Part III — Report on Plans and Priorities

2003-2004
Estimates

Denis Coderre
Minister of Citizenship and Immigration
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I. MESSAGES

1.1 Chairperson’s Message

As Chairperson of the Immigration and Refugee Board (IRB), I am pleased to present my first Report on Plans and Priorities for tabling in the Parliament of Canada.

In the current international context, issues of migration and refugee protection speak to our sense of civic responsibility and remain of concern to all governments. In Canada, these issues are at the core of the IRB’s operations. An independent administrative tribunal, the IRB is one of the organizations that support the government in fulfilling its international obligations in this field and in continuing the humanitarian tradition for which our country is known. Canadians can depend on the IRB to hear cases on immigration and refugee matters and to make well-reasoned decisions, efficiently and fairly.

Since my recent appointment as Chairperson, I have come to appreciate the significant and growing challenges the IRB has faced over the past few years. The year ending was a particularly demanding one for the organization, in all respects. Considerable resources had to be mobilised for the implementation of the Immigration and Refugee Protection Act. At the same time, the Board faced an unprecedented number of refugee protection claims waiting for a decision and had to deal with heightened concerns about public security, all of which required renewed focus on enhancing the organization’s decision-making capacity. During this important transition period, the continued effort, dedication and professionalism of IRB personnel produced an exceptional performance on the part of the organization. Nevertheless, we still have further to go to reduce the number of refugee protection claims waiting for a decision.

We enter the new fiscal year with a strong determination to make significant strides in this regard. Our goals are ambitious. In 2003-2004, the IRB will establish a series of measures that will enable it to substantially increase the number of decisions it renders each year in all three divisions.

In the spirit of innovation promoted by the Government of Canada, the IRB will make marked improvements to case management and decision-making processes for refugee protection claims. Building on the progress of the past few years, efforts throughout the organization will be focused on implementing a single national approach that will simplify and standardize procedures. Assuming the number of new claims for refugee protection does not surpass forecasted levels, these efforts will allow the IRB to make important progress in reducing the number of refugee claims waiting for a decision.

Undoubtedly, the challenge is considerable. For the Board to build and sustain its decision-making capacity over the longer term, appropriate infrastructure
I. MESSAGES

must be in place, including a robust technological foundation to effectively support the management of the high volume of cases it handles each year.

I can assure you that all personnel will focus their efforts on achieving the objectives we have set for the organization. We will also remain committed to ensuring that all people who come before us are treated fairly, and with dignity and respect. The human aspect underlying all our activities will remain integral to our work.

I am committed to maintaining a sound balance among the various components of the IRB’s mandate, ensuring both the efficiency of the organization and the quality of the decisions it makes. The IRB owes this level of performance to Canadians, to those who appear before the tribunal, and to its own personnel, who are committed to its vision of making decisions simply, quickly and fairly.

Jean-Guy Fleury
Chairperson
I. MESSAGES

1.2 Management Representation Statement


This document has been prepared based on the reporting principles and disclosure requirements contained in the Guide to the Preparation of the 2003-2004 Report on Plans and Priorities.

- It accurately portrays the organization’s plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance’s Budget and by Treasury Board Secretariat.
- The document is comprehensive and accurate.
- It is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Christiane Ouimet
Executive Director
II. RAISON D'ÊTRE

The Immigration and Refugee Board (IRB) is an independent administrative tribunal responsible for making well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the Immigration and Refugee Protection Act (IRPA).\(^1\)

The IRB reports to Parliament through the Minister of Citizenship and Immigration. As an administrative tribunal, the IRB provides a responsive and efficient means of delivering administrative justice for individuals and ensures that all people who come before it are treated fairly. In fulfilling its mandate, the IRB contributes directly to maintaining public confidence in the integrity of Canada’s immigration and refugee determination system.

The IRB has an important relationship with Citizenship and Immigration Canada (CIC) — both organizations are key partners in the immigration and refugee determination portfolio. CIC has lead responsibility for the portfolio and is responsible for enforcement of the IRPA and for immigration and refugee policy, including selection, admission and integration of newcomers into Canadian society.\(^2\) The IRB and CIC must work together on matters related to the overall management of the portfolio, while respecting the institutional independence of the IRB and its decision-makers.

The IRB’s mandate is to:

- determine claims for refugee protection made in Canada;
- adjudicate admissibility hearings and review reasons for detention; and
- decide appeals from family class sponsorship refusals, certain removal orders and residency obligation decisions, and decide appeals by the Minister from decisions made in admissibility hearings.

Every year, the IRB renders tens of thousands of decisions, each of which must be made after careful examination of the evidence presented, and in a manner consistent with the Canadian Charter of Rights and Freedoms, the principles of natural justice and procedural fairness. The outcomes of these decisions affect the lives of the thousands of individuals who appear before the IRB.

In fulfilling its mandate, the IRB contributes to Canada’s international commitments in keeping with the country’s humanitarian tradition. It also contributes to the government’s objectives of building strong and safe communities that are open to diversity and innovation.

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\(^1\) The IRPA replaced the Immigration Act on June 28, 2002.

\(^2\) All refugee claims, detention reviews and admissibility hearings that come before the IRB are referred by CIC. Once the IRB renders its decision, CIC continues its own processing of cases according to its mandate and responsibilities. Additional information about IRB processes is provided in Annex 4.
III. PLANNING OVERVIEW

The IRB is Canada’s largest independent administrative tribunal. It is funded through Parliamentary appropriations to deliver its programs and services.

The IRB carries out its mandate in a continually changing international and domestic environment. Over the planning period, the factors outlined below will shape the environment in which the IRB will deliver its commitments.

3.1 International Context

Canada’s refugee determination system is founded on international legal obligations\(^3\). As a signatory to international agreements, Canada is obliged to protect individuals 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. As well, Canada protects persons who face a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment. The IRB fulfils these international commitments in Canada.

In recent years, increases in global migration, and changes in the international climate have influenced the environment in which refugee protection must be provided. Some of the factors\(^4\) which are expected to continue to have an impact include:

- new and insidious forms of persecution;
- the proliferation of conflicts generating mass flight;
- refugee-producing situations without resolution;
- the increase in protracted exile;
- a marked rise in smuggling of people for profit; and
- the misuse of asylum systems.

At the start of 2002, some 20 million people, or one out of every 300 persons on Earth, were considered “persons of concern” falling under the mandate of the United Nations High Commissioner for Refugees (UNHCR). Like all refugee-receiving countries, Canada is directly affected by refugee flows, which can fluctuate enormously in any given year. In recent years, Canada, like several other western countries, has experienced significant increases in the number of people making refugee protection claims. For example, refugee flows to France more than doubled between 1998 and 2001; Sweden experienced a 52% increase between 2001 and 2002; and most recently, the United Kingdom received over 29,000 claims in the summer of 2002, the highest number of claims ever recorded in a quarter. Similarly, Canada’s large inventory of cases awaiting a decision is not unique. For example, Canada’s large inventory of cases awaiting a decision.

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A challenge for refugee-receiving countries is ensuring fair and effective processes that grant protection to persons in need, as distinguished from those seeking to use asylum procedures for reasons unrelated to the need for protection, as an alternative to other channels for immigrating. This challenge is not unique to Canada and reinforces the importance of staying connected to and working within the international community to prevent abuse of asylum procedures and to build confidence in immigration and refugee determination systems.

Continuing changes in the international context provoked the establishment by the UNHCR of a future vision for refugee protection. Global Consultations,\(^5\) initiated by the UNHCR in December 2001, on the occasion of the 50th anniversary of the 1951 Convention Relating to the Status of Refugees, brought together refugee-receiving countries to discuss and address contemporary challenges faced by countries, as well as actions to strengthen the protection of asylum-seekers and refugees internationally. An Agenda for Protection\(^6\) resulted from the consultations process, describing a global framework and suggested activities for strengthening protection internationally. The evolution of this Agenda will affect the international context in which the IRB operates.

### 3.2 Domestic Context

Over the last two years, the IRB responded to unprecedented changes in its domestic environment. Last year at this time, the IRB found itself facing the highest workload pressures in its history. At the same time, it was working through a period of intense transition as it managed concurrently: intensive final preparation for major legislative changes; urgent responses to government security initiatives; and the development of new streamlined processes for finalizing refugee protection claims.

In 2002-03, volumes of refugee protection claims remain very high, in the order of 40,000, but lower than the record 45,000 experienced in 2001-02. A continuing heavy workload is expected over the next three years across all sectors of the IRB. The refugee protection claim workload in particular is expected to be very high. While the number of claims received each year is expected to decrease from the record levels of 2001-02 and 2002-03, the very large inventory of claims waiting for a decision must be reduced. The inventory has grown since the summer of 1999, as a result of four consecutive years of unprecedented volumes of claims. On April 1, 2003, the IRB expects to have as many as 55,000 claims awaiting a decision. This number compares with just under 23,000 claims that were awaiting a decision on April 1, 1999.

The volume of new immigration appeals received, which increased significantly in the late 1990s, is expected to further increase over the next few years. While the number of admissibility hearings is expected to decline somewhat, the cases will be more complex largely due to new

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\(^5\) For more information on the consultations, see http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=PROTECTION&page=PROTECT&id=3d4928164.

\(^6\) For more information on the Agenda, see http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=EXCOM&id=3d3e61b84.
legislative provisions. Finally, the number of reviews of reasons for detention (detention reviews) is expected to increase slightly from already high current levels.

