



Immigration and Refugee Board

Performance Report

For the period ending
March 31, 2001

Canada

Improved Reporting to Parliament Pilot Document

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

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

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

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 funds.

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Foreword

In the spring of 2000 the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Earlier this year, departments and agencies were encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on results – benefits to Canadians – not on activities. It sets the department’s performance in context and associates performance with earlier commitments, explaining any changes. Supporting the need for responsible spending, it clearly links resources to results. Finally the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organization according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:

<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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March 31, 2001

Elinor Caplan
Minister of Citizenship and Immigration

TABLE OF CONTENTS

I. CHAIRPERSON'S MESSAGE	1
II. STRATEGIC CONTEXT	3
III. STRATEGIC OUTCOMES.....	5
(1) WELL-REASONED, TIMELY DECISIONS ON IMMIGRATION AND REFUGEE MATTERS IN ACCORDANCE WITH THE LAW	5
<i>Refugee Determination</i>	5
<i>Immigration Appeals</i>	8
<i>Inquiries and Detention Reviews</i>	10
(2) A LEADING-EDGE ADMINISTRATIVE TRIBUNAL	12
(3) A CREATIVE PARTNER IN THE CANADIAN IMMIGRATION SYSTEM	13
IV. FINANCIAL INFORMATION.....	15
<i>Financial Performance Review</i>	15
<i>Financial Summary Tables</i>	15
V. OTHER INFORMATION	19
<i>Further Information</i>	19
<i>Business Line Descriptions and IRB Governance</i>	19
<i>IRB Process</i>	22

I. CHAIRPERSON'S MESSAGE



I am pleased to submit to Parliament the IRB's Performance Report for the 2000-2001 fiscal year.

The IRB is Canada's largest administrative tribunal. Our mandate is to make well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the law. In 2000-2001, our three divisions rendered almost 50,000 such decisions, all of which had a direct impact on the life, liberty and security of individuals, as well as on the public interest of Canada.

The IRB's primary goal in 2000-2001 was to build upon the progress we had made in previous years in improving the quality of our decision-making, especially as it relates to our consistent treatment of similar cases. We also directed a considerable amount of energy during the year towards improving the efficiency of our processes with a view to finalizing cases more quickly, as well as towards reducing our inventory of pending cases. I am happy to report that, to a large degree, we were successful in all of these endeavours.

Looking at the work of the Convention Refugee Determination Division (CRDD), I am pleased to report a high level of productivity achieved by this division during the fiscal year: 30,000 refugee determinations were made, an increase of eight per cent over the previous year. However, the CRDD received over 35,000 refugee claims during the same period, which represents 13 per cent more than in 1999-2000 and 40 per cent more than the historical average of 25,000 claims per year. As a result, the number of claims in the division's inventory increased. Because of high productivity, the average processing time remained fairly stable in 2000-2001 at 9.6 months.

The 2000-2001 fiscal year was also a productive one for the Immigration Appeal Division (IAD). The IAD hears appeals of Canadian citizens and permanent residents whose family members have been refused permanent residence in Canada, as well as appeals of removal orders. While the division received and finalized about 4,500 appeals in 2000-2001, about the same number as in the previous year, the average processing time for appeals was reduced from 7.2 to 6.5 months. The number of appeals pending also decreased slightly during the period.

The Adjudication Division concluded over 3,700 immigration inquiries and 11,500 detention reviews in 2000-2001. While some migrants continued to arrive by unusual means such as shipping containers, the number of those arrivals was much lower than the West Coast marine arrivals in the summer of 1999. During the period covered by this report, the division was current with its caseload.

Successfully carrying out the work of an administrative tribunal demands more than a focus on productivity. It involves such diverse and essential responsibilities as maintaining constructive dialogues with partners and stakeholders and contributing to the ongoing process of legislative reform. I am pleased to report that the IRB has achieved much success and remains diligent in its efforts to pursue working relationships in these areas.

I would like to emphasize that none of the accomplishments I have outlined would have been possible without the enthusiastic commitment and participation of all IRB personnel across the country. I am very proud of the contributions they have made, and continue to make, to our shared goal of making the IRB a leading-edge organization.



We will continue to seek creative solutions to deal with the challenges before us. However, I must state the increase in the workload of the IRB poses a serious challenge. The continuing increase in our workload is so significant that, without strategic investments to address these pressures, the situation will deteriorate as the size of our pending caseload increases and processing times lengthen. In addition, considerable resources and effort will need to be devoted to

planning and implementing new case management software and the new legislation once approved by Parliament.

Despite these increasing pressures, the IRB remains committed to quality and timely decision-making in accordance with our mandate. The IRB will continue, as it always has, to decide each case that comes before it on its individual merits, as simply, quickly and fairly as possible.

Peter Showler

Chairperson



II. STRATEGIC CONTEXT



The IRB is an independent tribunal established by Parliament to meet Canada's immigration and refugee related obligations as defined in the *Immigration Act* and as a signatory to the United Nations 1951 *Convention* and 1967 *Protocol Relating to the Status of Refugees*. The IRB reports to Parliament through the Minister of Citizenship and Immigration. The Board's activities support the government-wide mission to build a stronger Canada by providing Canadians with a system for rendering decisions on immigration and refugee matters that is both fair and efficient.

The Department of Citizenship and Immigration Canada (CIC) is responsible for immigration and refugee policy, including selection, admission and integration of newcomers into the Canadian society. CIC is responsible for the front and back-end of the process. This means that people coming to the IRB have previously been seen by CIC which is also responsible for the follow-up once the IRB renders a decision. This follow-up encompasses allowing the person to enter Canada, granting permanent residence to the person ("landing") or removing the person from Canada. Other partners and stakeholders -- in areas such as health, education, social assistance and legal aid -- include federal agencies and departments, provincial governments, the various Bar associations, and non-governmental organizations.

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.

Between 1997 and 2000, Canada experienced a 55 per cent rise in the number of refugee claims filed with CIC. However, Canada is by no means alone in experiencing such significant increases in the number of claims: 13 out of the 16 major refugee-receiving countries, including Canada, the United States, Australia and 13 European countries, received significantly more refugee claims in 2000 than in 1997. In nine of those countries, including the United Kingdom, France, Belgium and all the Scandinavian countries, the increase was greater than it was in Canada. Only two countries, Germany and Switzerland, received fewer claims in 2000 than in 1997, due primarily to fewer claims from former Yugoslavia. In the United States, the annual number of claims remained steady over this period. Figures to date in 2001, however, point to a significant increase in claims filed in the United States this year.

Domestic Context

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

The upward trend in refugee claims began in 1999-2000 when the IRB received 31,000 claims, 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 was over 35,000 claims. This represents a 40 per cent increase over the historical average.



The IRB also expects to see 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 as a large number of marine arrivals on the West Coast in the summer 1999 departed from Canada while the number of similar arrivals was much lower in 2000-2001.

Legislative Review

In 1997, the former Minister of Citizenship and Immigration initiated a review of the immigration and refugee legislation. From the beginning, the IRB has been an active partner in this process, providing the Legislative Review Advisory Group, the Minister and her officials with information and practical advice on the impact that

specific legislative proposals would have on IRB operations. In 2000-2001, the IRB worked to improve the overall management of its growing caseload, while preparing also to meet the challenges involved in implementing the new Act once 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. The IRB remains committed to these strategic objectives established in 1999 even though the significant workload increase and the challenges posed by the implementation of a new Act and a new case management system software will make their attainment difficult.



