



Immigration and Refugee Board

**2000-2001
Estimates**

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

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

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

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

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

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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

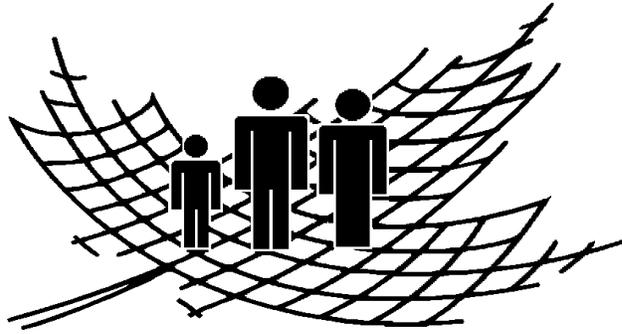
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Part III - Report on Plans and Priorities

Elinor Caplan
Minister of Citizenship and Immigration

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Messages

A. CHAIRPERSON'S MESSAGE

I am pleased to present the *Report on Plans and Priorities for 2000-2001* for the Immigration and Refugee Board (IRB). This report outlines our most recent accomplishments and sets out our key priorities and goals for the next three years.

The IRB is the largest administrative tribunal in Canada. Its decisions directly affect the lives, liberty and security of the individuals who appear before it. This year, its three divisions – the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD) and the Adjudication Division – rendered more than 50,000 decisions on immigration and refugee matters.

Our strong performance continued during 1999-2000, with high productivity in all three divisions and reductions in average processing times. At the same time, the IRB maintained its commitment to quality and consistent decision making.

The arrival of four boats containing almost 600 Chinese nationals off the coast of British Columbia in the summer of 1999 presented the IRB, and in particular its Vancouver regional office, with unique challenges. The decision by the Department of Citizenship and Immigration to detain almost 500 of these arrivals created a ten-fold increase in detention reviews for the Adjudication Division in the Pacific Region. Similarly, the related referral of 457 refugee claims represented the equivalent of nearly two months additional work for CRDD. The challenge presented by these increases was heightened by the fact that most of the claimants concerned were detained in facilities outside Vancouver, where the IRB's Pacific office is located. This created logistical challenges related to, for example, the temporary relocation of decision makers, and travel by and availability of counsel and interpreters.

The IRB responded to this situation in an open, efficient and effective manner, notwithstanding the tremendous strain on resources, both financial and human, associated with doing so. The IRB and its partners have undertaken contingency planning in the event of future boat arrivals.

The IRB is also currently examining the implications of a recent Federal Court of Appeal decision regarding the IRB's obligation under the *Official Languages Act* to translate all of its decisions. The IRB's practice has been to automatically translate decisions of precedential value and all others, on request within 72 hours. The IRB has begun work on an action plan to respond to the Federal Court decision, and in the meantime has undertaken to comply with the spirit of the decision and of the law by translating additional decisions within the existing resource framework.

In addition, the IRB remains an active participant in the ongoing legislative review process. An IRB working group continues to provide the Minister of Citizenship and Immigration Canada and departmental officials with information and practical advice regarding the possible impact of specific legislative proposals on IRB operations.

Recently, the IRB has experienced a significant increase in the number of refugee claims referred to the CRDD. This increase is not limited to Canada: Western European asylum countries have also experienced an upswing in intake levels over the last several years. International migration trends suggest that this increase will be sustained in future years. Therefore, IRB projections for the planning period take this into account. While the IRB remains committed to moving forward on initiatives to better manage its caseload and to enhance productivity, it is unlikely that such initiatives will fully compensate for the unexpected increase in the volume of refugee claims.

Our strategic objectives for the coming years demonstrate our commitment to realize our vision to deal simply, quickly and fairly with everyone. Our first objective is to reduce our average case processing time. Our second objective is to improve the quality and consistency of our decision making. Our third

objective is to increase our productivity and reduce our inventory of pending cases.

The IRB will continue to set concrete and tangible goals to reduce case processing times and to work more efficiently. At the same time, we will maintain our commitment to respect the individual dignity of each person appearing before the Board, providing them with a fair and prompt decision.

The IRB is a relatively young institution that has evolved considerably during its first decade. With accelerated globalization and an ever-shrinking world, it is reasonable to expect even greater challenges and changes in the decade to come. I am confident that we can meet those challenges.

Peter Showler
Chairperson

B. MANAGEMENT REPRESENTATION STATEMENT

I submit for tabling in Parliament, the *Report on Plans and Priorities (RPP) for 2000-2001* for the Immigration and Refugee Board (IRB).

To the best of my knowledge, the information:

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

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

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

Nicole Senécal
Executive Director

Date



Agency Overview

A. MANDATE, ROLES AND RESPONSIBILITIES

Mandate and Roles

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

The IRB:

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

The IRB's mission, on behalf of Canadians, is to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly and in accordance with the law.

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

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

Responsibilities

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

The Executive Director is the IRB's chief operating officer and as such is responsible for IRB operations and the overall administration of the IRB. The Executive Director is also directly responsible for the

results of the Corporate Management and Services business line which has a planned spending of \$40 million and 252 Full-Time Equivalents (FTEs). The IRB's head office is situated in Ottawa. There are regional offices in Montréal, Toronto and Vancouver, and district offices in Ottawa and Calgary.

The Deputy Chairperson of the Convention Refugee Determination Division (CRDD) -- which has approximately 180 decision makers appointed by the Governor in Council -- is responsible for the results of the Refugee Determination business line. This business line has a planned spending of \$47.7 million and 670 FTEs.

The Deputy Chairperson of the Immigration Appeal Division (IAD) -- which has 27 decision makers appointed by the Governor in Council -- is responsible for the results of the Immigration Appeals business line. This business line has a planned spending of \$5.2 million and 70 FTEs.

The Director General of the Adjudication Division -- which has 28 decision-makers appointed under the *Public Service Employment Act* -- is responsible for the Inquiries and Detention Reviews business line. This business line has a planned spending of \$4 million and 48 FTEs.

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

B. PROGRAM OBJECTIVES

The IRB's objective is to meet Canada's immigration and refugee related obligations as defined in the *Immigration Act* and as a signatory to the *1951 United Nations Convention Relating to the Status of Refugees* and the *1967 Protocol to the Convention*.

C. EXTERNAL FACTORS INFLUENCING THE AGENCY

International Context The international refugee situation continues to be of concern to refugee receiving nations. According to the United Nations High Commissioner for Refugees, there were approximately 21.5 million individuals of concern to the organization as of January 1999. European countries have experienced a general increase in the number of refugee claims presented. Internal strife, civil war and violations of human rights represent only some of the reasons that account for a continuing and mass migration of many of the world's citizens.