While changes to processes and procedures associated with implementing the Immigration and Refugee Protection Act (IRPA) in June 2002 have been largely completed, over the planning period, the IRB will continue to adjust to a new legislative environment. Over the long term, adapting to the new Act and fully integrating the changes into the day-to-day operations of the IRB will require further effort. New jurisprudence needs to be established to help guide decision-making. Ongoing communication with stakeholders, particularly those involved in hearings, will continue to be important as the IRB works to ensure that all parties have the required information to play their roles effectively.

The planned implementation in 2003-04 of the Safe Third Country Agreement\(^7\) between the United States and Canada is expected to affect refugee flows. This Agreement will require, with certain exceptions, refugee protection claimants who travel through the United States or Canada to make their claims in the country where they first arrive. Experience with implementation of this agreement will be required to fully appreciate the impact it will have on the number of refugee claimants coming to Canada, as well as the number of admissibility hearings and detention reviews. In the short-term, there is the potential for an increase in the number of refugee claims in Canada prior to implementation. Once in place, the Agreement is expected to result in a reduction of refugee protection claims. While annual levels of claims in the range of 35,000 are expected, it is difficult at this time to fully anticipate the impact of the Agreement.

Caseload is also unpredictable in the area of immigration appeals, largely due to the lack of experience with new legislative provisions that might affect the number of appeals. The detention review workload could be affected by any change to CIC detention policy.

An initiative that could also affect the work of the IRB is the creation by the Minister, in October 2002, of an advisory committee to address issues pertaining to the immigration-consulting industry. CIC will assess the committee’s recommendations and determine an action plan in 2003-04. Initiatives such as this could help improve the quality of representation and efficiency in IRB proceedings.

A continued heightened concern for public security and increased public interest in, and scrutiny of, immigration and refugee matters is expected over the planning period. The IRB must respond and will continue its communications efforts to promote an improved public understanding of, and confidence in, its work.

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7 For more information, see http://www.cic.gc.ca/english/policy/safe-third.html.
IV. PLANS AND PRIORITIES BY STRATEGIC OUTCOME

Over the three-year planning period, the IRB will consolidate and integrate several major organizational initiatives that should have a fundamental impact on its operations and that will result in ongoing improvements to efficiency and effectiveness. Some of these initiatives are underway while others are at the planning stages. An overriding priority of the last two years was intensive work to support the introduction of new legislation. This is largely completed, and the IRB is now in a position to focus on increasing organizational capacity for decision-making and improving overall efficiency and effectiveness of the tribunal.

Specifically, the IRB will focus on four essential priorities, namely:

• significantly increasing the number of decisions on refugee protection claims in order to reduce the backlog and processing times;
• building increased capacity for decision-making through case management improvements;
• enhanced integration of measures to improve the quality, consistency and efficiency of decision-making; and
• equipping the organization with appropriate management, human resource and technological infrastructure to sustain decision-making capacity over the longer-term.

These priorities will affect all aspects of the IRB’s work and will guide management choices throughout the planning period. Concurrently, personnel will be continuing to adapt to and gain experience with a new legislative environment. The scope of the changes under the new Act affect all decision-making functions of the IRB and bring significant new dimensions to its work as outlined in Annex 2 in Section VI.

Canada is obliged to protect individuals with a well-founded fear of persecution in their own country... and persons who face a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment.
The priorities will guide initiatives that support each of the IRB’s three strategic outcomes, namely, providing Canadians with:

- Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law;
- A leading-edge administrative tribunal;
- A creative partner in the Canadian immigration system.

These strategic outcomes are derived from the IRB’s approved Chart of Key Results Commitments reflected in Figure 4.1. The Chart also displays measures through which the IRB demonstrates its delivery on these commitments.

The following sections report on specific planned initiatives and results which support each of the three strategic outcomes.

**Figure 4.1:**
Chart of Key Results Commitments

<table>
<thead>
<tr>
<th>IRB Long-term Strategic Outcomes are to provide Canadians with:</th>
<th>To be demonstrated by:</th>
</tr>
</thead>
</table>
| 1. Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law | ☐ Quality of decision-making  
☐ Case management improvements  
☐ Number of cases finalized by each division  
☐ Age and size of inventory  
☐ Processing times  
☐ Cost per case  
☐ Number of decisions set aside by the Federal Court |
| 2. A leading-edge administrative tribunal | ☐ Professional development and responsible management of human resources  
☐ Innovative and optimal use of technology  
☐ Recognition from individuals and organizations, both domestic and international |
| 3. A creative partner in the Canadian immigration system | ☐ An integrated approach to portfolio management  
☐ Effective relationships with clients and stakeholders (other administrative tribunals and non-governmental organizations)  
☐ Responsiveness to emerging issues |
4.1 WELL-REASONED, TIMELY DECISIONS ON IMMIGRATION AND REFUGEE MATTERS IN ACCORDANCE WITH THE LAW

The first order of business at the IRB, rooted in its legislated mandate, is making well reasoned, timely decisions on immigration and refugee matters in accordance with the law. These decisions, which directly affect the lives of thousands of individuals, must be carefully weighed, taking into account the circumstances of each case.

In 2003-04, the IRB has established targets that will result in the organization concluding the highest number of cases in its history, that is close to 70,000 decisions across all decision-making sectors. This compares to an average of 50,000 decisions rendered annually over the last three years.

Concluding such a high volume of decisions is an ambitious goal. It represents a very significant increase over past years. It will require the support of focused organization-wide efforts over the planning period and realizing efficiency gains from a number of planned measures. As it treats this high volume of cases, the IRB remains committed to ensuring that all the people who come before it are treated fairly, and with dignity and respect. This includes recognizing that individuals may have experienced very difficult circumstances. It means as well taking particular care to respect the diverse range of cultures of the individuals who appear before the IRB. Most importantly, it means recognizing the outcome of each case directly impacts the life of a person or a family.

Section 4.1.1 reports on planned organization-wide initiatives to support well-reasoned, timely decisions in accordance with the law. Section 4.1.2 reports on measurable results that the IRB expects to achieve with the benefit of these initiatives, in each of its three decision-making business lines or major sectors of activity:

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

4.1.1 Organization-wide Initiatives

Across all areas of the IRB, there will be a focus on building increased decision-making capacity through case management improvements, and enhancing integration of measures that support the overall quality, consistency and efficiency of decision-making. As the IRB works on these two fronts, it will focus at the same time on supporting the human side of change, to ensure the organization continues to grow and adapt to evolving needs.

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8 The current name of this business line is Inquiries and Detention Reviews and reflects the terminology of the previous Act. The IRB plans to come forward with a submission to the Treasury Board Secretariat in the upcoming year to change the name of this business line to Admissibility Hearings and Detention Reviews, in line with the terminology in the IRPA.
Building Capacity through Case Management Improvements

Making the most effective use of its resources is critical for the IRB, particularly as it faces heavy workload demands over the planning period. To achieve this, it will build increased capacity for making decisions through improvements to the overall management of its caseload. This will involve looking for opportunities for efficiencies and improved approaches taking into account all aspects of case processing, including activities before, during and after the hearing. Pre-hearing preparation is particularly important in optimizing time spent at the hearing and decision-making stages.

Efforts across a number of fronts will be required, including:

- continued management oversight and support to fully capitalize on newly implemented streamlined processes for refugee protection claims;
- implementing targeted action plans to identify further opportunities for simplifying and standardizing processes; and,
- fundamental revamping of case management processes coupled with a robust technological infrastructure to support both case management and decision-making processes.

Planned initiatives in these and other key areas are described in the following sections.

Streamlined Processes for Refugee Protection Claims

The IRB implemented in 2002-03 new streamlined processes to respond to an unprecedented increase in refugee protection claims and to contribute to government security-related initiatives. This represented a significant overhauling of the IRB’s caseload management.

Streamlined processes involve an early first assessment of claims soon after they are referred to the IRB by CIC. Based on this assessment, the cases are directed into different “streams” according to the particular characteristics of the case. This streaming allows manifestly well-founded claims to be considered through an expedited interview instead of a hearing; straightforward cases to be directed to short hearings; cases with a few issues to resolve to be directed to a regular hearing; and cases involving greater complexity to be scheduled for longer hearings. This early assessment also quickly identifies cases involving security or any other complex issues, enables the IRB to notify CIC if there are security implications, and allows for both the necessary case preparation and prompt scheduling of the hearing.

The IRB will work to monitor and support the new processes and reinforce their use across the country. Particular areas of focus for 2003-04 include:

- improving training to ensure a more consistent application of the streaming criteria;
- improving and consolidating the information base upon which streaming decisions are made; and
• determining best practices and improving the consistency of streaming decisions by holding regular meetings of key decision-makers and employees involved in the process to share knowledge.

**Simplifying and Standardizing Processes**

A recently launched initiative that will continue over the planning period aims to develop a single national process for each decision-making function that is “simple, quick and fair”. The IRB is revisiting variations in approaches to its processes and procedures that have developed over the years to look for opportunities to consistently apply, on a national basis, best practices and process innovations. The first stage of this project is underway and involves a comprehensive review of all case management and decision-making processes and procedures for refugee protection claims. The IRB will draw on the experience and expertise of process and operational experts from within and outside the organization as it reviews regional approaches. The anticipated result will be the development of a single national process for managing refugee protection claims that is simple, that incorporates best practices and process innovations, within the constraints of the existing technological infrastructure.

Concurrent with a review of case management will be a review of the decision-making process to provide for greater clarity on roles and responsibilities and to eliminate duplication and overlap. Decision-makers will receive more support to promote the quality and consistency of decisions. Support will take the form of harmonized documentation, interpretative papers, jurisprudential guidelines, legal opinions, persuasive decisions and in-depth research and examination of legal issues flowing from lead cases.