III. STRATEGIC OUTCOMES

The IRB is committed to the following:

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

(1) Well-Reasoned, Timely Decisions on Immigration and Refugee Matters in Accordance with the Law

This section outlines 2000-2001 performance accomplishments by business line for Refugee Determination, Immigration Appeals, and Inquiries and Detention Reviews. Throughout 2000-2001, the IRB demonstrated its ongoing commitment to quality, fairness and consistency.

Refugee Determination

The objective of the Refugee Determination business line is to render, in a timely manner, quality decisions on claims for Convention refugee status made by persons in Canada.

The Convention Refugee Determination Division (CRDD) finalized nearly 30,000 claims in 2000-2001. However, strong productivity and increased output were not sufficient to offset the record intake level of over 35,000 claims for the fiscal year. As a result, the inventory of pending claims grew by 20 per cent. However, high productivity did allow the CRDD to keep its average processing time fairly stable over the course of 2000-2001, with the average for the year being 9.6 months. The average cost per claim increased by three per cent.

<i>(millions of dollars)</i>	
Planned Spending	\$47.7
<i>Total Authorities</i>	<i>\$54.1</i>
2000-2001 Actuals	\$52.7
For the explanation of the variance between planned spending and total authorities, please see Section IV	



Claims Finalized

In 2000-2001, the CRDD finalized 29,946 claims, slightly exceeding expectations for the fiscal year.

Total output was also eight per cent above 1999-2000 levels, despite having three per cent fewer decision-makers on staff.

Claims Pending

As noted, during 2000-2001, the CRDD's inventory of pending cases rose by 20 per cent, from 26,000 claims on April 1, 2000 to 31,200 by March 31, 2001. Record high levels of intake contributed to this increase: 35,160 claims were referred to the CRDD in 2000-2001, representing a 13 per cent increase over the previous year and a 40 per cent increase over the historical average of 25,000. Improved productivity and output could not keep up with the high growth in intake, which came both from traditional source countries such as Pakistan, Sri Lanka, India and Mexico and from new sources including Hungary, Argentina, Colombia and Turkey.

Age of Pending Inventory

The proportion of claims that had been with the CRDD for less than 12 months remained almost unchanged throughout 2000-2001, at around 87 per cent of all pending claims. This can be attributed to the fact that the unprecedented number of new claims contributes to a relatively high number of new claims in the pending inventory. This keeps the proportion of claims under one year at a high level.

Cost per Claim

The average cost per claim increased from \$2,616 in 1999-2000 to \$2,698 in 2000-2001. Two major factors contributed to this increase: the costs of developing new case management system and compliance

Figure 1 - Number of Claims Finalized

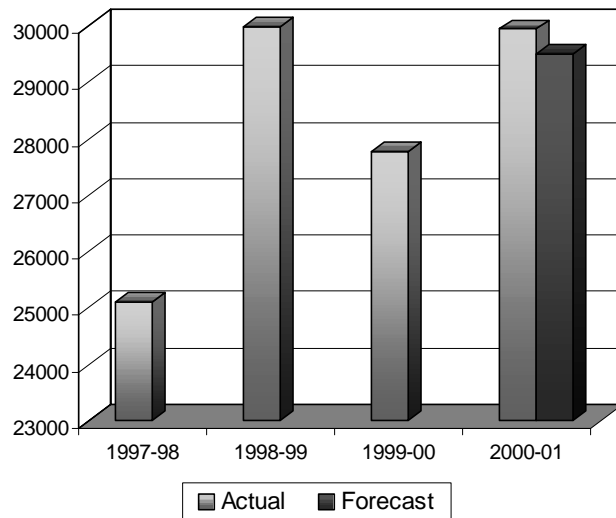


Figure 2 - Size of Pending Inventory

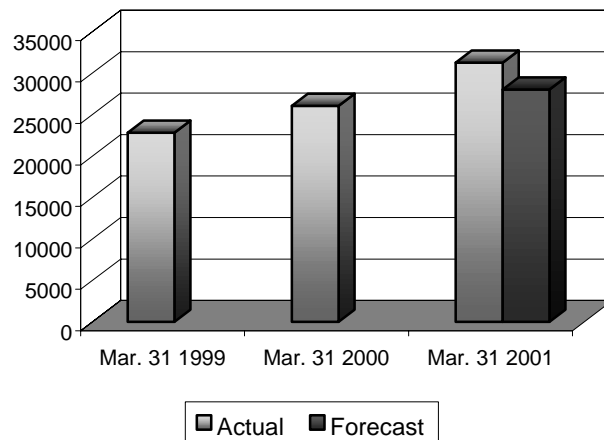
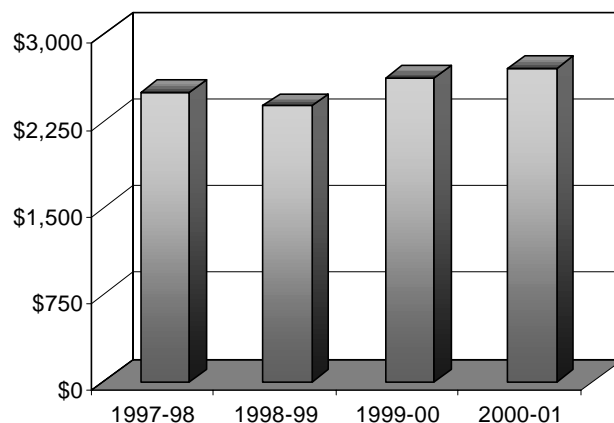


Figure 3 - Cost per Claim



with the requirements to the *Official Languages Act* following a decision of the Federal Court of Appeal requiring translation of a large number of IRB decisions from November 1999 on.

The IRB uses the full-costing method in arriving at the total cost per claim. This method 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 of Refugee Determination business line was \$80.8 million; the average cost per claim is determined by dividing the full cost by 29,946 claims finalized.

Average Processing Time

The CRDD managed to keep the average processing time for claims fairly stable over the course of 2000-2001. The average for the

year was 9.6 months, compared to 9.8 months in 1999-2000 and 12 months in 1998-1999. This is quite an achievement, given the continuing large increases in intake and pending caseload.

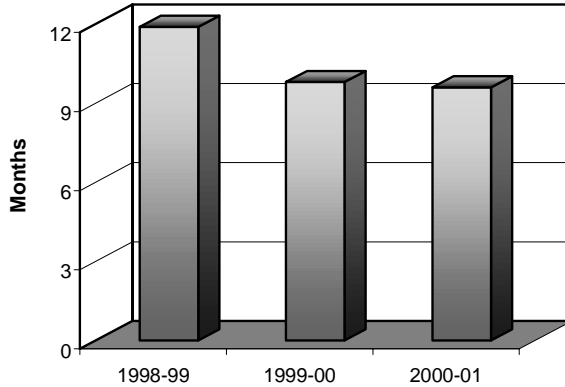
Decisions Set Aside by Federal Court

Because the Federal Court takes 12 to 15 months to complete judicial reviews of CRDD decisions, it is too early to say how many decisions rendered in 2000-2001 will finally be set aside by the Court. However, in the last three years for which figures are available, that is 1997-1998 through 1999-2000, one per cent or less of all decisions were set aside.