Canada continues its work to protect those in genuine need of its protection, and to maintain the delicate balance between providing that protection and ensuring the integrity of its refugee determination and immigration systems.

Domestic Context Immigration and refugee policy in Canada remains the subject of debate and media scrutiny. The decisions rendered by the IRB have a direct impact on the lives, liberty and security of those who appear before it. Given a variable and unpredictable caseload, the challenge of making decisions efficiently is constant. Fairness is another constant that is equally important.

The arrival of Chinese nationals off the coast of British Columbia created a major caseload fluctuation in the IRB's Vancouver office resulting in the displacement of existing cases within the Vancouver office and the diversion of resources from other regions. The situation had a tremendous impact on IRB resources in the region and tested the IRB's ability to respond to priority situations in an efficient and flexible manner, while at the same time protecting the integrity of the system. A lack of control over the circumstances surrounding such an influx requires the IRB to closely evaluate the consequences of such events, its ability to be responsive and the need for mechanisms to assist should the situation arise again. It has been noted that the nature of this form of migration is international and on the rise.

Public attention on immigration and refugee matters in Canada has demonstrated a strong interest in understanding the inherent complexities of the refugee determination system and in having an opportunity to provide input into immigration and refugee policy. Public expectations and concerns remain of significant interest to the IRB as it develops its responses and monitors its processes.

Legislative Review

As reported in last year's RPP, the IRB continues to be an active partner in the review of immigration legislation. The IRB continues to provide the Minister of Citizenship and Immigration Canada and her officials with information and practical advice on the impact of specific legislative proposals on IRB operations.

D. AGENCY PLANNED SPENDING

Table 2.1 Agency Planned Spending

(\$ millions)	Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates	81.9	85.9	80.3	79.6
Total Main Estimates	81.9	85.9	80.3	79.6
Adjustments**	3.8	11.0	11.0	11.0
Net Planned Spending	85.7*	96.9	91.3	90.6
Plus: Cost of services received without charge	12.0	11.9		
Net Cost of Program	97.7	108.8		
Full Time Equivalents	1,043	1,040	1,040	1,040

* Reflects the best forecast of total planned spending to the end of the fiscal year.

** For 1999-2000 adjustments are to accommodate approvals obtained since the Annual Reference Level Update (ARLU) exercise and to include Budget initiatives. For 2000-2001 and future years, adjustment reflects anticipated increase in translation costs.



Plans, Results and Resources

A. NET PLANNED SPENDING (\$ MILLIONS) AND FULL-TIME EQUIVALENTS (FTEs)

Table 3.1 Net Planned Spending and Full-Time Equivalents

	Forecast 1999-2000		Planned 2000-2001		Planned 2001-2002		Planned 2002-2003	
	\$ millions	FTEs	\$ millions	FTEs	\$ millions	FTEs	\$ millions	FTEs
Refugee Determination	46.7*	664	47.7	670	47.7	670	47.7	670
Immigration Appeals	5.0*	69	5.2	70	5.2	70	5.2	70
Inquiries and Detention Reviews	5.0*	47	4.0	48	4.0	48	4.0	48
Corporate Management and Services	29.0*	263	40.0**	252	34.4**	252	33.7**	252
Total	85.7*	1,043	96.9	1,040	91.3	1,040	90.6	1,040

* Reflects the best forecast of total net planned spending to the end of the fiscal year.

** For 2000-2001 and future years, spending reflects anticipated increase of \$11.0 million for additional translation costs.

B. BUSINESS LINE OBJECTIVES

Refugee Determination

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

Immigration Appeals

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

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

Inquiries and Detention Reviews

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

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

Corporate Management and Services

The objective of the Corporate Management and Services business line is to:

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

C. BUSINESS LINE DESCRIPTIONS

Refugee Determination

The Refugee Determination business line fulfils Canada's obligations as a signatory to the *1951 United Nations Convention Relating to the Status of Refugees* and the *1967 Protocol to the Convention* to protect those with a well-founded fear of persecution in their own country for reasons of race, religion, nationality, membership in a particular social group or political opinion. It does this by hearing and deciding claims for refugee status made within Canada. Refugee determination at the IRB deals exclusively with claims to refugee status made by persons who have arrived in Canada and referred to the IRB by CIC.

Immigration Appeals

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

Inquiries and Detention Reviews

The Inquiries and Detention Reviews business line contributes to ensuring the safety of Canadian society by conducting inquiries on persons seeking admission at a

Canadian port of entry believed to be inadmissible or persons in Canada believed to be removable; and by conducting detention reviews for persons who have been detained during the examination, inquiry or removal process.

Corporate Management and Services

The Corporate Management and Services business line supports the other three business lines by providing the Board with efficient management processes and administrative services which include, for example, policies, procedures and enabling technology.

D. KEY RESULTS COMMITMENTS, PLANNED RESULTS, RELATED ACTIVITIES AND RESOURCES

The IRB has committed to the following:

Table 3.2 Key Results Commitments

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

KEY RESULTS COMMITMENT

1. Well-reasoned, timely decisions on immigration and refugee matters in accordance with the law

Planned Results

The following section outlines planned results in relation to the first key results commitment for refugee determination, immigration appeals, and inquiries and detention reviews business lines.

Refugee Determination

Over the last few years, the Convention Refugee Determination Division (CRDD) has significantly improved its performance. High productivity, coupled with a stable number of claims referred by CIC (“intake”), allowed the CRDD to steadily reduce the average processing time and its pending inventory. This was reflected in the 1999-2000 projections in last year’s RPP.

However, in 1999-2000 there has been a 24 per cent increase in the projected intake and the total for 1999-2000 is now expected to be over 31,000 claims. The increase is generated by nationals from a spectrum of traditional source countries which suggest that the increase may not be a temporary aberration.

The direct consequence of this significant increase in intake and somewhat lower than anticipated productivity is that it is unlikely that the CRDD will be able to achieve the previously projected results. The magnitude of change in the intake is such that all other planned results are affected.

Over the next year, the CRDD will focus on consolidating and sustaining its productivity improvements. The CRDD will continue to explore all possible ways to improve case processing. However, there are limits to what can be achieved. It is not possible through productivity improvements alone to compensate for the unexpected large volume of additional refugee claims.

Reflected below are the planned results on the basis of the forecasted intake levels and currently available resources. The impact of possible legislative changes has not been taken into account.

It must be emphasized that intake is an external factor that cannot be controlled and that is very difficult to predict. It is only after the fact that it becomes clear the extent to which projections were correct.

Claims Referred

On the basis of a six-year trend, last year’s RPP forecasted an annual intake of 25,000 claims for 1999-2000, but the intake will likely be over 31,000. The intake for 2000-2001 is projected at 32,000 claims and at 29,500 for each of the following two years.