The first phase of this major organizational initiative will focus on refugee protection work and will be implemented in 2003-04. The second phase of this project will also take place in 2003-04; it will involve the comprehensive review of all case management and decision-making processes and procedures for immigration appeals, admissibility hearings and detention reviews.

**Integrated Case Management System**

Simplifying and standardizing current processes are expected to result in efficiency gains and will serve as an
important building block to further improvements to case management. However, over the longer term, the IRB cannot sustain the high levels of productivity it has achieved to date, nor the further gains planned without a fundamental revamping of its case management processes coupled with an upgraded technological infrastructure that will fully support ongoing improvements and adaptations. This will be critical to the IRB’s continued ability to efficiently manage the flow of tens of thousands of cases from their receipt to final decision. Current file tracking systems are archaic and vulnerable to failure. They do not have the capacity to be further adapted to keep pace with improvements to case management processes and in some instances, their limitations are posing constraints to introducing such improvements.

Given this situation, the IRB plans significant investments of time, expertise and resources to develop and implement an Integrated Case Management System (ICMS) over the planning period. This major project will directly support the IRB’s priority to enhance its decision-making capacity. The IRB has set ambitious goals to increase the number of cases it finalizes each year to respond to heavy workload in all areas and to reduce its backlog of refugee protection claims. While planned initiatives are expected to bring important gains, without a complete revamping of case flow processes and the development of robust supporting technological tools, the IRB will not be equipped to sustain over the longer term, the high volume of finalizations planned. As well, it will remain vulnerable to fluctuations in its workload and unforeseen external events affecting its work.

The IRB expects that the ICMS will provide the following key features and results:

- reduce the overall cost and time of processing cases and increase productivity by re-engineering the way work will be performed, including improvements to case flow by reducing the number of steps involved in a given process;
- increase the overall efficiency of the program delivery by automating key functions and improve decision-making by providing timely, integrated, comprehensive and accurate information on cases;
- support Government-on-Line principles by enabling key transactions on the Web with partners and stakeholders and enhancing client services; and
- upgrade the current IT infrastructure to enhance security and integrity of data.

**Research capacity to support decision-making**

Focused and timely research is a cornerstone of hearing preparation and an important part of the infrastructure required to support the making of well-reasoned decisions. For example, consideration of both country-of-origin and claimant-specific information in advance of a refugee protection hearing provides decision-makers with tools which can help them utilize hearing room time more efficiently and effectively. Research needs of decision-makers continue to evolve in tandem with the increased range of issues that need to be addressed in deciding a case.

Significant increases in the volume of refugee protection claims finalized by
the IRB has a direct impact on the research workload. In conjunction with other efficiency measures and process improvement initiatives, the IRB is currently examining the way research services are utilized in an effort to ensure the most efficient use of research resources. This includes an examination of how research services are accessed, how much time and effort are allocated to individual research requests, and ways to more effectively organize research effort. It will also involve an examination of the capacity required to ensure the long-term sustainability of effective research support to decision-making processes.

Technological enhancements, such as those envisioned as part of ICMS, will help enhance research capacity and provide for additional efficiency gains. Effective technological support will help in terms of identifying research needs of decision-makers, processing those requests and disseminating the information in an efficient and consistent manner.

**Alternative Dispute Resolution**

Use of the Alternative Dispute Resolution (ADR) in the Immigration Appeal Division (IAD) is an important mechanism by which the IRB seeks to build increased capacity for decision-making. The Division uses ADR to encourage the settlement of certain types of sponsorship appeal cases without a formal hearing. ADR involves more informal, less confrontational and more consensual approaches such as mediation. The proportion of sponsorship appeal cases finalized through this process has increased steadily. To date, about 50% of cases considered through ADR are resolved without proceeding to a full hearing.

ADR was introduced by way of a pilot project in the Toronto Region of the IAD in 1998, and then expanded to Vancouver in 2000. In 2003-04, the IAD will complete the expansion of ADR in the Montréal Region. Information sessions for appellants’ counsel will be presented in most regions. There will also be ongoing training for Dispute Resolution Officers and Minister’s counsel, mentoring for Dispute Resolution Officers and communications with stakeholders.

**Other Initiatives**

In addition to the major initiatives described above, IRB plans continued efforts in a variety of other areas, including:

- using new technological tools such as voice activated software to assist in the process of writing reasons for decisions;
- implementing a new procedure that will position the IRB to “abandon” refugee protection cases that are not expected to proceed. By requiring the claimants to confirm their readiness to appear before the IRB, the tribunal will be able to determine at the earliest possible stage whether claimants intend to pursue their claims, and in so doing, prevent investment of case preparation and research on such cases;
- introducing more rigorous application of certain rules. For example, the IRB will more strictly enforce the requirement that a refugee protection claimant

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9 Each decision-making function at the IRB uses a set of Rules, which set out a framework of practices and procedures to ensure the fair and efficient treatment of each case. For more information on IRB’s Rules, see http://www.irb.gc.ca/en/about/legal/index_e.htm.
complete a Personal Information Form within 28 days of receiving the form, and will require full disclosure of documents from all participants 20 days before the hearing to avoid delays at the time of the hearing;

- improving scheduling practices to avoid the adjournment of hearings; and
- implementing a new rule for immigration appeal cases, which will result in the IRB receiving the sponsorship appeal record from CIC much earlier (i.e. 120 days from the date when the appeal is filed with CIC instead of the previous 180 days).

Enhanced Integration of Quality, Consistency and Efficiency Measures

Ongoing efforts to improve the quality, consistency and efficiency of decision-making are critical to the IRB’s plan to increase its overall organizational decision-making capacity. IRB decision-makers are independent once seized of a case, and decisions will necessarily vary in accordance with the evidence submitted in each particular case. Yet the IRB is committed to the principle that inherently similar cases should have similar outcomes. A continuing challenge in this area is developing consistent approaches across a large complement of decision-makers spread over five regional and district offices.

Knowledgeable People with the Right Information and Tools

There are some important underpinnings to decision-making at the IRB. Decisions must be reached through processes that are fair, transparent and understood by the parties. These processes must also be efficient without sacrificing the quality and integrity of the decisions. As such, decision-makers must be well prepared for the hearing; must fairly consider the evidence and the submissions of the parties; and must identify the relevant facts, applicable legislation and case law in their decisions. High-quality decision-making also involves effectively communicating a well-reasoned decision.

Improving the quality, consistency and efficiency of decisions requires continuing investments on several fronts: ensuring decision-makers and employees involved
in case preparation are trained and knowledgeable; equipping these individuals with the best possible tools and information; and ensuring monitoring mechanisms are in place. In 2003-04, this will mean:

- fostering greater communications to identify emerging issues and share best practices through regional, national and team meetings;
- providing focussed professional development to discuss emerging issues and provide decision-makers with information on trends in case law;
- developing legal opinions and interpretative papers and reviewing draft decisions according to established procedures, upon request; and
- harmonizing key documentation and providing common access in all regional and district offices.

The IRB will also improve the management of its foreign language interpretation services. The quality of interpretation plays an important role in IRB’s proceedings and contributes to both the quality and efficiency of hearings. Planned measures include providing training to interpreters, revising handbooks, glossaries of terms and procedures. The IRB will also conduct a major recruitment drive.

For its refugee protection caseload, the IRB will build on the use of National Geographic Networks, which consist of specialized teams of decision-makers and employees involved in case preparation, grouped together to take advantage of experience and expertise related to particular countries. These networks allow for the regular sharing of information and ideas, and the exchanges of personnel between offices.

Improved Management of Decision-Making

Through a number of measures, the IRB will enhance the overall management of decision-making. Under IRPA, the Chairperson of the IRB has new tools to promote the quality, consistency and efficiency of decision-making. These include the authority to:

- issue Jurisprudential Guides to assist decision-makers on matters of substantive and procedural importance in considering cases;
- designate three-member panels to hear certain refugee matters or immigration appeals, to deal with inconsistencies, different interpretations of the law and new and emerging issues, and also to support training strategies; and
- assign decision-makers appointed by the Governor in Council to a particular division to respond to operational needs.

In addition, the IRB plans the increased use of other tools:

- identifying “persuasive decisions”, that is, high quality decisions of persuasive value that develop jurisprudence to assist decision-makers. Though these decisions are not binding, decision-makers are encouraged to adopt the reasoning in these decisions in cases that involve similar considerations, when in agreement with that reasoning;
• identifying a representative case or sample of similar cases to be conducted as “lead cases” in order to facilitate efficient and in-depth examination of issues that recur in similar cases. Lead cases provide focus to the principal legal issues that arise when a particular set of facts is presented and establish a base line of research and country information for addressing those issues in other similar cases; and

• seeking to intervene in cases before the Higher Courts to make a submission on a legal or policy issue or on an issue that is of institutional interest to the IRB. This means either a jurisdictional issue or an issue for which the outcome may have a significant impact on the operations of the tribunal.

The combination of these measures will enable the IRB to achieve a more consistent and transparent application of the law, improved efficiencies in decision-making and broader and more effective use of existing high quality work.

One measure of the results of the IRB efforts in support of the quality and consistency of decision-making is the number of decisions set aside by the Federal Court. For years, less than one percent of IRB decisions have been overturned by the Federal Court. There are no indications that this pattern will be changing over the planning period.

4.1.2 Planned Results by Business Line

The IRB has four business lines, or areas of activity, which collectively account for all the work of the tribunal:

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

The first three business lines encompass all the decision-making functions of the IRB, including related activities such as case preparation and research, scheduling of hearings, technological support, foreign language interpretation, and clerical, administrative and secretarial support.