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 continued to be used to help the IRB improve the consistent treatment of similar cases across the country, while respecting the independence of decision-makers. These included, for example, grouping decision-makers and refugee claim officers into teams specialized in particular source countries, introducing profiling of claims to better understand the source claims, greater harmonisation of documents submitted to decision-makers and launching the oral decisions and reasons policy requiring that reasons be provided in all instances.

Figure 4 - Months from Referral to Finalization



Immigration Appeals

The objective of the Immigration Appeals business line is to hear the appeals of Canadian citizens and permanent residents whose family members have been refused permanent resident status as well as those certain persons who have been denied admission to or have been ordered removed from Canada; and the Minister of an adjudicator's decision to grant admission or to not order removal.

The Immigration Appeal Division (IAD) finalized 4,500 appeals in 2000-2001, slightly more than the number of appeals filed. Both the number of appeals filed and finalized were very similar to the previous year, 1999-2000. The IAD further reduced the average processing time for appeals to 6.5 months. The average cost per appeal increased because of higher translation costs and the costs associated with new case management software.

Continued high productivity allowed the IAD to achieve these results, despite fewer members than expected. At the same time, the IAD maintained a high standard of quality in its hearings and decisions.

(millions of dollars)

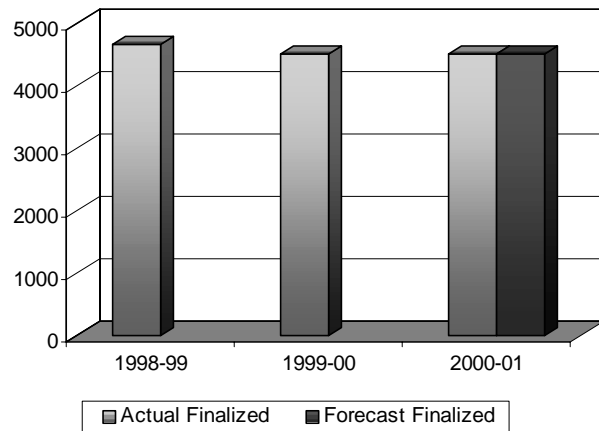
Planned Spending	\$5.2
<i>Total Authorities</i>	<i>\$5.4</i>
2000-2001 Actuals	\$5.4

For the explanation of the variance between planned spending and total authorities, please see Section IV

Appeals Finalized

In 2000-2001, the IAD finalized 4,508 appeals, achieving the target of 4,500. Productivity per member remained at record high levels.

Figure 5 - Number of Appeals Finalized



Size of Pending Inventory

There were 5,180 appeals pending as of March 31, 2001, down one per cent from the previous year and well below the 5,550 forecast for the end of 2000-2001. A record high of almost 4,500 new appeals were filed with the IAD. This was less than the forecasted level of 4,800, which was based on an expected increase in the number of sponsorship appeals which did not occur.

Cost per Appeal

The cost per appeal rose from \$1,825 in 1999-2000 to \$2,218 in 2000-2001. The increase resulted mainly from costs associated with the development of a new case management system for the IRB, as well as from the Division's share of the costs resulting from the IRB's compliance with the requirements of the *Official Languages Act* following a decision of the Federal Court of Appeal requiring translation of a large number of IRB decisions from November 1999 on.

The IRB uses the full-costing method in arriving at the total cost per appeal. This method 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 business line was \$10.0 million; the average cost per appeal is determined by dividing the full cost by 4,508 appeals finalized.

Average Processing Time

In 1999-2000, processing time was brought down to an average of 7.2 months. The IAD committed to keeping processing time between six and eight months in 2000-2001. High productivity and increased use of alternative dispute resolution, along with lower than expected intake helped the

Figure 6 - Size of Pending Inventory

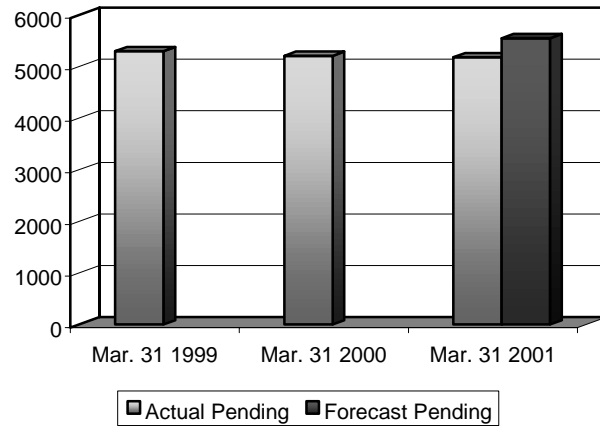


Figure 7 - Costs per Appeal

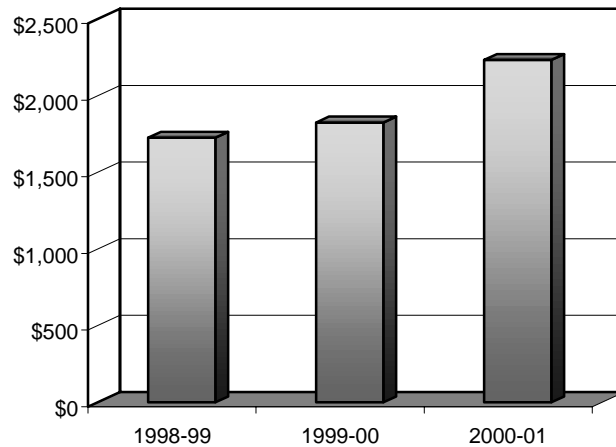
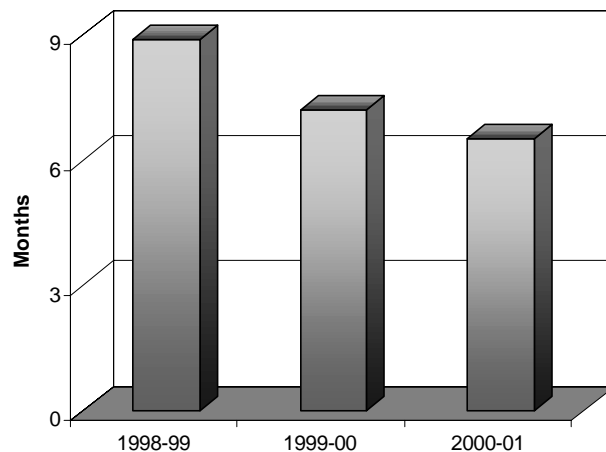


Figure 8 - Months from Receipt of Record to Finalization



Division reduce in 2000-2001 the average time further still, to 6.5 months.

Decisions Set Aside by Federal Court

In the last three years for which figures are available, that is 1997-1998 through 1999-2000, less than one per cent of decisions were set aside by the Court.

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.” In 2000-2001, the IAD continued to support consistency through techniques such as focused professional

development and new member training, national videoconference sessions, legal review of issues and draft decisions, member meetings and communications, and policies and practice notices.