Claims Finalized

Given current resources, the CRDD expects to finalize 29,500 claims in 2000-2001 and 29,000 claims in 2001-2002 and 2002-2003. These projected outputs are similar to forecasted intake. Claims finalized each year will nearly match these much higher annual intakes. However, the pending inventory will not come down and this will prevent achieving a reduction in processing times.

Pending Inventory

The significant increase in intake and somewhat lower than anticipated productivity are likely to result in an inventory of 28,000 claims at the end of 2000-2001, 28,500 at the end of 2001-2002, and 29,000 at the end of 2002-2003. The ideal situation would be to have an inventory between 16,000 and 20,000 claims representing six to eight months of work.

Table 3.3 Refugee Claims Referred, Finalized and Pending

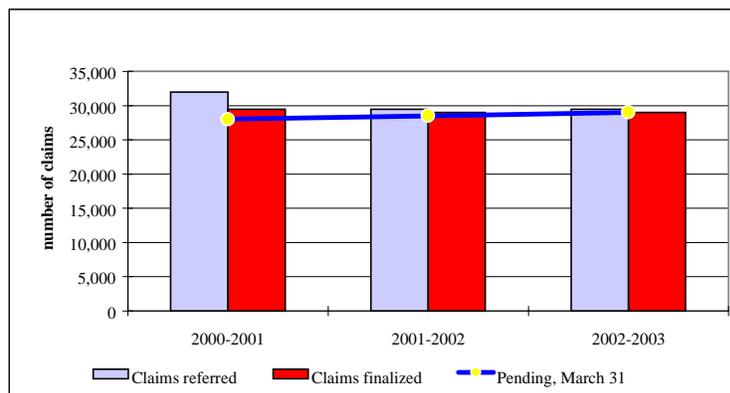


Table 3.4 Inventory of Refugee Claims

	2000-2001	2001-2002	2002-2003
Pending, April 1	25,500	28,000	28,500
Claims referred	32,000	29,500	29,500
Claims finalized	29,500	29,000	29,000 •
Pending, March 31	28,000	28,500	29,000 •

• Corrected subsequent to the RPP tabling in the House.

Processing Time

Had intake remained at 25,000 claims per year, the CRDD would have been on track to achieve an average processing time of eight months by the final quarter of 1999-2000. However, with projected intake of 32,000 in 2000-2001 and 29,500 in the subsequent two years, it is anticipated that the processing time will be eleven months in each of the next three fiscal years.

Cost per Claim

The average cost per finalized claim in 2000-2001 is expected to be maintained at approximately \$2,400.

Decisions Set Aside by the Federal Court

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

Immigration Appeals

Appeals Filed

The projections for the next three years have been revised since the last RPP. It is now projected that the IAD will receive 4,800 appeals in 2000-2001, 4,600 in 2001-2002 and 4,400 in 2002-2003 (compared to 4,000 in last year's RPP covering 1999-2000 to 2001-2002). There has been a significant increase in the number of applications to Citizenship and Immigration Canada (CIC) for family class immigrant visas from 1997-1998 to 1999-2000. This is one of the significant factors that has contributed to an increase in the number of appeals filed with the IAD.

Appeals Finalized

The IAD should finalize 4,500 appeals in 2000-2001 and 4,600 in each of the following two years.

Pending Inventory

Due to the anticipated increase in the number of appeals filed, it is expected that the inventory of pending cases will not decrease during the three-year period.

Table 3.5 Immigration Appeals Filed, Finalized and Pending

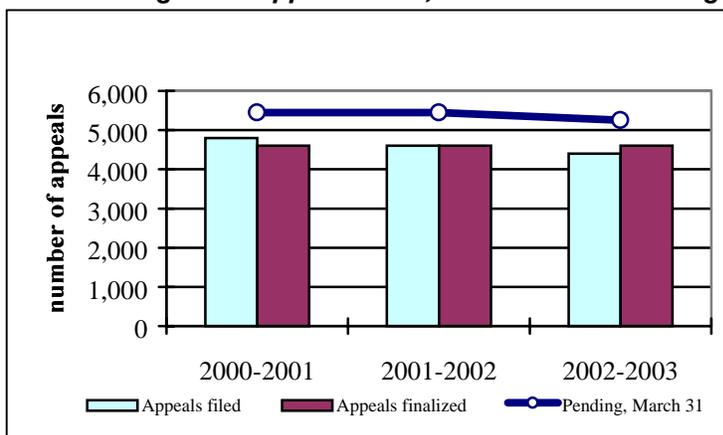


Table 3.6 Inventory of Immigration Appeals

	2000-2001	2001-2002	2002-2003
Pending, April 1	5,200	5,550	5,550
Appeals filed	4,800	4,600	4,400
Appeals finalized	4,500	4,600	4,600
Pending, March 31	5,550	5,550	5,350

Processing Time

In the last RPP, it was projected that the IAD would keep processing time at less than nine months, and this was on the basis of 4,000 appeals filed per year. The IAD managed to exceed this target despite the intake being 4,400, which is ten percent above the forecast. With the current forecast of further increases in appeals filed, the IAD will maintain the existing target processing time of less than nine months for 2000-2001.

Cost per Appeal

The average cost per finalized appeal in 2000-2001 is expected to be maintained at \$1,650.

Decisions Set Aside by the Federal Court

The number of decisions set aside by the Federal Court is expected to remain small over the next three fiscal years. It is expected that the Federal Court will, as in past years, set aside less than one per cent of all IAD decisions.

Consistent Approach

The IRB Chairperson has the authority under the *Immigration Act* to issue guidelines to promote quality, consistency and transparency in decision making. While not binding on decision makers, guidelines assist them in carrying out their duties under the *Immigration Act* by presenting considerations when dealing with

cases that may involve important or complex issues, or address an ambiguity in the law. Guidelines reflect the relevant case law, legislation and policy. The first three sets of guidelines, issued to assist CRDD members, have received a great deal of international praise and have been emulated by other refugee determination systems. In addition, the *Guidelines on Detention* were issued in 1998 to help ensure that the decision-making process for detention reviews is more transparent.

Following extensive internal and external consultations, the IRB is planning to complete its first set of IAD guidelines in the Spring of 2000. The Chairperson's *Guidelines on Section 70 Order Appeals* will assist IAD members in the exercise of discretion regarding appeals from removal orders against permanent residents, particularly with respect to the possible imposition of stays, and the terms and conditions for stays. The IRB will implement a plan for training members and communicating the guidelines to public and the stakeholders. The IRB will also assess the impact and effectiveness of the guidelines on an ongoing basis.