The fourth business line, Corporate Management and Services, supports the IRB in making decisions through a range of activities including developing case management processes, policy and planning processes, country-of-origin research, legal services, translation services, human resource management, financial services and administration, professional development, communications and management of information technology.

The following sections report on planned results in relation to the three business lines that account for the decision-making activities of the IRB.

10 The current name of this business line is Inquiries and Detention Reviews and reflects the terminology of the previous Act. The IRB plans to come forward with a submission to the Treasury Board Secretariat in the upcoming year to change the name of this business line to Admissibility Hearings and Detention Reviews, in line with the terminology in the IRPA.
4.1 Well-reasoned, Timely Decisions

Refugee Determination

In its refugee determination work, the IRB undertakes to render, in a timely manner, quality decisions on claims for refugee protection made by persons in Canada. This activity consumes the majority of the IRB’s resources, including salaries for decision-makers and all those who support the decision-making process and non-salary costs for related activities.

The next three years will be crucial for the refugee determination business line. The overriding priority is the reduction of the backlog and progressing times. The year 2003-04 will be a particularly critical one, as the IRB plans concerted efforts that will result in the beginning of a turnaround in the four-year trend of growing numbers of claims waiting for a decision and longer average processing times.

In 2003-04, the number of claims waiting for a decision and the length of processing times are expected to peak and then begin to decline. The turnaround will be the result of a concerted organization-wide focus to increase the number of refugee protection claims finalized. The IRB has established targets for the subsequent two years that would contribute to significant and progressive reductions in the number of claims waiting for a decision and the length of processing times. While these targets will be refined in a year’s time with the benefit of the experience of 2003-04, their achievement would result in reducing by half the number of claims waiting for a decision and bringing processing times well under 12 months by March 2006.

A significant turnaround is dependent on a combination of factors: continued improvements to case management processes; having in place the decision-makers and staff who directly support the decision-making process; and receiving no more than 35,000 new claims each year. If these conditions are met, the IRB will, for the first time in five years, have the capacity to finalize more claims than it receives.

Claims Referred

For forecasting purposes, it has been assumed that no more than 35,000 claims will be referred from CIC to the IRB for each of the next three years. However, the IRB will monitor very carefully trends in referrals of new claims, given the inherent difficulty of forecasting this factor — as underscored by the experience of the past four years. In each of those years, the number of new claims far exceeded the fairly stable levels of about 25,000 per year that were experienced through the mid- to late-1990s. While the forecast of around 35,000 new claims for each of the next three years is well above that historical average level, it does represent a significant decrease from the record level of 45,000 claims referred in 2001-02 and the 40,000 expected in 2002-03. This decline is forecast based on CIC expectations of the impact of the Safe Third Country agreement, as well as on the effect of continued efforts by CIC officers overseas to interdict persons from arriving in Canada illegally or with fraudulent documents.
Claims Finalized

As noted earlier, 2003-04 is a critical year for the IRB. It has set an ambitious goal of finalizing 48,000 refugee protection claims. This represents a 40% increase over the 34,000 claims it expects to finalize in 2002-03 and a 75% increase over the 27,500 claims finalized in 2001-02.

While ambitious, this target is achievable. The IRB will build on solid progress made to date. Progressively higher number of cases have been finalized in each quarter of 2002-03 and a record number of claims are expected to be finalized over the course of the year, even with the demands of introducing new legislation\(^{11}\). Improved case management efficiencies and greater use of single-member panels have contributed to this performance. The new Act establishes single-member panels as the norm for refugee protection hearings and removes the requirement for claimant consent. Under the former Act, the IRB had gradually increased its use of such panels to about 60% of all cases. With the benefit of intensive training, the use of single-member panels increased to over 95% immediately after the new legislation was implemented.

Continued improvements to case management processes will be required and are planned. These improvements include strengthening the use of streamlined processes and the plan to establish a single national process for managing the flow of refugee protection claims. Process improvements will eventually be supported by an anticipated transition towards improved technological infrastructure. These improvements are expected to result in efficiency gains and improved use of resources. Additional decision-makers expected to be in place in 2003-04, combined with these efficiency measures are a prerequisite for the IRB to attain the targeted finalizations. Achieving the targeted case finalizations in 2003-04 will not be easy. It will require sustained and concerted efforts across many parts of the IRB, and will involve contributions of all personnel, including those directly involved in decision-making and those that provide organizational support to front-line operations.

Targets have been set for claims finalized for the last two years of the planning period. These targets will be refined in the IRB’s next RPP to fully reflect the experience of 2003-04 and to take into account the necessary organizational infrastructure required to support a significantly increased number of finalizations each year. The current targets for future years are somewhat lower than in 2003-04, reflecting the expiry on March 31, 2004 of additional short-term resources announced in the December, 2001 federal budget.

Claims Waiting for a Decision

The IRB will begin 2003-04 with a record 55,000 claims waiting for a decision. Over the planning period, the IRB has established a target to reduce this number by more than half. This is because, for the first time since 1998-99, it will have the capacity each year to finalize more claims than it receives, assuming the annual number of new claims remains at or below 35,000. By contrast, in each of the last four years, the number of new claims received each year was beyond the IRB’s capacity to render decisions. Since the summer of 1999, therefore, the number of claims waiting for a decision has grown significantly.

\(^{11}\) Information about what the new Act means for the IRB and its impact on proceedings is available in Annex 2, Section VI.
Although the gap between the number of new claims received and the number finalized is narrowing, in 2002-03 the number of claims referred will undoubtedly still exceed the number finalized. As was anticipated in last year’s RPP, the number of claims waiting for a decision will grow in 2002-03.

The year 2003-04 will mark the beginning of the turnaround, with the number of claims finalized expected to exceed the number received for the first time in five years. The IRB plans to reduce the number of claims waiting for a decision from 55,000 to 42,000 next year. Further significant reductions would be expected in each of the two following years.

Finalizations in the order of 43,000 in the final two years of the planning period would result in the number of waiting claims on March 2006 in the range of 26,000. This assumes that the number of new claims remains stable at 35,000 or lower in each year of the planning period.

The growth in the numbers of claims waiting for a decision over the past four years has been accompanied by a lengthening of the average time they have been waiting. Currently, nearly one-third of claimants have been waiting for a decision for more than a year. The IRB aims to reduce this proportion of old claims as it brings down the total number of claims waiting for a decision.

<table>
<thead>
<tr>
<th>Figure 4.2</th>
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</thead>
<tbody>
<tr>
<td>Projected Number of Refugee Protection Claims Referred, Finalized and Waiting for a Decision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Claims Referred</th>
<th>Claims Finalized</th>
<th>Claims Waiting for a Decision, March 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04</td>
<td>55,000</td>
<td>45,000</td>
<td>26,000</td>
</tr>
<tr>
<td>2004-05</td>
<td>45,000</td>
<td>45,000</td>
<td>26,000</td>
</tr>
<tr>
<td>2005-06</td>
<td>35,000</td>
<td>35,000</td>
<td>26,000</td>
</tr>
</tbody>
</table>
The IRB will monitor the proportion of complex claims in the inventory of waiting claims as this could affect the average age of claims waiting and, ultimately, the rate at which average processing time can be improved. Further experience over the next year with streamlined processes and other case management improvements will allow the IRB to draw conclusions about possible trends of this sort.

**Average Processing Time**  
(Months from Referral to Finalization)

Average processing time is the average length of time that claims are with the IRB, starting from referral of the claim by CIC and ending when a decision is given to the claimant. It includes the time a claimant waits before a hearing is scheduled.

Processing time has grown along with the number of claims waiting for a decision, from 9.5 months on average in 2000-01 to over 13 months currently. In 2003-04, processing time may average as much as 15 months before the turnaround in the number of claims waiting for a decision is reflected in a decline in average processing time. Finalizing about 43,000 claims in the two subsequent years would result in a progressive decline in processing time, so that it would average under 12 months by the end of 2004-05 and under 10 months by the end of 2005-06.

**Cost per Claim**

The cost per claim includes costs for activities associated with case preparation and the decision-making process. It includes a share of the costs of support services from the Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

The average cost per claim in 2003-04 is expected to be approximately $2,400.

**Immigration Appeals**

Immigration appeals originate from four sources:

- Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused;
- permanent residents, protected persons and foreign nationals with a permanent resident visa who have been ordered removed from Canada;
- permanent residents determined outside of Canada by an officer of Citizenship and Immigration Canada (CIC) not to have fulfilled their residency obligation; and
- the Minister who may appeal a decision made by the Immigration Division at an admissibility hearing.

The year 2003-04 will be the first full year during which the IRB will hear appeals stemming from new provisions in the Act. Based on workload estimates from CIC, the IRB anticipates that, in 2003-04, it

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12 Information about what the new Act means for the IRB and its impact on proceedings is available in Annex 2, Section VI.
could receive 20% more appeals than it has in recent years. At the same time, the IRB has set a target to increase the number of appeals finalized as a result of sustained high levels of productivity and of having additional decision-makers in place.

However, the IRB will start the year 2003-04 with the highest volume of appeals waiting for a decision in over five years. This is because the number of new appeals received in 2002-03 has exceeded the IRB’s decision-making capacity during this period. The high volume of pending appeals will translate into a longer average waiting time for a decision in 2003-04 than in past years.

While the IRB is providing a picture for all three years of the planning period, it plans to revisit the forecast figures for 2004-05 and 2005-06 with the benefit of increased experience with the legislation. Based on the information currently available, the number of new appeals filed is expected to remain high throughout the planning period.