The IAD is in the process of moving to the next phase of promoting consistency. The IAD Consistency Plan is part of a systematic and integrated approach to consistency, which will ensure clarity in decision-making, respect adjudicative independence, and include effective ways to identify and assess areas of concern. This Plan also includes an approach towards developing a decision-making strategy involving the identification of important or emerging issues, and the use of collegial decision making through consultation among members on draft decisions involving these issues.

Inquiries and Detention Reviews

The Adjudication Division conducts immigration inquiries and detention reviews that are adversarial in nature. The adjudicator is an independent decision-maker and sits as a one-member tribunal. Inquiries are held when a person who is seeking admission to Canada is considered to be inadmissible, or when it is alleged that a person already in Canada has contravened the Immigration Act. Detention reviews are held for persons who have been detained by Citizenship and Immigration Canada (CIC), either because they are considered unlikely to appear for an examination, inquiry or removal, because they are considered to be a danger to the public, or because the Minister is unable to establish the person's identity.

In 2000-2001, fewer inquiries and fewer detention reviews were concluded than in 1999-2000 mainly because a large number of the 599 Chinese marine arrivals on the West Coast departed from Canada. While some migrants continued to arrive by unusual means (such as shipping containers), the number of these arrivals was much lower in 2000-2001. Because such arrivals are unpredictable, it is difficult to estimate future arrivals.

(millions of dollars)

Planned Spending	\$4.0
<i>Total Authorities</i>	\$5.4
2000-2001 Actuals	\$4.3

For the explanation of the variance between planned spending and total authorities, please see Section IV



Inquiries and Detention Reviews Finalized

In 2000-2001, the Adjudication Division concluded 3,740 inquiries and 11,530 detention reviews for a total of almost 15,300 decisions. This was nine per cent fewer inquiries and 27 per cent fewer detention reviews than were concluded in 1999-2000.

The decrease in detention reviews, mainly in the Vancouver office, was the result of the detention in 1999-2000 and eventual departure in 2000-2001 of a large number of the 599 Chinese marine arrivals on the West Coast. There were no further large marine arrivals in 2000-2001; this is why the number of detention reviews was below forecast levels, which took into account the possibility of another such influx.

Cost per Inquiry and Detention Review

In 2000-2001, the average cost per inquiry increased to \$664 from \$595 in 1999-2000, mostly due to the Adjudication Division's share of the cost of a new case management system (CMS) for the IRB. The average cost of a detention review increased to \$418 from \$291 in 1999-2000. The CMS is again a factor; in addition, the figure for 1999-2000 was unusually low because a number of

Figure 10 - Cost per Inquiry and Detention Review

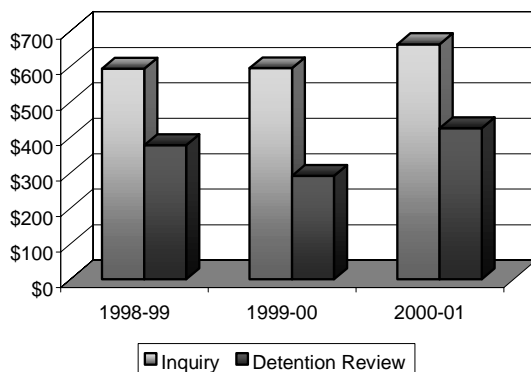
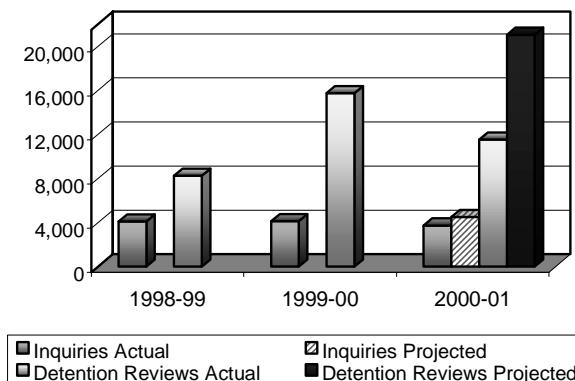


Figure 9 - Number of Inquiries and Detention Reviews



detention reviews of marine arrivals were conducted jointly. In the previous year, 1998-1999, the average cost per detention review was \$378.

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 business line was \$7.3 million which includes the Adjudication Division's pro rata share of Corporate Management and Services. The average cost per inquiry and detention review is determined by first allocating 34 per cent of the full cost of \$7.3 million toward inquiries and 66 per cent toward detention reviews on the basis of time required to finalize a case. The resulting amounts are then divided by 3,740 inquiries finalized and by 11,530 detention reviews finalized.

Decisions Set Aside by Federal Court

The quality of decisions continued to be high in 2000-2001. Less than one per cent of decisions were overturned by the Federal Court.



IRB-Wide Related Activities

In addition to a continued focus on business line specific results, the IRB undertook a number of Board-wide activities which contribute to the IRB's objective to be a leading-edge administrative tribunal and a creative partner in the Canadian immigration system.

(2) A Leading-Edge Administrative Tribunal

Throughout 2000-2001, the IRB undertook a number of activities which contribute in making it a leading-edge tribunal. The Board is in the process of implementing a modern case management system. A national training plan was developed for all IRB personnel. In addition, IRB's expertise is recognized by others through, for example, its participation in the Country of Origin Information Working Group of the Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, and in the International Association of Refugee Law Judges.

Innovative and Optimal Use of Technology

The IRB will implement a new case management system to replace the System for Tracking Appellants and Refugees and the Adjudication Tracking System which have become obsolete. Treasury Board provided project approval in 1999 and a contract was awarded through a competitive process in June 2000. The new system, to be implemented in 2002, will have the flexibility to accommodate future legislative changes and workload increases.

During 2000-2001, the IRB continued to use videoconferencing to conduct hearings, inquiries and detention reviews, to deliver training and to hold meetings. The IRB will continue to make optimal use of this technology to increase efficiency and accessibility.

Case Management Process Initiatives

Throughout 2000-2001, the IRB focused its efforts on improving the overall management of its caseload. Cases of detained persons continued to be processed on a priority basis. The IRB improved the efficiency of its processes whenever possible. For example,

more straight-forward cases have been expedited and more hearings were conducted by single-member panels.

There was an increase at the IAD in alternative dispute resolution (ADR). The purpose of ADR is to attempt to resolve cases without a formal 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." After its introduction in 1998 as a pilot project in the Toronto regional office of the IAD, ADR is now recognized as a permanent and valuable part of the IAD processing of certain types of sponsorship appeals. The implementation of ADR in Vancouver began in the spring of 2000, and Montréal will follow later.

Professional Development

Each year, the IRB establishes a national learning plan that addresses the specific abilities and knowledge requirements of IRB personnel. Newly-appointed members receive a three-week initial classroom training and then a six-month "on the job" learning program, which is customized to the new member's needs. In addition, new members



are supported by a team composed of a legal advisor, a mentor and a professional development adviser. A customized program has also been established for experienced members. This program affords a more individualized and comprehensive approach to the evaluation of members' professional development needs and a more focused response to those needs. Monthly professional development programs on substantive and procedural issues were also offered to both newly-appointed and experienced members throughout 2000-2001.