Inquiries and Detention Reviews

Inquiries Finalized

In 1999-2000, the Adjudication Division expects to complete a total of 4,000 inquiries. The number of inquiries completed is expected to increase to 4,500 in each of the following three years.

Detention Reviews Finalized

In 1999-2000, the Adjudication Division expects to conclude 14,870 detention reviews, well in excess of the 8,500 detention reviews that had been projected in last year's RPP. The increase is largely the result of the arrival of approximately 600 Chinese migrants in Vancouver. (Under the *Immigration Act*, persons who are detained are generally entitled to a detention review forty-eight hours after they have been first placed in detention by CIC, once within the following seven days, and once a month thereafter.) The impact of these arrivals was felt nationally: adjudicators from other regions had to be sent to Vancouver to deal with the increased caseload.

In its projections for 2000-2001, the Adjudication Division expects to finalize 21,050 detention reviews. (This projection takes into account the possibility of another migration influx of the same magnitude as in 1999-2000 in British Columbia, and presupposes, for statistical purposes, that detention will continue in many instances for most of 2000-2001.)

Furthermore, due to recent Federal Court decisions, the Adjudication Division expects that there will be a noticeable increase in the number of detention reviews where the person has been incarcerated in a prison, having committed a crime, and is also being detained by the immigration authorities for having contravened the *Immigration Act*. Once these inmates are granted day parole or unescorted temporary leave, the Adjudication Division will have to review their detention in the context of the *Immigration Act*.

Table 3.7 Inquiries and Detention Reviews Finalized

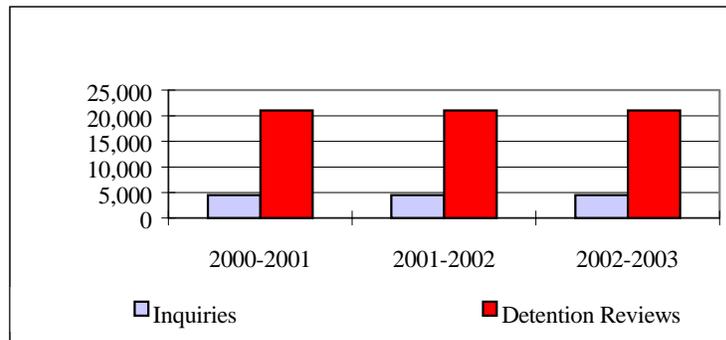


Table 3.8 Total Number of Inquiries and Detention Reviews

	2000-2001	2001-2002	2002-2003
Inquiries	4,500	4,500	4,500
Detention Reviews	21,050	21,050	21,050
Total	25,550	25,550	25,550

Cost per Inquiry and Detention Review

It is expected that for 2000-2001, the average cost of a detention review will be approximately \$300 and the average cost of an inquiry will be approximately \$500.

IRB-Wide Related Activities

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

The activities support the IRB's strategic objectives to:

- reduce processing time;
- improve quality and consistency; and
- increase productivity and reduce inventory.

Reduce Processing Time

One of Parliament's key objectives in establishing administrative tribunals was to promote a responsive and efficient means of delivering administrative justice. Accordingly, the IRB has consistently focused on reducing the time spent in the hearing and decision-making phase. In keeping with these efforts, the IRB is undertaking new initiatives to improve the overall management of its caseload, taking into account all aspects of case processing including activities before and after the hearing itself.

Over the planning period, the IRB will implement a new case management framework. This framework will support the IRB's approach to case management and promote consistency in process, reduce processing times, and establish improved accountabilities. Board processes and procedures will be designed to improve the timeliness and quality of work and service to clients. IRB regional offices are already employing improved case management techniques that reflect principles of the new case management framework.

Building blocks of the case management framework include the following initiatives:

Triage, Streaming and Streamlining

The IRB will continue to improve the assessment of cases from the outset to direct cases into a process stream according to specific characteristics of the case. This will include the streaming of cases into full or short hearings, expedited processes, alternative dispute resolution or other specialized processes. Cases will be directed into the process that is the most

effective way to resolve that particular case, thereby reducing processing time. In addition, the IRB will find new measures to streamline case processing, eliminating and/or consolidating stages of the process.

Parallel Processing

Case processing measures will be introduced to support work being done simultaneously rather than sequentially, thus improving timeliness of work and significantly improving service to clients. It will enable shorter processing times without detracting from case preparation or from time for decision-making.

Performance Standards

The case management framework will incorporate stages and milestones that will enable the IRB to better monitor and evaluate performance on an ongoing basis, and to implement remedial actions where necessary.

Case Management System Project

The IRB is introducing new software in support of operational and strategic case management activities. A project team has been established to acquire and implement a new case management system (CMS) which will replace the System for Tracking Appellants and Refugees and the Adjudication Tracking System.

The objectives of the CMS are to improve IRB service delivery, through improvements in case management. Processing times will be reduced through technology that is more responsive to user needs and provides more effective sharing of information. The new CMS will enable users to work in an event-driven environment instead of tracking file movement. Once fully implemented, this will improve timeliness in how cases are resolved.

The new system will be used across the IRB and will support up to 1,000 users. Treasury Board has approved funding for the project, which has an anticipated implementation date of the end of 2001.

Improve Quality and Consistency

A commitment to quality at the IRB means that its decisions must be fair and perceived to be fair. A quality decision at the IRB requires that the decision-maker has competently prepared for the hearing and has identified relevant facts, applicable legislation and case law in reaching his/her conclusions, which are then communicated to the parties in a well-reasoned decision. A quality decision also requires that the processes used to reach the decision are fair, transparent and understood by the parties. Timeliness is also an element of quality.

Many factors contribute to quality of decisions. For example, case preparation, research for the CRDD, legal advice and corporate services in general are all essential to quality decision making.

The IRB wants to be fair to those concerned, to preserve the integrity of the system and to be credible on its work. Thus, whenever appropriate, similar cases will be decided in a similar process. The IRB will continue to strive to reduce to a minimum inconsistencies or variances that are not substantiated by a reasonable explanation.

The IRB will undertake the following activities to improve the quality and consistency of its decisions.

Lead Case Policy

To facilitate efficient and in-depth examination of issues that may recur in other cases, the Board may decide to select a representative case or sample of similar cases to be dealt with as "lead cases." For example, in response to a sudden influx of Hungarian Roma claimants, the CRDD made use of the "lead case approach" to establish a baseline of up-to-date information on country conditions in Hungary and to give a focus to the principal legal issues that arose from those facts. The CRDD had the benefit of extensive research material from the Research Directorate of the IRB, as well as evidence provided by witnesses called by the Minister's counsel and the claimant's counsel. The IRB is developing a lead cases policy to guide further application of this approach, to all three divisions.