### Appeals Filed

The IRB’s appeal workload has been growing. The IRB expects to receive 5,200 appeals in 2003-04 — close to 10% over the expected 2002-03 level, and 20% above levels seen in previous years. Last year’s Report on Plans and Priorities had estimated as many as 6,500 appeals in 2003-04; however, it was recognized at the time that this estimate would need to be revised as the IRB and CIC gained experience with new legislation. The projected number of appeals for 2003-04 is somewhat speculative given that IRPA has been in effect for only a few months and it is still far from clear how many additional appeals will be filed.

### Figure 4.3

**Projected Number of Appeals Filed, Finalized and Waiting for a Decision**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Appeals Waiting for a Decision, April 1</td>
<td>5,800</td>
<td>5,900</td>
<td>5,700</td>
</tr>
<tr>
<td>Appeals Filed</td>
<td>5,200</td>
<td>4,900</td>
<td>4,900</td>
</tr>
<tr>
<td>Appeals Finalized</td>
<td>5,100</td>
<td>5,100</td>
<td>5,100</td>
</tr>
<tr>
<td>Appeals Waiting for a Decision, March 31</td>
<td>5,900</td>
<td>5,700</td>
<td>5,500</td>
</tr>
</tbody>
</table>
appeals will result from the new legislative provisions. The projected level of 5,200 appeals assumes that CIC’s capacity for processing applications overseas will not change from current levels. It also assumes that refusal and appeal rates for all case categories will be slightly higher than in past years, as people test the application of IRPA. The number of appeals might drop slightly in 2004-05 and in 2005-06, to about 4,900, as people become more experienced with the legislation and less likely to test its new provisions. This number of appeals is still considerably higher than volumes experienced in previous years.

**Appeals Finalized**

The IRB expects to finalize 5,100 appeals in 2003-04. This represents a gain of 25% over the number of appeals expected to be finalized in 2002-03, a gain that will be realized thanks to increases in the number of decision-makers and to continued high productivity. Similar levels of finalizations are forecast for the subsequent two years.

**Appeals Waiting for a Decision**

The number of appeals waiting for a decision has increased steadily over the past year, from an average of 5,100 on December 31, 2001 to 5,700 by the end of December 2002, because intake consistently exceeded output capacity during that period. It is anticipated that the number of appeals waiting for a decision will reach 5,800 by March 31, 2003. For 2003-04, levels are projected to increase only slightly, to 5,900, since the IRB expects to finalize about as many appeals as it will receive over the fiscal year. For the two following years, the number of appeals waiting for a decision is forecast to decline slightly, to 5,700 by the end of March 2005 and to 5,500 by March 31, 2006, assuming slightly lower levels of appeals filed after 2003-04.

**Average Processing Time**

(Months from Receipt of Record of Appeal to a Decision)

For several years, the average processing time had remained in the range of 6 to 7 months. However, over the first three quarters of 2002-03, the IRB experienced a slight increase in processing time, a reflection of the increase seen in the number of appeals filed and in appeals waiting for a decision over that period. For 2003-04, processing time is expected to increase further, to possibly eight months, because of continuing high intake volumes and the large number of appeals waiting for a decision. Average processing times are forecast to remain at about the same level in each of the two following fiscal years.

**Cost per Appeal**

The cost per appeal includes costs for activities associated with case management and the decision-making processes. It also includes a share of costs of support services from the Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

The average cost per appeal in 2003-04 is expected to be approximately $1,900.
Inquiries and Detention Reviews

The IRB conducts admissibility hearings for persons believed to be in violation of the Immigration and Refugee Protection Act. The purpose of the hearing is to determine whether a person may enter or remain in Canada.

The IRB also conducts detention reviews for individuals who are detained by CIC for immigration reasons. The several thousand people detained each year are all entitled to reviews within legislative timeframes. The number of admissibility hearings and detention reviews that the IRB must conduct depends on the cases referred to it by CIC.

Admissibility Hearings Finalized

In 2003-04, the IRB’s workload related to admissibility hearings will be affected by the changes introduced by the new legislation. Under the new Act, CIC officers can make decisions on straightforward and indisputable cases of inadmissibility which do not then proceed to the IRB for an admissibility hearing. Given this new legislative provision, the IRB expects to finalize 3,000 admissibility hearings in 2003-04 and in each of the two following fiscal years, about 20% fewer than the numbers concluded in recent years. However, it is anticipated that the cases heard by the IRB will tend to be more complex than previously.

Detention Reviews Finalized

The IRB expects to finalize 12,000 detention reviews in 2003-04 and in each of the two subsequent fiscal years. This number is slightly more than the 11,000 finalized in recent years, but fewer than the 14,000 estimated in last year’s Report on Plans and Priorities. When that report was prepared, the IRB was expecting a large increase in its detention review workload due to an anticipated increase in CIC’s detention capacity. Given current estimates of CIC’s capacity for detention, the forecast number of detention reviews finalized has been lowered. This revised forecast also reflects experience gained so far this year related to detentions.

The IRB must meet statutory timelines for detention reviews. Once detained, all persons have a right to appear before the IRB within 48 hours of detention, and then within the following seven days, and afterwards, at least once each 30-day period. There is no flexibility in this area since the legislation requires that these timeframes be respected.

A new legislative provision also affects proceedings in admissibility hearings and detention reviews. The Minister may now make an application for non-disclosure of sensitive information. Formerly, the Minister did not typically submit security-related issues for consideration by IRB decision-makers.

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13 The current name of this business line is Inquiries and Detention Reviews and reflects the terminology of the previous Act. The IRB plans to come forward with a submission to the Treasury Board Secretariat in the upcoming year to change the name of this business line to Admissibility Hearings and Detention Reviews, in line with the terminology in the IRPA.

14 Further detail about what the new Act means for the IRB and its impact on proceedings is available in Annex 2, Section VI.
IV. PLANS AND PRIORITIES BY STRATEGIC OUTCOME

Cost per Admissibility Hearing and Detention Review

The average cost per admissibility hearing and detention review includes costs for activities associated with case management and the decision-making processes. It also includes a share of costs of support services from the Corporate Management and Services business line, which is proportionally allocated to the other three business lines.

The average cost per admissibility hearing and detention review in 2003-04 is expected to be approximately $970 and $550 respectively.
4.2 A Leading-Edge Administrative Tribunal

While the majority of personnel within the IRB and the largest share of resources are dedicated to directly supporting front-line operations that result in several hundred decisions each week, the organization also makes investments to ensure it remains a leading-edge administrative tribunal well-equipped to carry out its mandate. Success in being a leading-edge tribunal depends on having knowledgeable and motivated personnel equipped with the right information and tools. It also depends on working with others in the broader immigration community, domestically and internationally, to benefit from shared expertise and best practices.

Investments in each of these areas directly support front-line operations.

Initiatives planned for 2003-04 and future years will be geared to supporting the overarching strategic priorities of the IRB:

- reducing the backlog of refugee protection claims and associated processing times;
- building capacity through case management improvements;
- enhanced integration of measures to improve the quality, consistency and efficiency of decision-making; and
- equipping the organization with appropriate infrastructure for the long-term.

Building its organizational capacity and modernizing its management infrastructure will be a key priority of the IRB in 2003-04 to ensure it is prepared to meet future challenges. To this end, the IRB will undertake initiatives to strengthen its professional development and management of human resources and to modernize its information systems. The IRB will also continue to learn from the efforts of other countries and to share its expertise internationally. This includes participation in international fora and sharing information and best practices.

Professional Development and Responsible Management of Human Resources

In its professional development and human resources activities, the IRB will place particular emphasis on competency-based human resource management, career development programs and learning activities for employees. Training and professional development initiatives will be particularly important over the planning period. Decision-makers and employees supporting the hearing process need to
be equipped to operate effectively in the face of workload pressures and the new legislative environment and to adapt to changes deriving from major improvement initiatives.

**Professional Development**

The IRB’s learning plan for its personnel for 2003-04 supports the IRB’s strategic priorities by helping 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. Success will require well-informed decision-makers supported by knowledgeable and skilled professional staff. To this end, the IRB will be continuing its individual Learning Plan Project, whereby each employee has an individual learning plan adapted to the employee’s current position requirements and career aspirations.

Each year, the IRB establishes a national learning plan that addresses the specific skills and knowledge requirements of all IRB personnel. In 2003-04, the plan places particular emphasis on consolidating and building on the training recently delivered to implement the new Act. In addition, the plan ensures continued investment in professional development and training as a means to integrate institutional measures more fully to enhance the quality, consistency and efficiency of decision-making. The program emphasizes presiding skills to support single-member refugee protection hearings, decision-making involving consolidated protection grounds, best approaches in conducting new types of immigration appeals, applying new jurisprudence, dealing with heightened security concerns in detention reviews and admissibility hearings and dealing with emerging issues.

Learning programs are key to ensuring consistency and quality in decision-making as well as imparting best practices for conducting efficient hearings. After having been appointed through a competency-based screening process, new IRB decision-makers receive three weeks of initial classroom training and then a six-month on-the-job learning program, which is customized to meet their needs. The learning program has been and will continue to be adapted to reflect both substantive and procedural changes necessitated by new legislative provisions. For example, a key change requiring a refocusing of training approaches is the requirement for decision-makers considering refugee protection cases to preside over hearings and decide cases alone.

The IRB will continue to run a customized training program for experienced decision-makers to complement the ongoing group training, which is an established feature of professional development at the IRB. This program permits a more individualized and comprehensive approach to evaluating decision-makers’ professional development needs and a more focused response to those needs.

Throughout 2003-04, the IRB will also provide monthly professional development programs on substantive and procedural issues to both newly appointed and experienced decision-makers, as well as to employees who help decision-makers prepare for and conduct hearings.
4.2 A Leading-Edge Administrative Tribunal

**Responsible Management of Human Resources**

During 2003-04, the IRB will be preparing for the transition from the current human resources management framework to the proposed Public Service Modernization of Human Resources recently tabled in Parliament. The transition towards a renewed human resources framework will involve the active participation of public service management, employees and bargaining agents.