Recognition from Individuals and Organizations, both International and Domestic

The IRB continues to be a recognized leader in the activities of the Country of Origin Information Working Group of the Intergovernmental Consultations (IGC) on Asylum, Refugee and Migration Policies in

Europe, North America and Australia. The IRB chaired this working group from December 1998 to June 2000. In June 2000, the IRB hosted the semi-annual meeting of the working group and approximately 30 international delegates attended from 16 participating member-states. The IRB actively participated in the working group's workshops on translation tools and maps and was a member of the Web-site Steering Committee.

In addition, the IRB continued to play an important role in the work of the International Association of Refugee Law Judges (IARLJ). The IRB was a member of the steering committee for the planning of the October 2000 IARLJ Conference in Bern, Switzerland. There were approximately 200 participants from 50 countries at the conference, seven of them from the IRB. The IRB continues to be represented on the executive of the IARLJ as well as on its Training Committee.

(3) A Creative Partner in the Canadian Immigration System

The IRB is one of many players who contribute to a responsive immigration system. The following section outlines Board-wide activities in line with this commitment.

During 2000-2001, the IRB continued to make a contribution to the legislative reform led by the Minister of Citizenship and Immigration. Collaboration and co-operation with partners and stakeholders was extremely positive.

Integrated Approach to Portfolio Management

Over the years, CIC and the IRB have made significant progress in building a stronger relationship within the immigration portfolio. Year 2000-2001 was characterized by effective communication and co-ordination between the two organizations, while respecting the institutional independence of the IRB and the independence of its decision-makers.

Within this context, the IRB was 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. The legislative reform work being led by CIC is an important initiative that will affect the operations of the IRB in a significant way.



Responsiveness to Emerging Issues

The IRB enhanced its responsiveness to emerging issues through contingency planning. However, in the summer of 2000 there were no incidents such as the marine arrivals that took place on the West Coast in the summer of 1999.

Effective Relationships with Clients and Stakeholders

The IRB has established an effective dialogue with stakeholders through the Consultative Committee on Practices and Procedures (CCPP) which includes representatives from key non-governmental organizations, the Canadian Bar Association, associations of immigration lawyers and the United Nations High Commissioner for Refugees. Over the years, the CCPP has become an important forum to exchange information, find solutions to issues of mutual concern and provide for a better understanding of respective views. In 2000-2001, the IRB held two CCPP meetings in addition to consulting Committee members on IRB policy initiatives.

In addition, the IRB is looking at ways in improving the conduct and competence of some of the counsel that appear at its hearings. In November 2000 and February 2001, IAD's Toronto office held two successful information sessions about basic expectations in presenting an immigration appeal, each attended by 80 immigration consultants.

The IRB was the first federal administrative tribunal to institute a formal process to deal with complaints about member conduct. Based on the premise that a public institution such as the IRB is strengthened by an accessible, expeditious and effective public complaint process, the IRB further developed this process and issued in October 1999 its *Protocol Addressing Member Conduct Issues*. During 2000-2001, 29 complaints were received of which five were not within the scope of the *Protocol*, 11 were not founded, two were resolved to the satisfaction of all parties involved and 11 were pending at the end of March 2001.



IV. FINANCIAL INFORMATION

Financial Performance Review



In the 2000-2001 *Report on Plans and Priorities* (RPP) of the Immigration and Refugee Board (IRB), planned spending was indicated as \$96.9 million. Through

Supplementary Estimates and Governor General's warrants, the IRB received an additional amount of \$3.5 million, including contributions to employee benefit plans, for total authorities amounting to \$100.4 million. Among the most important items in the *Supplementary Estimates* and Governor General's warrants are the following:

- \$3.4 million for the carry-over from 1999-2000 fiscal year;
- \$3.2 million in compensation for the impact of collective agreements;
- \$2.4 million for the implementation of revised policies on immigration and refugee protection;
- \$2.3 million for translation requirements arising from the decision in *Devinat v. Canada* rather than the \$11 million in planned spending;
- \$1.9 million for the workload arising from the Program Integrity initiative;
- \$1.6 million for the necessary measures taken following the arrival of illegal migrants on the coast of British Columbia;

- \$2.0 million were however carried forward to the 2001-2002 fiscal year for the case management system;
- \$1.3 million to the statutory vote for contributions to the employee benefit plans.

Actual spending for the 2000-2001 fiscal year amounted to \$98.1 million, \$2.7 million less than the total authorities. The unused resources are mainly attributable to the delay in implementing the revised policies on immigration and refugee protection and the case management system.

Financial Summary Tables

The financial tables in this section contain summaries of financial information such as that in Table 1, which comprises three different headings. For greater clarity, the definitions of the three headings are given below:

- *Planned Spending* – the planned spending at the beginning of the fiscal year as set out in the *2000-2001 Estimates – Report on Plans and Priorities*;
- *Total Authorities* – the level of spending authorized by Parliament, including the *Supplementary Estimates*, to take into account the development of priorities, increased costs and unanticipated events;
- *Actual Spending* – the amounts actually spent in the 2000-2001 fiscal year indicated in the *Public Accounts*.



Table 1 – Summary of Voted Appropriations

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

Financial Requirements by Authority (\$ millions)			
VOTE	Planned Spending	2000-2001 Total Authorities	Actual Spending
Immigration and Refugee Board			
15 Operating expenditures	86.2	88.4	86.1
(S) Contributions to employee benefit plans	10.7	12.0	12.0
Total Agency	96.9	100.4	98.1

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



Table 2 – Comparison of Total Planned to Actual Spending

The following table indicates in detail the allocation of total planned spending, the authorities (in italics) and actual spending (in boldface) for 2000-2001, by business line and the nature of the spending.

Planned versus Actual Spending by Business Line (\$ millions)¹							
Business Lines	FTEs	Operating	Capital	Grants and Contributions	Total Gross Expenditures	Less: Respendable Revenue	Total Net Expenditures
Refugee Determination							
- planned spending	670	47.7	-	-	47.7	-	47.7
- <i>total authorities</i>	-	<i>54.1</i>	-	-	<i>54.1</i>	-	<i>54.1</i>
- actual spending	675	52.7	-	-	52.7	-	52.7
Immigration Appeals							
- planned spending	70	5.2	-	-	5.2	-	5.2
- <i>total authorities</i>	-	<i>5.4</i>	-	-	<i>5.4</i>	-	<i>5.4</i>
- actual spending	70	5.4	-	-	5.4	-	5.4
Inquiries and Detention Reviews							
- planned spending	48	4.0	-	-	4.0	-	4.0
- <i>total authorities</i>	-	<i>5.4</i>	-	-	<i>5.4</i>	-	<i>5.4</i>
- actual spending	52	4.3	-	-	4.3	-	4.3
Corporate Management and Services							
- planned spending	252	40.0	-	-	40.0	-	40.0
- <i>total authorities</i>	-	<i>35.5</i>	-	-	<i>35.5</i>	-	<i>35.5</i>
- actual spending	259	35.7	-	-	35.7	-	35.7
Total							
- planned spending	1,040	96.9	-	-	96.9	-	96.9
- <i>total authorities</i>	-	<i>100.4</i>	-	-	<i>100.4</i>	-	<i>100.4</i>
- actual spending	1,055	98.1	-	-	98.1	-	98.1
Other Revenues and Expenditures							
Non-respendable Revenues							
- planned spending							-
- <i>total authorities</i>							-
- actual spending							-
Cost of Services provided by other Departments							
- planned spending							11.9
- <i>total authorities</i>							-
- actual spending							12.6
Net Cost of the Program							
- planned spending							108.8
- <i>total authorities</i>							-
- actual spending							110.7

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

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



Table 3 – Historical Comparison of Total Planned to Actual Spending

The table below gives an historical overview of spending by business line. It also includes a comparison between total planned spending for 2000-2001 and actual spending in the *Public Accounts*.