Monitoring and Guidance

As part of the IRB's existing commitment to performance review, all managers are expected to monitor the work of those they supervise, both through direct observation and through on-going review of the work for the purpose of ensuring quality, assessing whether performance standards are being met, and identifying ways in which performance might be improved. In addition, all managers are expected to provide clear guidance to personnel on the most effective ways in which they can carry out their work and to provide timely feedback regarding any problem areas that require remedial action.

Increase Productivity and Reduce Inventory

Productivity has a direct impact on the average processing time. The IRB has a duty to Canadians to improve productivity in the context of existing human and financial resources. Timeliness is essential. The IRB will increase its productivity by adopting best practices. The new case management framework and case management system, described earlier, are two key initiatives that will help the IRB in achieving its objective of increasing productivity and reducing inventory.

Management of Proceedings

The IRB will also develop measures to control more effectively its management of proceedings. To rationalize the process, the IRB will seek to reduce to a minimum delays caused by people appearing before one of its three divisions, their counsel or Minister's counsel.

Case management initiatives described earlier will also reduce delays in processing, increase productivity and reduce the inventory of pending cases.

KEY RESULTS COMMITMENT
2. A leading-edge administrative tribunal

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

**Innovative and
Optimal Use of
Technology**

Videoconferencing

The IRB currently uses videoconferencing to conduct hearings, inquiries and detention reviews, to deliver training and to hold meetings. The IRB is currently developing a policy to guide decisions on appropriate use of this technology and to provide a framework for a consistent national approach. Fall consultations on the draft policy with internal and external stakeholders provided valuable feedback. The policy will be finalized and implemented in the summer of the year 2000.

**Case Management
Process Initiatives**

Priority Processing

Refugee claims of detained claimants are processed by the IRB on a priority basis. Because Chinese nationals who arrived by boats in British Columbia were detained in facilities outside the normal areas of operation, those involved in refugee determination hearings had to travel to these facilities and establish new practices and procedures to adapt to this situation. The collaborative effort between the IRB, CIC and the legal community has made it possible to hold hearings on site. With its stakeholders, the IRB will continue to explore new approaches to process on a priority basis refugee claims whenever detention is involved.

Alternative Dispute Resolution (ADR)

The purpose of ADR is to attempt to resolve cases without a formal hearing by using more informal, less confrontational and more consensual approaches, such as mediation. ADR is consistent with the IRB's vision to deal with matters "simply, quickly and fairly."

ADR was introduced by way of a pilot project in the Toronto regional office of the IAD in July 1998 to deal with immigration sponsorship appeals. An advisory committee comprised of representatives of the local bar, immigration consultants and CIC provided input into the implementation and continuation of this initiative. The results of the pilot were very positive. The IAD is proceeding to implement ADR nationally. The Toronto region has integrated ADR as a permanent feature for processing certain types of sponsorship appeals. Implementation of ADR in Vancouver will begin in the spring of 2000, with Montréal to follow.

Professional Development

National Learning Plan

As a leading-edge tribunal, the IRB annually establishes a national learning plan to promote and support strategic objectives from a learning perspective. This plan, targeted to respond to evolving learning needs of IRB decision makers and employees, is designed to improve the quality and consistency of IRB decisions, reduce the time in which those decisions are made, and increase the productivity of the tribunal as a whole. The plan addresses the specific abilities and knowledge required by IRB employees in order to support the achievement of these strategic objectives.

The plan includes a strong three-week initial training course for newly-appointed members, supplemented by a follow-up program of mentoring and classroom sessions. In addition, the Board is now developing a continuing customized training program for members allowing for individual member needs to be more clearly identified by an assigned mentor working with the Professional Development Branch and Board management. The program will afford a more individualized and comprehensive approach to the evaluation of members' professional development needs and a more focused response to those needs.

In addition to their initial training and the ongoing customized program, all members will continue to attend ongoing monthly professional development programs on substantive and procedural hearing issues. For example, CRDD members will be trained

in the assessment of state protection of refugee claimants, the incidence of domestic violence in gender-based claims, best practices in dealing with difficult counsel, eliciting information in a focused and efficient manner, and useful questioning techniques. IAD members will attend training sessions on the determination of sponsorship appeals of financial refusals, the granting of discretionary relief in appeals of medical refusals, and the application of Chairperson's Guidelines being developed in respect of appeals from removal orders. Finally, adjudicators will be trained on the application of statutory provisions relating to convicted criminals and alleged war criminals and terrorists, detention issues and reasons for decision.

Recognition from Individuals and Organizations, both International and Domestic

Intergovernmental Consultation (IGC) Group

Since 1992, the IRB has been an active participant in the Country of Origin Information Working Group under the auspices of the IGC headquartered in Geneva, Switzerland. The Working Group meets bi-annually and currently has 16 member states. It is a forum where states can exchange best practices related to managing country-of-origin information as well as exchange the information itself. Since December 1998, the Working Group has been chaired by the Canadian (IRB) delegate. This chairmanship will continue into the first six months of 2000. In addition, the IRB has been chosen to host the next Working Group meeting in Ottawa in June 2000. Approximately 30 international delegates will attend from the 16 participating states.

International Association of Refugee Law Judges (IARLJ)

The IRB continues to play an important role in the work of the IARLJ. Canada has been recognized by United Nations officials and foreign delegates for its efforts to promote best practices within the international community of decision-makers who deal with refugee matters. The IRB is a member of the steering committee for the planning of the October 2000 IARLJ conference in Bern, Switzerland, and continues to provide expert participation in discussions on substantive refugee law issues raised by the IARLJ.

KEY RESULTS COMMITMENT

3. A creative partner in the Canadian immigration system

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

Integrated Approach to Portfolio Management

Role in Legislative Review

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

Responsiveness to Emerging Issues

Contingency Planning

The IRB will enhance its responsiveness to emerging issues, such as the influx of Chinese boat migrants, through contingency planning. Contingency planning requires the IRB to establish alternative mechanisms to access financial and human resources and to establish and maintain effective channels of communication with stakeholders such as CIC, the local Bar, United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations (NGOs).

Effective Relationships with Clients and Stakeholders

Consultative Committee on Practices and Procedures (CCPP)

The CCPP includes representatives from key NGOs, the Canadian Bar Association, associations of immigration lawyers and the UNHCR. In 1999, new terms of reference for this committee were developed, providing for increased emphasis on the consultative

role of this committee, improved linkages to regional consultation groups, and reinforcement of the importance of the committee as a forum to exchange information and find solutions to issues of mutual concern. The IRB will continue to use this important forum to discuss and consult on issues of national interest.

An innovative and collaborative project to address the unique needs of refugee claimants who are unrepresented by legal counsel is under way. The IRB and the Canadian Council for Refugees will be advancing a pilot project that will consist, among other things, of developing user-friendly materials for unrepresented claimants as well as materials for NGOs willing to represent claimants.