The IRB will undertake a range of activities to modernize its management of human resources and to support its commitment to fostering a continuous learning atmosphere within the organization in order to prepare and equip the organization for the long-term. These activities include:

- strengthening management’s accountability in human resources management;
- reviewing managers’ delegation in human resources management to align it with the human resources modernization process and improved management practices;
- optimizing the use of the human resources information system to maximize the efforts and resources devoted to the recruitment and retention of staff, to share key information on learning activities and new career development programs with all personnel and to help develop a competency-based human resources management framework; and
- developing a new integrated education leave policy.

The IRB is also committed to developing corporate and regional action plans with the unions and employees, as a follow-up to the 2002 Public Service Survey.

**Innovative and Optimal Use of Technology**

A knowledgeable and talented workforce needs the right technology to be successful in its endeavours. With five regional and district offices spread throughout Canada, the IRB relies on extensive networks of computer and communications equipment to enable decision-makers and employees to share and exchange information, to support case preparation, to manage the flow of cases through various stages and to communicate and consult with stakeholders.

As noted earlier, with the new Act in force, the IRB is planning for the development of the new Integrated Case Management System (ICMS) to replace its current outdated case tracking system. Considerable investments in time, expertise and resources will be critical over the planning period to achieve a complete revamping of IRB case flow processes and develop supporting robust technological tools.

The IRB is planning to implement other technological initiatives, which will eventually be integrated with the ICMS. These initiatives include establishing a National Reasons Database and digital audio recording.

Since its inception, the IRB has developed an extensive collection of reasons and case law. To enhance overall quality and
consistency in decision-making and improve case management, the IRB will implement the National Reasons Database in 2003-04. The database has been designed to allow easy access to reasons for decision in electronic format. It will also make it possible to conduct research and retrieve these reasons and perform trend analyses both nationally and in all regions and districts.

In 2003-04, digital audio recording equipment will be installed in all of the hearing rooms of the IRB, replacing old analogue tape recorders. Once operational, digital audio recording will upgrade sound quality, improve information sharing, reduce storage needs, provide rapid, direct access to hearing transcripts, and reduce costs.

**Improved Management Practices**

To be better equipped to meet its current challenges and prepare for the long term, the IRB is pursuing the implementation of its Improved Management Practices initiative, which integrates the principles of Modern Comptrollership established by the Treasury Board Secretariat. This initiative is founded on four pillars that support management decision-making: the integration of financial and non-financial information; sound risk management; options for flexible delivery but with due regard for appropriate control; and sound public service values and ethics.

Several initiatives, which will form part of an integrated approach, are underway and will continue over the planning period:

- in support of the Improved Management Practices Office, a working group with representation from senior management and functional specialists, is establishing a coherent integrated action plan bringing together all management improvement efforts and initiatives;
- an activity-based planning and budgeting model is being developed to integrate IRB financial and non-financial information and improve the planning and management of the workload and resources;
- a risk management framework is being developed and will be fully integrated into the strategic decision-making process;
- an internal audit policy is being updated and a risk-based internal audit plan is being developed; and
- a national accommodation policy framework is being implemented in conjunction with Public Works and Government Services Canada (PWGSC), to better manage and plan space utilization. This pilot project is being considered by PWGSC as a best practice to be shared with other departments.

In 2003-04, the IRB will also undertake additional initiatives in line with the modern comptrollership pillars outlined above, with particular emphasis on values and ethics. The long-term vision is to have business decisions and plans which fully integrate values, major risks, client and stakeholder interests and performance information.

The IRB had to re-adjust the timing of the above activities due to the high demands associated with the preparations for the new legislation, but it is fully committed
to the successful implementation of this initiative, to improve its organizational capacity and remain a leading-edge tribunal.

**Recognition from Individuals and Organizations, Both International and Domestic**

The IRB is an integral part of the Canadian immigration and refugee portfolio. It is also an important member of the international community involved in refugee matters. Building relationships with others abroad helps the IRB keep abreast of emerging trends and practices in other countries. As a world leader and leading-edge tribunal, the IRB is committed to sharing best practices, promoting human rights and responding to world issues.

**Intergovernmental Consultations**

The IRB continues to be a recognized leader in the Country of Origin Information (COI) Working Group of the Intergovernmental Consultations (IGC) on Asylum, Refugee and Migration Policies in Europe, North America and Australia. The IRB is also a member of the IGC Data Working Group, which studies comparative data on refugee claims made in the various IGC countries.

The IGC’s Country of Origin Information Working Group examines new ways to expand information-sharing opportunities between member states and shares best practices in COI documentation production and dissemination. In 2003 the COI Working Group, in collaboration with the other IGC working groups, is planning multidisciplinary workshops on Nigeria and Russia. The IRB will continue to provide information and advice to countries establishing or developing Country of Origin Information units both within and outside the IGC community.

Involvement in these working groups helps the IRB to keep abreast of changes in country of origin information sources, to compare the outcomes obtained by refugee determination systems in different IGC states, and to take advantage of the experience and best practices of other refugee-receiving countries. It also affords the IRB an opportunity to share information and advice with others.

**International Association of Refugee Law Judges**

Working with the International Association of Refugee Law Judges (IARLJ) gives the IRB the opportunity to keep abreast of international refugee law practices and developments. Through this relationship the IRB is also able to share its practices with the international community. Canada has long been recognized for its promotion of best practices within the international community of refugee decision-makers. This is evident in the IRB’s work with the IARLJ, an organization established in 1997 to encourage the standardization of practices, procedures and interpretations of refugee law throughout the world. The Deputy Chairperson of the Refugee Protection Division is a member of the Executive Council of the IARLJ and also heads the Professional Development Committee.

In 2003-04, the IRB will continue its participation in IARLJ working groups studying different aspects of refugee law and procedure. It will also continue to
actively support the IARLJ through the Professional Development Committee and through judge training activities around the world. For example, the IRB recently participated in a Seminar on Refugee Law for Judges from Arab League States in Cairo and in the Annual Conference of the Refugee Legal Centre in the United Kingdom.

In its work with the IARLJ and other organizations, the IRB has helped to establish quality refugee determination systems in both developed and developing countries. Many countries have followed Canada’s lead in several areas of refugee law and practice, most notably in applying gender guidelines modelled on those of the IRB. Both the United States and the United Kingdom have developed guidelines similar to those of the IRB for hearing gender-related claims.¹⁵

Comparative Studies of other Refugee Determination Systems

As a worldwide leader in refugee determination, the IRB is always looking for new and more efficient ways to realize its mission. Several industrialized nations have adopted creative and efficient systems for refugee determination. The IRB will continue work to compare its system with those of other countries. This will help the IRB understand emerging trends and see different approaches and innovative solutions that other countries have developed.


As a worldwide leader in refugee determination, the IRB is always looking for new and more efficient ways to realize its mission.
4.3 A Creative Partner in the Canadian Immigration System

The IRB has placed increased importance on establishing and maintaining effective working relationships with its stakeholders and partners to ensure an effective and proactive immigration system in Canada. This section outlines specific plans to strengthen relationships with CIC and other stakeholders. These efforts will build on the high level of collaboration and communication that has been established with the IRB’s partners and stakeholders in recent years, particularly over the course of preparing for and implementing the new legislation.

An Integrated Approach to Portfolio Management

Relationship with Citizenship and Immigration Canada

As key partners within the immigration and refugee portfolio, CIC and the IRB will continue to improve communications and co-ordinate efforts on issues related to the overall management of the portfolio. This relationship with CIC must recognize the importance of maintaining the institutional independence of the IRB and its decision-makers, and the fact that CIC may appear as a party in IRB proceedings.

The year 2003-04 will see the two organizations build on the extensive groundwork that was laid in preparing for the Immigration and Refugee Protection Act (IRPA). A particular priority will be efforts to monitor implementation of the new Act. The IRB will work with CIC on appropriate responses to implementation issues and other portfolio management matters. The organizations will, for example, continue to share relevant information in support of early security screening of refugee protection claimants and collaborate on case management practices. The Safe Third Country Agreement with the United States, which is expected to be implemented in the coming year, will require the establishment and monitoring of procedures to support implementation, as well as ongoing assessment of the broader impacts on Canada’s refugee determination system.

The 1996 Administrative Framework Agreement that set out the administrative relationship between the two organizations will also be reviewed in the coming year. It will be adjusted in light of the new legislation and developments since the Agreement’s adoption to appropriately reflect current realities and respective case management initiatives designed to meet the key challenges of 2003-2004.
IV. PLANS AND PRIORITIES BY STRATEGIC OUTCOME

Policy Development

Innovative IRB operational policies promote uniformity, simplicity and fairness in the tribunal’s processes, facilitate the decision-making process, support and improve case management, and are key to the effective delivery of legislation. The IRB, in consultation with stakeholders, develops, puts in place and adapts operational policies to address emerging needs and strategic priorities. The IRB will maintain its capacity to develop, implement and adapt operational policies to address emerging needs and strategic priorities.

The IRB’s policy work over the last year was focussed on supporting the implementation of the IRPA. In 2003-04, the IRB will focus on identifying and responding to policy needs associated with its efforts to standardize processes, improve its case management and fully integrate quality, consistency and efficiency measures.