Historical Comparison of Planned versus Actual Spending by Business Line (\$ millions)¹					
Business Lines	Actual Spending 1998-99	Actual Spending 1999-00	2000-2001		
			Planned Spending	Total Authorities	Actual Spending
Refugee Determination	47.8	49.3	47.7	54.1	52.7
Immigration Appeals	4.5	5.5	5.2	5.4	5.4
Inquiries and Detention Reviews	4.0	4.7	4.0	5.4	4.3
Corporate Management and Services	28.3	28.5	40.0	35.5	35.7
Total	84.7	87.9	96.9	100.4	98.1

Table 4 – Contingent Liabilities

Contingent Liabilities (\$ millions)			
	Amount of Contingent Liabilities		
	March 31, 1999	March 31, 2000	Current as of March 31, 2001
Claims, Pending and Threatened Litigation	93.7	95.6	9.3
Total	93.7	95.6	9.3

The substantial reduction in the amount of contingent liabilities is due to the fact that the decision in *Devinat v. Canada* was rendered in the 2000-2001 fiscal year.

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



V. OTHER INFORMATION

Further Information

For further information on the IRB, visit the IRB website at <http://www.irb.gc.ca> or contact Public and Parliamentary Affairs at (613) 943-0201.

Business Line Descriptions and IRB Governance



he 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 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).

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.

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.

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 universal classification standard, service improvement, modern comptrollership, and government-on-line.

The Chairperson reports to Parliament through the Minister of Citizenship and Immigration. He is the IRB's chief executive officer and has four 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 had an actual spending in 2000-2001 of \$35.7 million and 259 Full-Time Equivalents (FTEs).

The Deputy Chairperson of the Convention Refugee Determination Division (CRDD), which has approximately 190 decision-makers appointed by the Governor in Council, is responsible for the results of the Refugee Determination business line. This business line had an actual spending in 2000-2001 of \$52.7 million and 675 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 had an actual spending in 2000-2001 of \$5.4 million and 70 FTEs.

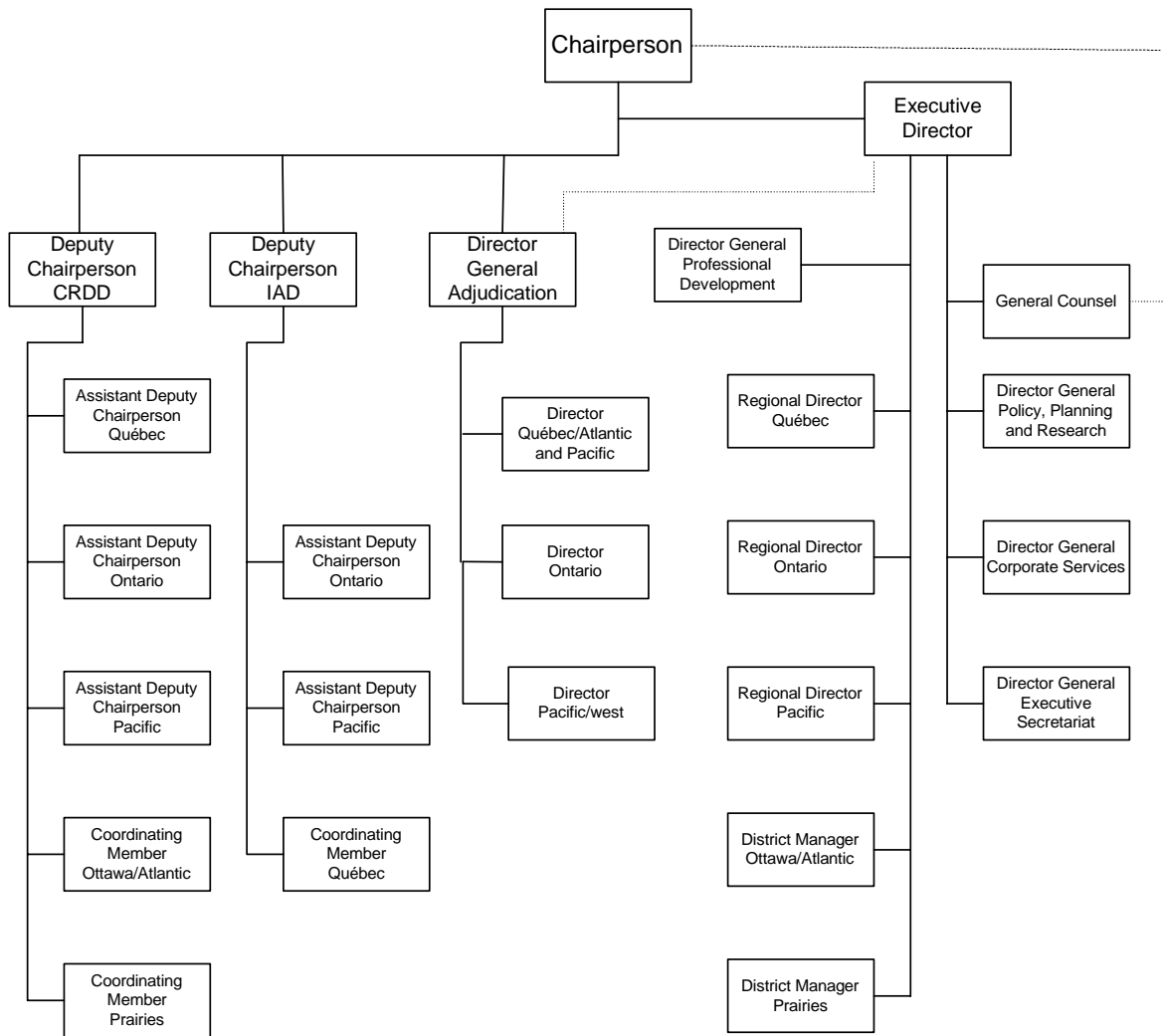
The Director General of the Adjudication Division, which has 28 decision-makers appointed under the *Public Service Employment Act*, is responsible for the Inquiries and Detention Reviews business line. This business line had an actual spending in 2000-2001 of \$4.3 million and 52 FTEs.

In addition, there is a Director General (formerly 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.