Member Conduct Issues

In October 1999, the IRB issued its *Protocol Addressing Member Conduct Issues*. In January 1995, the IRB was the first federal administrative tribunal to institute a Public Complaints Process to deal with complaints about member conduct. The 1999 Protocol was issued in accordance with the IRB's commitment to continuous improvement. It recognizes that high standards of conduct are required of public officials, such as IRB members, who have been entrusted with the responsibility of making quasi-judicial decisions that profoundly affect the lives of individuals. The Protocol is based on the premise that a public institution such as the IRB is strengthened by an accessible, expeditious and effective process to address concerns raised about the conduct of its members. In accordance with the IRB's commitment to continuous improvement, the coming year will see the IRB fully implementing and monitoring the Protocol.

IV

Horizontal Initiatives

Modern Comptrollership

The IRB was pleased that it was accepted to be a pilot department for the modernization of the comptrollership function. As one of 11 pilot departments and agencies, IRB will be at the vanguard of this important government-wide initiative. As well as supporting the IRB's vision of a leading-edge administrative tribunal, the IRB's experience in this initiative will be invaluable to other small agencies as they modernize their own comptrollership functions.

Modern comptrollership is about the sound management of resources and effective decision making. Among other things, it will provide managers and parliamentarians with integrated financial and non-financial information. To this end, the IRB will implement the Financial Information Strategy (FIS) on April 1, 2000. While the initial focus is on changing financial information systems to meet FIS requirements, this focus will shift in 2000-2001 as the IRB adapts its financial policies and practices to support a private sector model of accounting.

An assessment of IRB's capacity in the area of modern comptrollership is being conducted. The IRB will use the results of this assessment in 2000-2001 to formulate a plan of action that will guide future modernization efforts.

Financial Information

Table 5.1 Net Cost of Program for the Estimates Year

(\$ millions)	Immigration and Refugee Board
Planned Spending	96.9
<i>Plus: Services Received without Charge</i> Accommodation provided by PWGSC	8.8
Contributions covering employee insurance premiums and expenditures paid by TBS	3.1
2000-2001 Net Cost of Program	108.8

Table 5.2 Financial Spending Plan*

(\$ millions)	Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
Refugee Determination	46.7	47.7	47.7	47.7
Immigration Appeals	5.0	5.2	5.2	5.2
Inquiries and Detention Reviews	5.0	4.0	4.0	4.0
Corporate Management and Services**	29.0	40.0	34.4	33.7
Net Program Spending	85.7	96.9	91.3	90.6

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

**For 2000-2001 and future years, reflects anticipated increase of \$11.0 million for additional translation costs.

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

	Forecast Utilization 1999-2000	Planned Utilization 2000-2001	Planned Utilization 2001-2002	Planned Utilization 2002-2003
Refugee Determination	664	670	670	670
Immigration Appeals	69	70	70	70
Inquiries and Detention Reviews	47	48	48	48
Corporate Management and Services	263	252	252	252
Agency Total	1,043	1,040	1,040	1,040

A. Legislation Administered

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

Convention Refugee Determination Division Rules (SOR/93-45)

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

Adjudication Division Rules (SOR/93-47)