Effective Relationships with Clients and Stakeholders

The IRB makes it a priority to maintain effective relationships with external stakeholders. The ongoing dialogue and collaboration the IRB has established with its stakeholders will contribute to the IRB meeting its strategic priorities and to ongoing consolidation of new legislative provisions. The IRB is planning continued efforts to contribute to stakeholder relationships, notably:

- continued use of a stakeholder forum known as the Consultative Committee on Practices and Procedures;
- initiatives to assist unrepresented parties;
- continued monitoring of the protocol Addressing Member Conduct Issues; and
- work on initial phases of a broad service improvement initiative.

Consultative Committee on Practices and Procedures

The Consultative Committee on Practices and Procedures (CCPP) is an important forum in which the IRB builds and maintains relationships with stakeholders. Through its biannual meetings and periodic teleconferences, the CCPP provides an opportunity for exchanging information, resolving issues of mutual concern and understanding one another’s views. The CCPP includes representatives from such organizations as the Canadian Bar Association, associations of immigration lawyers, the Canadian Council for Refugees and the United Nations High Commissioner for Refugees (UNHCR). These organizations represent a continuum of key stakeholders who play an important role in the proceedings of the IRB.

Last year, it became increasingly important to work closely with stakeholders as the IRB prepared to implement the new
legislation. In 2003-04 the IRB plans to build on this increased dialogue to improve the work it does. Meetings and information sessions will provide opportunities to discuss the ongoing consolidation of new legislative provisions and related rules and to address other issues of common interest such as the needs of vulnerable claimants.

In addition, IRB regional and district offices will also contribute to building and maintaining effective relationships through established forums with local stakeholders.

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

The IRB will continue to respond to the particular needs of unrepresented parties, both claimants and appellants and of non-legal counsel who may appear before it. These activities are particularly important to ensure fairness in IRB processes and to facilitate access to justice. Fair decision-making requires that individuals be prepared to present their cases effectively and benefit from guidance and support.

In this regard, in 2003-04, the Immigration Appeal Division plans to continue providing external information sessions to help make the appeal process more accessible and efficient. This will build on the recent work of the Division to update its *Unrepresented Appellants Information Guide*\(^\text{16}\) to reflect the new legislation, regulations and rules.

The IRB also plans to work with key stakeholders to explore areas for the development of tools to assist unrepresented individuals involved in IRB processes. This will build on close collaboration with key stakeholders in 2002. This collaboration resulted in the completion of the first phase of a project designed to better respond to the needs of refugee protection claimants, particularly unrepresented claimants. In 2003, with the assistance of many key stakeholders, the IRB published a document entitled *The Refugee Protection Claim Process: An Overview*\(^\text{17}\), which provides a plain language guide to the refugee protection claim process from start to finish, i.e. port of entry to permanent residence in Canada or removal. The Guide is being distributed to ports of entry and to non-governmental organizations.

Over the planning period the IRB will look for other areas for collaborative approaches that would result in improved tools to support unrepresented individuals involved in IRB processes.

**Protocol Addressing Member Conduct Issues**

The IRB was the first federal administrative tribunal to institute a formal process for addressing complaints about the conduct of members (decision-makers) appointed to the IRB by the Governor in Council. The Protocol Addressing Member Conduct Issues instituted in October 1999, recognizes that high standards of conduct are required of public officials, such as IRB decision-makers, whose decisions profoundly affect people’s lives. Over the planning period, the IRB will continue to monitor the Protocol and take remedial action where warranted.

\(^{16}\) It is also available at http://irb.gc.ca/en/about/divisions/rpd/guides/guides_e.htm.

\(^{17}\) It is also available at http://irb.gc.ca/en/about/divisions/rpd/claimant/index_e.htm.
**Service Improvement Initiative**

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

Though the IRB had to delay this initiative due to preparations for the new Act, it has made progress in improving its responsiveness to client needs. For example, it has redesigned its Web site to ensure easy and timely access to materials. It has taken into account client needs in the redesign of forms. As noted earlier, it has developed guides to assist parties and non-legal counsel.

The IRB now plans to implement the first phase of the Service Improvement initiative in 2003-04. Phase one will be used to identify key services for inclusion in the initiative, establish 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 would not involve measurement of any satisfaction with the outcomes of the IRB’s adjudicative decisions.

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

**Responsiveness to Emerging Issues**

The IRB will continue to enhance its ability to respond to emerging issues and to an ever-changing environment. Contingency planning and effective channels of communication with stakeholders position the IRB to respond quickly to changing circumstances. Effective strategies are critical to maintaining the integrity of Canada’s immigration system and the confidence and support of the Canadian people.
V. ORGANIZATION

5.1 Mandate and Role
Created by an Act of Parliament in 1989, the IRB is the largest Canadian administrative tribunal performing quasi-judicial functions. Its mandate is currently contained in Part 4 of the new Immigration and Refugee Protection Act.

As an independent tribunal, the IRB’s mandate is to:
• determine claims for refugee protection made in Canada;
• adjudicate admissibility hearings (formerly immigration inquiries) and review reasons for detention; and
• decide appeals of sponsorship refusals, removal orders and residency obligation decisions, and decide appeals by the Minister of Citizenship and Immigration from decisions made in admissibility hearings.

5.2 Business Line Detail
The IRB has four business lines or areas of activity, which collectively account for all the work of the tribunal:
• Refugee Determination;
• Immigration Appeals;
• Inquiries and Detention Reviews; and
• Corporate Management and Services.

The first three business lines encompass all the decision-making functions of the IRB, including related activities such as case preparation and research, scheduling of hearings, technological support, foreign language interpretation, and clerical, administrative and secretarial support.

The fourth business line, Corporate Management and Services, supports the IRB in making decisions through a range of activities including developing case management processes, policy and planning processes, country-of-origin research, legal services, translation services, human resource management, financial services and administration, professional development, communications and management of information technology.

Refugee Determination
The Refugee Determination business line involves rendering decisions on refugee protection claims made by persons in Canada. Under the new legislation, decisions are made not only on whether a person has a well-founded fear of persecution by reason of race, religion, nationality, membership in a particular social group or political opinion (as was the case under the former Act), but also on whether a person faces a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment. In this manner, Canada fulfils its obligations as a signatory to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

This business line has planned spending in 2003-04 of $69.4 million.

18 The current name of this business line is Inquiries and Detention Reviews and reflects the terminology of the previous Act. The IRB plans to come forward with a submission to the Treasury Board Secretariat in the upcoming year to change the name of this business line to Admissibility Hearings and Detention Reviews, in line with the terminology in the IRPA.
Immigration Appeals

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

- Canadian citizens and permanent residents whose application to sponsor close family members to Canada have been refused;
- permanent residents, protected persons and holders of permanent resident visas, who have been ordered removed from Canada;
- permanent residents determined outside of Canada by an officer of CIC not to have fulfilled their residency obligation; and
- the Minister who may appeal a decision made by the Immigration Division at an admissibility hearing.

This business line has planned spending in 2003-04 of $5.7 million.

Inquiries and Detention Reviews

The Inquiries and Detention Reviews business line involves conducting:

- admissibility hearings involving people alleged to be inadmissible to Canada; and
- detention reviews for people detained for immigration reasons.

This business line helps ensure the safety of Canadian society in the following ways:

- by conducting admissibility hearings for people who are seeking entry into Canada or who are already in Canada and are considered to be inadmissible; and
- by conducting detention reviews for persons who have been detained during the examination, admissibility hearings or removal process.

This business line has planned spending in 2003-04 of $5.6 million.

Corporate Management and Services

The Corporate Management and Services business line, which supports the other three business lines, has the following responsibilities:

- to support the IRB in making decisions;
- to improve the IRB’s ability to render timely, fair, consistent and sound decisions;
- to provide the IRB with efficient management processes and administrative services;
- to promote organizational effectiveness; and
- to help the IRB adapt to its changing environment.

In fulfilling these responsibilities, this business line:

- coordinates the IRB’s policy and planning processes;
- develops case management processes to support decision-making;
- provides administrative, financial and human resources services, including staffing and recruitment, classification, learning and employee relations;

19 The current name of this business line is Inquiries and Detention Reviews and reflects the terminology of the previous Act. The IRB plans to come forward with a submission to the Treasury Board Secretariat in the upcoming year to change the name of this business line to Admissibility Hearings and Detention Reviews, in line with the terminology in the IRPA.
• manages the information technology infrastructure to support decision-making and performance measurement; and

• manages the IRB’s internal and external communications.

Also included are services that directly support the day-to-day operations of the other three business lines, including case management systems, legal services, country-of-origin research and translation services. Corporate Management and Services also supports government-wide initiatives, including the Human Resource Modernisation Project, the Service Improvement Initiative, the Modern Comptrollership Initiative and the Government On-Line Initiative.

This business line has planned spending in 2003-04 of $54.6 million. This includes $25.8 million in funding for the IRB’s translation needs stemming from *Devinat v. Canada*, a decision of the Federal Court of Appeal on the *Official Languages Act*. It also includes funding for activities that directly support decision-making, such as legal services and country-of-origin research services.

### 5.3 Responsibilities

The Chairperson is the IRB’s chief executive officer and spokesperson. The Chairperson provides overall leadership and direction to the tribunal. He is responsible for creating and promoting a vision of the IRB that unifies all IRB personnel around the common purpose of making timely and just decisions on immigration and refugee matters. In addition to the broad responsibility for the management of Governor in Council appointees, the Chairperson has a number of statutory powers at his disposal to provide assistance to decision-makers in order to enhance the consistency, quality and efficiency of decision-making. The Chairperson is accountable to Parliament through the Minister of Citizenship and Immigration.

The Executive Director is the IRB’s chief operating officer and reports to the IRB Chairperson. As such, the Executive Director is responsible for IRB operations and the overall administration of the tribunal. The Executive Director is also responsible for approximately 850 public servants, including those who provide direct support to the decision-making activities, and is directly responsible for the Corporate Management and Services business line.