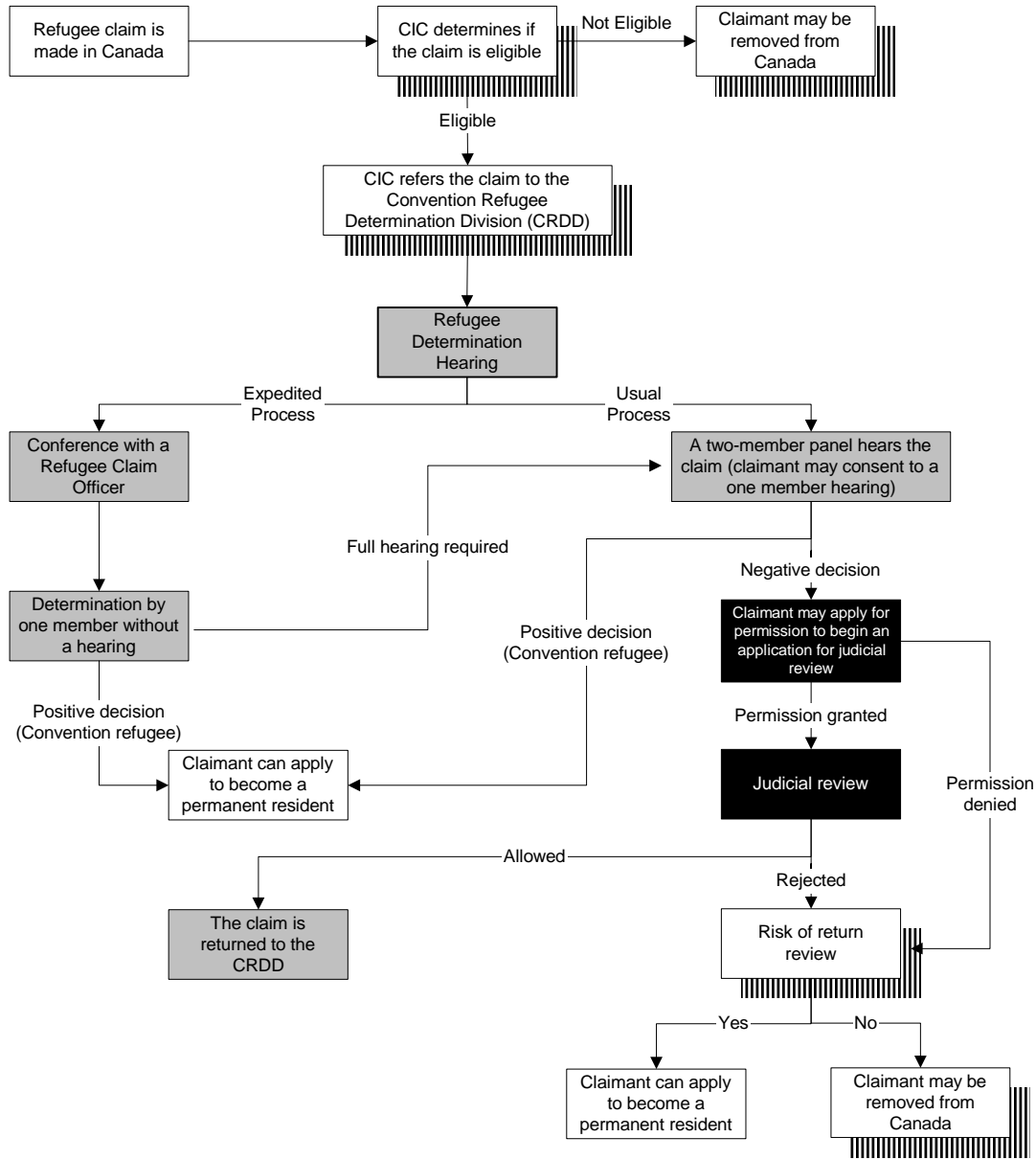


Immigration and Refugee Board Organization Chart



Immigration and Refugee Board Processes

The Convention Refugee Determination Process



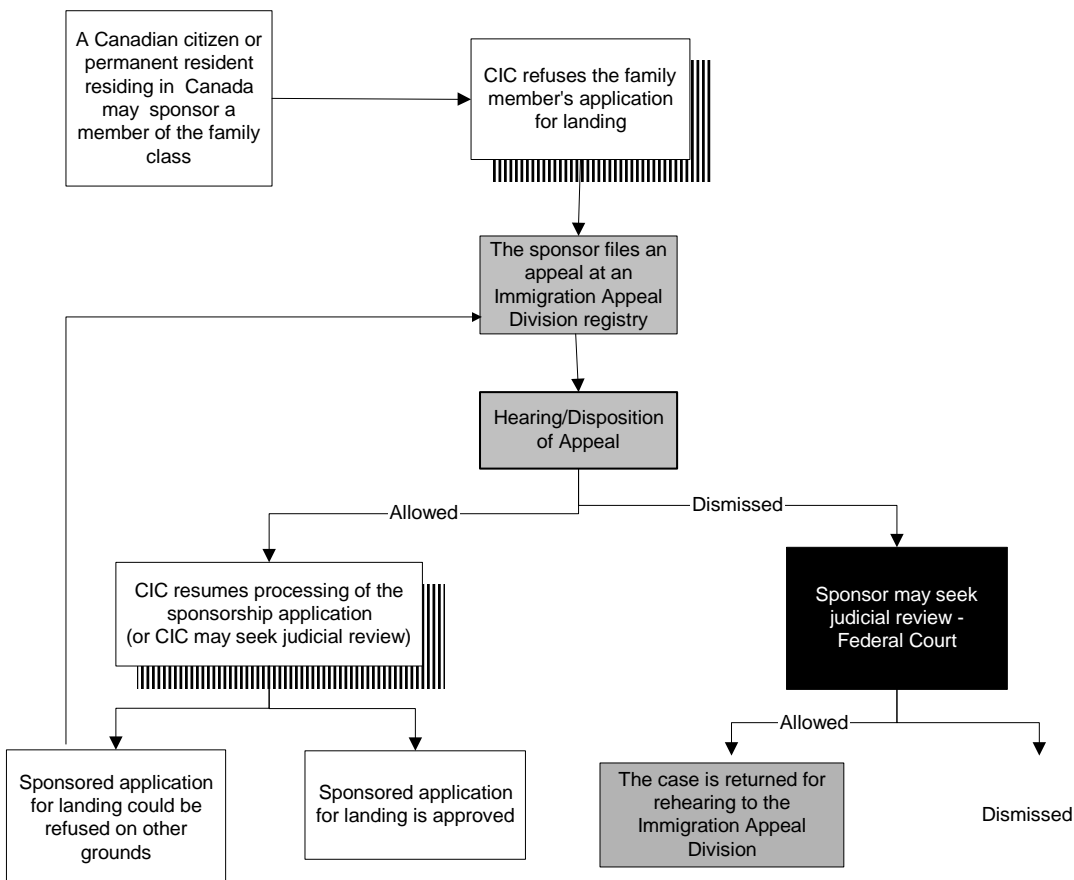
Responsibility of: **Immigration and Refugee Board
Convention Refugee
Determination Division**

**Department of
Citizenship and
Immigration (CIC)**

**Federal Court of
Canada**



The Sponsorship Appeal Process



Responsibility of:

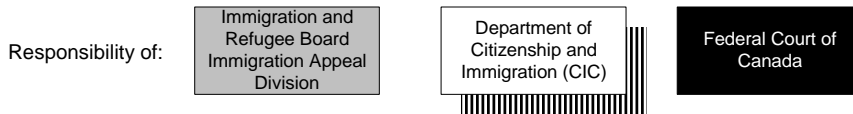
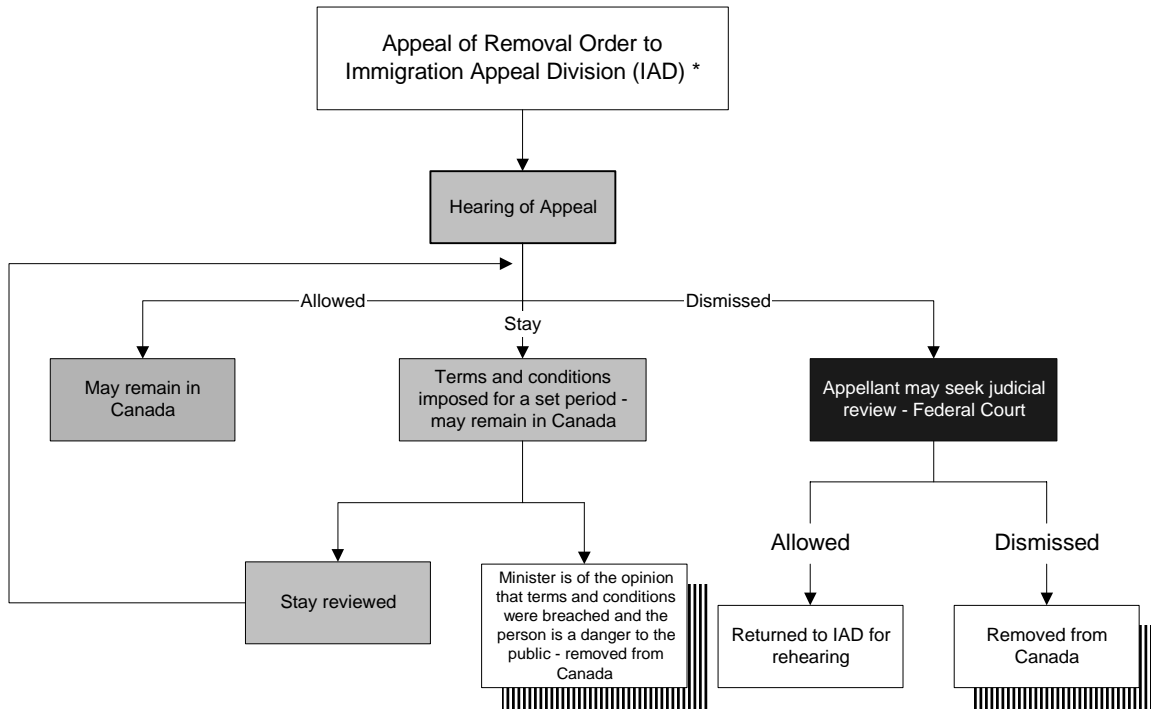
Immigration and Refugee Board
Immigration Appeal Division (IAD)

Department of Citizenship and Immigration (CIC)

Federal Court of Canada



The Removal Order Appeal Process

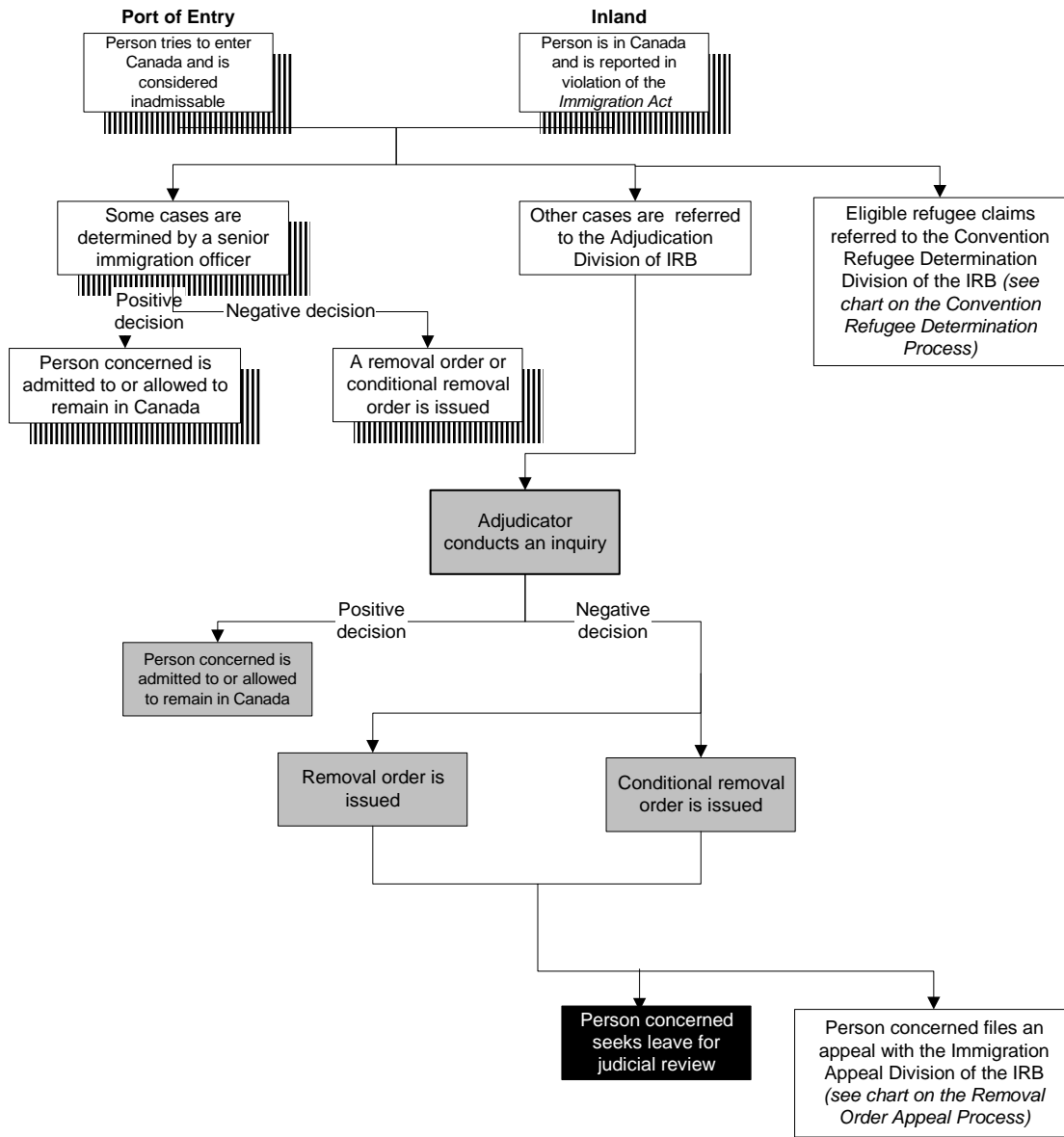


* No appeal where Minister is of the opinion that the person is a danger to the public.

NOTE - the appellant or CIC may request the Federal Court to judicially review any decision of the IAD.



The Immigration Inquiry Process



Responsibility of:

Immigration and Refugee Board
Adjudication Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada



The Detention Review Process