B. Other Reports

Performance Report for 1998-1999

Report on Plans and Priorities for 1999-2000

Performance Report for 1997-1998

Report on Plans and Priorities for 1998-1999

Performance Report for 1996-1997

Report on Plans and Priorities for 1997-1998

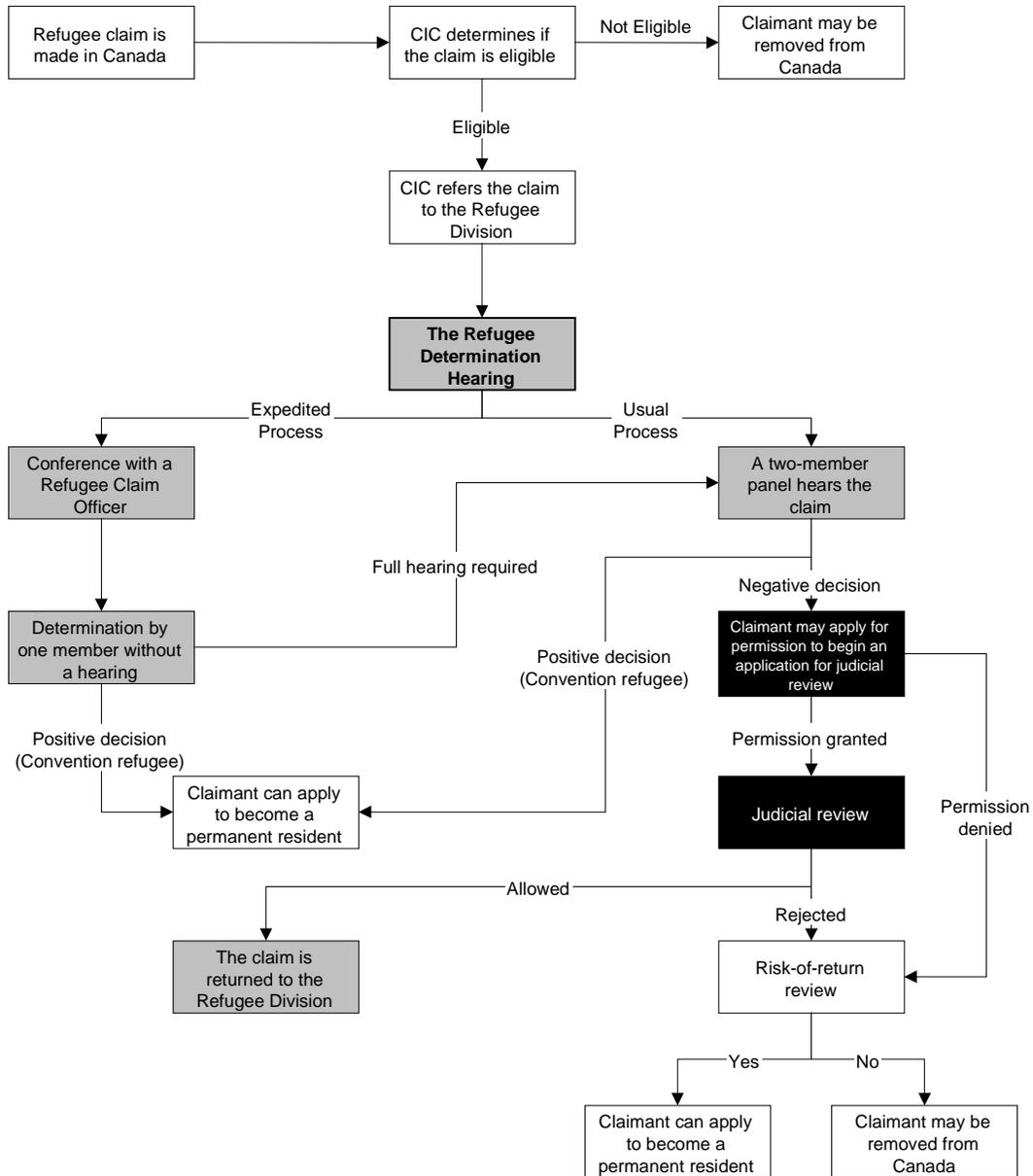
Performance Report for 1995-1996

C. Further Information

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

D. IRB Processes

The Convention Refugee Determination Process



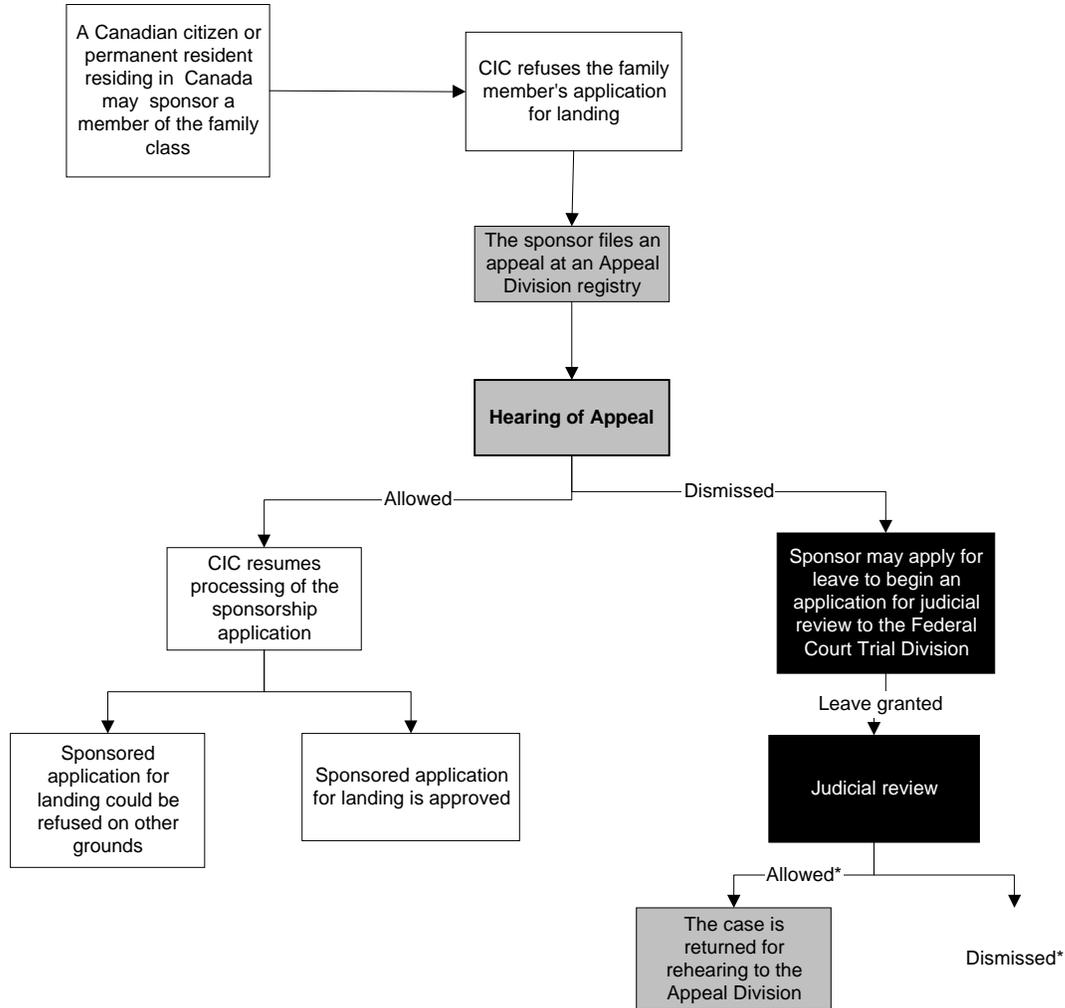
Responsibility of:

Immigration and Refugee Board Refugee Division

Department of Citizenship and Immigration (CIC)

Federal Court of Canada

The Sponsorship Appeal Process



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

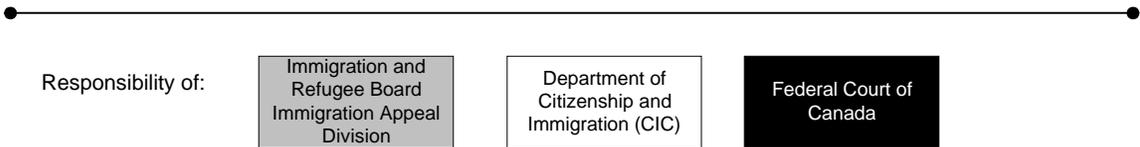
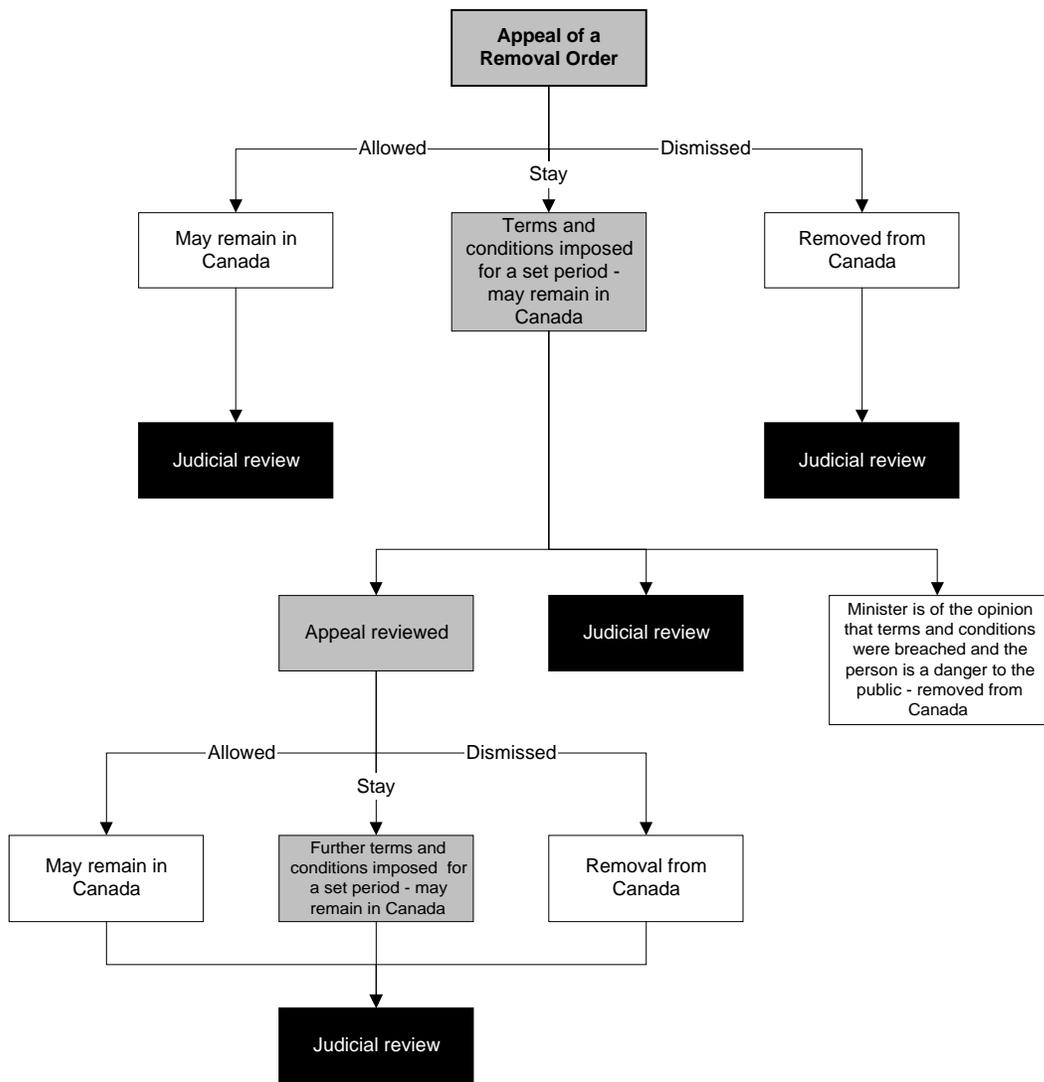
Responsibility of:

Immigration and Refugee Board
Immigration Appeal Division (IAD)

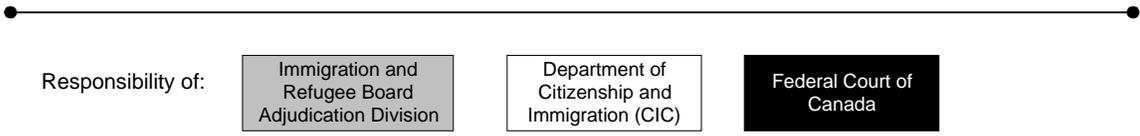
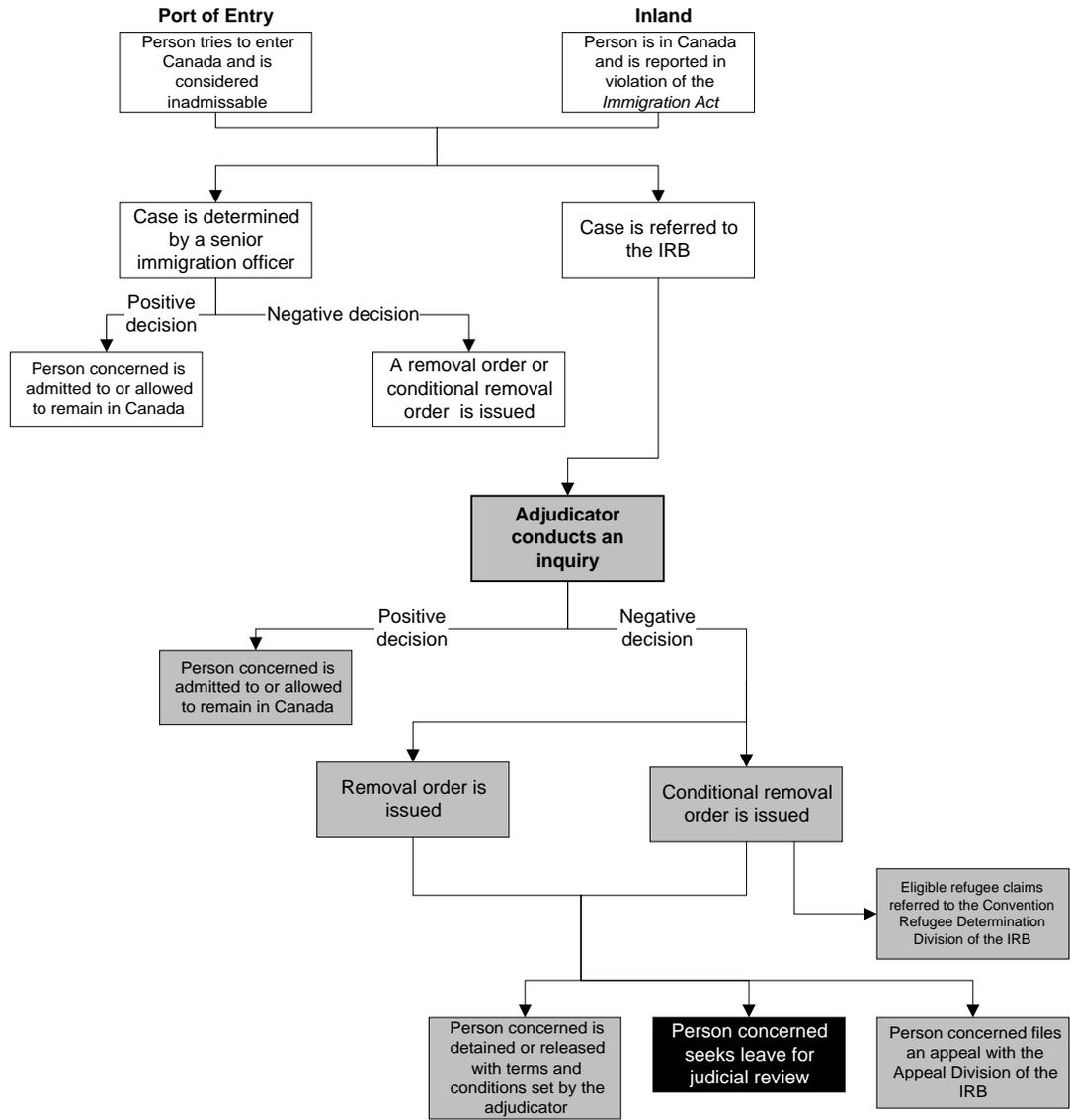
Department of Citizenship and Immigration (CIC)

Federal Court of Canada

The Removal Order Appeal Process



The Immigration Inquiry Process



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