Two Deputy Chairpersons and a Director General who are responsible for the three divisions, report to the IRB Chairperson:

- The Deputy Chairperson of the Refugee Protection Division, who is appointed by the Governor in Council, has responsibility for about 194 decision-makers;
- The Deputy Chairperson of the Immigration Appeal Division, who is appointed by the Governor in Council, has responsibility for about 29 decision-makers; and
- The Director General of the Immigration Division, who is appointed under the Public Service Employment Act, has responsibility for about 34 decision-makers.

The IRB’s head office is located in Ottawa. There are regional offices in Montréal, Toronto and Vancouver, and district offices in Ottawa and Calgary.
Figure 5.1
Organizational Chart

Legend
RPD  Refugee Protection Division
IAD  Immigration Appeal Division
ID   Immigration Division
PD   Professional Development
### Figure 5.2
**Agency Planned Spending ($ millions)**

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<td>54.6&lt;sup&gt;20&lt;/sup&gt;</td>
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<td><strong>Total Main Estimates</strong></td>
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<td>135.3</td>
<td>121.1</td>
<td>121.1</td>
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<tr>
<td>Plus: Cost of Services Received without charge</td>
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<td>19.8</td>
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<td><strong>Net Cost of Program</strong></td>
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<td><strong>Full time Equivalents</strong></td>
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<td>1200</td>
<td>1100</td>
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</table>

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

The future year spending trend reflects the termination of sunset funding to address increased workload and reduce the backlog of refugee protection claims.

<sup>20</sup> This includes $25.8 million for the translation of decisions. It also includes funding for activities that directly support decision-making, such as legal services and country-of-origin research services.
### Annex 1: Financial Information

#### Figure 6.1
Net Cost of Program for the Estimates Year ($ millions)

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<th>Immigration and Refugee Board</th>
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<td>Planned Spending</td>
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<td>Plus: Services Received without Charge</td>
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<tr>
<td>Accommodation provided by PWGSC</td>
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<td>Contributions covering employees’ insurance premiums and expenditures paid by TBS</td>
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<td>Salary and associated expenditures for legal services provided by Justice Canada</td>
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<td><strong>2003-2004 Net Program Cost</strong></td>
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#### Figure 6.2
Net Planned Spending and Full-time Equivalents by Business Line ($ millions)

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<td>54.6</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>137.3</strong></td>
<td><strong>135.3</strong></td>
<td><strong>121.1</strong></td>
<td><strong>121.1</strong></td>
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<tr>
<td><strong>FTE</strong></td>
<td><strong>1200</strong></td>
<td><strong>1200</strong></td>
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Annex 2: The *Immigration and Refugee Protection Act*: What it means for the IRB

The new Act has consolidated refugee protection decision-making at the IRB requiring the tribunal to make decisions based on international and domestic obligations related to two new grounds. Formerly, when considering whether a claimant was a Convention refugee,\(^{21}\) the IRB decided whether the claimant was in need of protection for reasons of a well-founded fear of persecution in the claimant’s own country on account of race, religion, nationality, membership in a particular social group or political opinion. Now, however, the IRB also needs to decide whether a person faces a danger of torture or a risk to life or risk of cruel and unusual treatment or punishment. Under the previous Act, responsibility for making decisions on these grounds rested with CIC.

This constituted a significant change for the IRB. Decision-makers are now charged with a broader scope of inquiry to elicit the information required to make decisions on these grounds. Decision-makers must become versed in areas of international and domestic law that are new for the IRB. In some cases, greater preparation and research by IRB personnel in advance of hearings is necessary to canvass fully a wider variety of legal and evidentiary issues.

Another important change resulting from the Act is that the vast majority of claims for refugee protection are heard by a single decision-maker. The IRB had been making increasing use of "single-member panels" under the former Act, which provided for such panels with the consent of the claimant. Now single-member panels are the norm; all decision-makers have been trained accordingly to hear and decide refugee protection claims alone.

Changes in the new Act also had an impact on the IRB’s immigration appeals work. A very high proportion of this work relates to hearing appeals made by Canadian citizens and permanent residents sponsoring members of the family class overseas whose applications for permanent residence have been refused. Changes to the regulations under the new Act, which expand the categories of persons who may be sponsored, directly affect the IRB. For example, a person may now sponsor a common-law or conjugal partner. If CIC refuses the application of such a person and that decision is appealed, the IRB must now interpret concepts such as the meaning of common-law or conjugal partner and decide whether there is evidence to establish that such a relationship exists. These changes add new dimensions to the immigration appeal caseload.

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\(^{21}\) Refugee under the 1951 *Convention Relating to the Status of Refugees*, United Nations.
The IRB also hears a new category of appeals against decisions made outside Canada by CIC in cases where permanent residents abroad have been found not to have met the new residency obligations.

In addition, the Act introduced changes that affect how the IRB conducts some of its proceedings. Under the former Act, the Minister did not typically submit security-related issues for consideration by IRB decision-makers. CIC would have had to disclose such information to the subject of the proceeding if CIC had wanted the IRB decision-maker to rely on it. Under the new Act, as a security measure, the Minister may make an application for non-disclosure of sensitive information in appeals, admissibility hearings and detention reviews. In considering such an application, the IRB will follow the same procedures as does the Federal Court when the Court reviews the reasonableness of a “security certificate” and must take into account factors such as national security and the safety of persons in determining whether to disclose the security-sensitive information to the subject of the proceeding. This adds a greater degree of complexity to deliberations.

Along with these specific changes, the Act introduces provisions that collectively will help to improve the quality, consistency and efficiency of decision-making at the IRB:

• the Chairperson of the IRB now has authority to identify decisions of the IRB as jurisprudential guides;
• the IRB may designate three-member panels to hear certain refugee matters or immigration appeals, deal with inconsistencies, different interpretations of the law and new and emerging issues, and also to support training strategies; and
• reasons are now required for all final decisions; reasons increase the transparency of decision-making and allow for improved monitoring, while maintaining the adjudicative independence of decision-makers.

The Act provides for the establishment of a Refugee Appeal Division (RAD) within the IRB to allow failed claimants or the Minister to appeal refugee protection decisions. The RAD is also intended to contribute to greater consistency in refugee protection decisions. However, the implementation of the RAD provisions in the Act was postponed by the government to allow the IRB to focus on fully implementing other pressing aspects of the new legislation and to reduce both the number of refugee protection claims pending a decision and processing times.
Annex 3: Other Information

Legislation Administered

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

*Immigration and Refugee Protection Regulations* (SOR/2002-227)

*Refugee Protection Division Rules*  
(SOR/2002-228)

*Immigration Division Rules*  
(SOR/2002-229)

*Immigration Appeal Division Rules*  
(SOR/2002-230)

*Oath or Solemn Affirmation of Office Rules*  
(Immmigration and Refugee Board)  
(SOR/2002-231)

Further Information

For further information on the IRB, visit the IRB Web site at http://www.irb.gc.ca or contact the Communications Division at (613) 947-0803.
Annex 4: IRB Processes

Process for making a claim for Refugee Protection

Refugee protection claim is made to a CIC officer in Canada

- Found or deemed eligible
  - Referred to IRB - Refugee Protection Division
    - Claim is screened into appropriate process
      - Expedited process: Interview with a refugee protection officer
      - Full hearing process
        - Accepted without full hearing*
        - Sent to full hearing
        - Claim accepted*
        - Claim rejected, withdrawn or declared abandoned*

- May apply for permanent residence

* The claimant or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Refugee Protection Division.
Admissibility Hearing Process

Person tries to enter or is in Canada and is considered inadmissible

Case is determined by a CIC officer
- Permanent or temporary status is granted
- A removal order is issued

Case is referred to the Immigration Division of the IRB for an admissibility hearing

A member of the Immigration Division conducts an admissibility hearing

- Permanent or temporary status is granted*
- A removal order is issued*

Some persons concerned or Minister may file an appeal with the Immigration Appeal Division of the IRB

* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Division.
Detention Review Process

- Permanent resident or foreign national tries to enter Canada or is in Canada and detained by CIC officer
- CIC officer requests the Immigration Division of the IRB to review detention
- CIC officer brings person before the Immigration Division for a detention review hearing within 48 hrs. or as soon as possible thereafter
- Member of Immigration Division conducts detention review hearing
- Order for release, Conditions may be imposed*
- Continued detention orders*
- Person is brought before the Immigration Division within the following 7 days
- Member of Immigration Division conducts detention review hearing
- Person is brought before the Immigration Division within the following 30 days and every 30 days thereafter so long as the detention continues

* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision rendered at a detention review hearing.
A permanent resident residing in Canada or a Canadian citizen may sponsor a member of the family class.

CIC refuses the sponsored application for a permanent resident visa.

The sponsor files an appeal at the Immigration Appeal Division.

IAD considers the appeal.

Appeal dismissed*

CIC could refuse the application for permanent resident visa on other grounds.

CIC approves application for permanent resident visa.

Appeal allowed*

* The sponsor or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Appeal Division.
Removal Order Appeal Process

A permanent resident, protected person or holder of a permanent resident visa is ordered removed from Canada

Appeal from removal order to the Immigration Appeal Division

IAD considers the appeal

Appeal allowed. Person may remain in Canada*

A stay is granted with conditions. Person may remain in Canada temporarily

Appeal dismissed. Person may be removed from Canada*

Appeal reconsidered

* The person concerned or CIC may ask the Federal Court of Canada for leave (permission) to apply for judicial review of any decision of the Immigration Appeal Division.