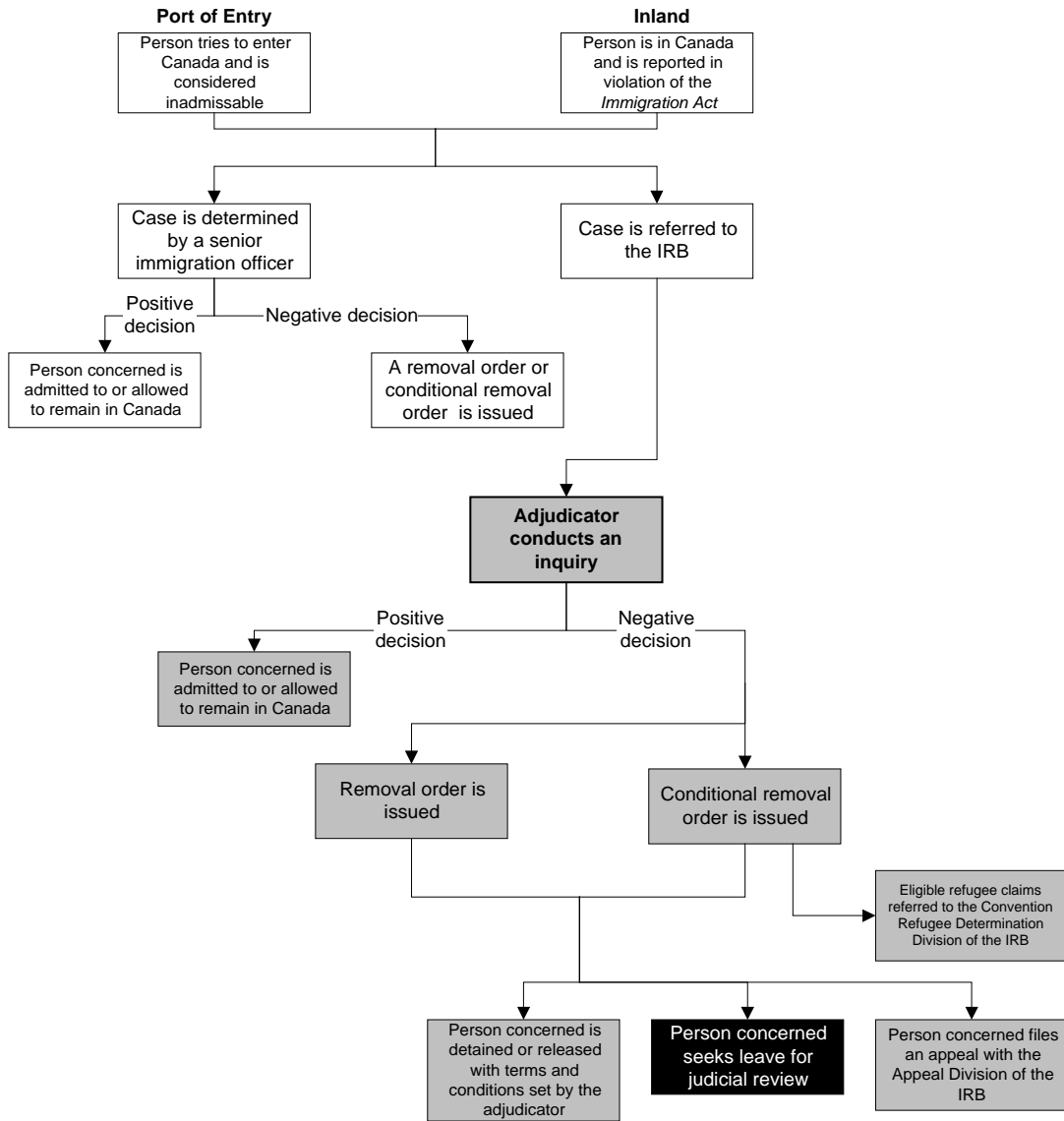
Immigration and
Refugee Board
Immigration Appeal
Division

Department of
Citizenship and
Immigration (CIC)

Federal Court of
Canada



The Immigration Inquiry Process



Responsibility of:

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