



# Immigration and Refugee Board



## Part III – Report on Plans and Priorities

**2005-2006**

**Estimates**

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Joe Volpe  
Minister of Citizenship and Immigration



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## CHAIRPERSON'S MESSAGE



I am pleased to present the *2005-2006 Report on Plans and Priorities* for the Immigration and Refugee Board (IRB).

I am proud to serve as Chairperson of a public service organization that is engaged with the issue of human rights

within Canada's immigration and refugee determination system.

Canada is a nation of people who have come from all regions of the globe. Whether they come through our immigration process or are making a claim for refugee protection, all who arrive in Canada are entitled to the protection of our laws and the assurances of security attached to them.

The men and women who work at the IRB respect the inherent dignity of all who come before its three tribunals. Each case is treated on the basis of its own unique merits and circumstances, with no other consideration but the evidence put forward and the application of the law. The IRB affirms individual rights by providing a safe and secure forum for claimants to tell their stories and present witnesses without risk of reprisal. This is one of the ways in which the IRB fulfills its international obligations.

In the pages that follow, you will find our plans and priorities for fiscal year 2005-2006. The overarching theme is to serve Canadians better by strengthening our operations while delivering more timely, fair decisions of the highest quality. We recognize that respect for human

dignity and the assertion of our Canadian values must be integrated into our plans and part of our larger objectives.

At the IRB, we are proud of our accomplishments and are determined to continue building on our successes. For example, in March 2003, we faced a backlog of 52,000 refugee claims awaiting a decision in our Refugee Protection Division. This backlog was not due to poor performance, but to a massive spike in global migration that peaked around 2001. Thanks to the hard work and dedication of the men and women of the IRB that backlog has been cut in half to near 26,000.

But our success is not just about numbers. The numbers represent a human face and tell compelling stories. A reduced backlog means taking people out of a state of uncertainty. It means living up to our national and international obligations to provide protection for those who need it, and making the way clear for the Government to deal with people who are not recognized as refugees or persons in need of protection. It is about living up to our values as Canadians, and ensuring that timeliness, fairness and efficiency are factored into the larger equation of rights and dignity.

In the year ahead, we will continue to focus on our backlog. We will also take steps to reduce turnaround times and cut the time it takes to process cases. In response to increasing numbers of appeals on immigration matters, we will expand use of the Alternative Dispute Resolution and other case screening and streaming processes in the Immigration



Appeal Division. In our Immigration Division, we will review the Adjudication Strategy and continue with the renewal of the workforce to ensure that it can continue the effective management of cases.

To respond flexibly and fairly to changing circumstances is the essence of administrative tribunal justice. Over the planning period, we will continue to pursue innovation in each of our tribunals.

At the IRB, we are committed to the highest quality of decision making. Our decision makers come from a select highly qualified pool and they are appointed through an independent, transparent, and merit-based process. In their work, IRB decision makers are supported by an internationally respected

research program and an operations team that have established themselves as leaders in all aspects of administrative justice in Canada.

We realize that the plans and priorities are developed and acted upon in the interest of overarching ideals and principles. The ideals of human rights and dignity are the purposes towards which our actions are directed. I invite you to consult this report and to visit our Web site at [www.irb-cisr.gc.ca](http://www.irb-cisr.gc.ca) to learn more about our priorities and how the IRB serves those ideals within one of the finest and most respected immigration and refugee protection systems in the world.

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*Jean-Guy Fleury*  
*Chairperson*



## MANAGEMENT REPRESENTATION STATEMENT



I submit, for tabling in Parliament, the *2005-2006 Report on Plans and Priorities* for the Immigration and Refugee Board.

This document has been prepared based on the reporting principles contained in

*the Guide to the Preparation of Part III of the Estimates: Reports on Plans and Priorities.*

- It adheres to the reporting principles and requirements outlined in TBS guidance.

- It is based on the department's approved accountability structure as reflected in its Management Resources and Results Structure (MRRS).
- It presents consistent, comprehensive, balanced and accurate information.
- It provides a basis of accountability for the results pursued with the resources and authorities entrusted to it, and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat in the RPP.

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*Marilyn Stuart-Major  
Executive Director  
February 2005*







## DEPARTMENTAL OVERVIEW

### Who We Are

The Immigration and Refugee Board (IRB) is an independent government organization responsible for making well-reasoned decisions on immigration and refugee matters efficiently, fairly, and in accordance with the law.<sup>1</sup>

Performing quasi-judicial functions in each of its three administrative tribunals, the IRB provides a simpler and quicker form of justice than that provided by courts, while adhering to the principles of natural justice.<sup>2</sup> The Board is accountable to Parliament, reporting through the Minister of Citizenship and Immigration.

The IRB works impartially to ensure that all people who come before it are treated fairly. The Board renders tens of thousands of decisions every year after careful examination of the evidence presented and in a manner consistent with the *Canadian Charter of Rights and Freedoms*.

The decisions rendered by the Board directly affect the lives of individuals. Consequently, the success of the IRB is to be measured as much by the soundness and fairness of its decisions as it is by the efficiency of its decision making.

The IRB's head office is located in Ottawa. Its Web site is <http://www.irb-cisr.gc.ca/>. The Board has offices located across the country, in Vancouver, Calgary, Toronto,

Ottawa, and Montreal (see the section on Organization for more detail).

### What We Do

The work of the IRB consists of three decision-making program activities and the Corporate Management and Services activity that supports them:

- Refugee Protection
- Admissibility Hearings and Detention Reviews, and
- Immigration Appeals.

The decision-making activities include case preparation and research, scheduling of hearings, legal services, foreign-language interpretation, technological support, and translation services. The fourth program activity, Corporate Management and Services, supports the IRB's tribunals. A description of the four activities follows.

Decision makers in the areas of refugee protection and immigration appeals are appointed by the Governor-in-Council. Decision makers in the areas of admissibility hearings and detention reviews are appointed under the *Public Service Employment Act*.

### Refugee Protection

The Refugee Protection program activity is responsible for rendering decisions regarding claims for refugee protection

<sup>1</sup> The legislation governing the work of the IRB is Canada's *Immigration and Refugee Protection Act*, which came into effect on June 28, 2002. See <http://laws.justice.gc.ca/en/l-2.5/index.html>.

<sup>2</sup> Natural Justice is a principle of law that requires administrative tribunals, such as the IRB, to be procedurally fair when making decisions. If natural justice is not followed, it may render the decision void. Natural justice comprises two main sub rules: (1) a person must know the case that he or she must meet and have an opportunity to be heard; and (2) the decision maker must be unbiased.



made by persons in Canada. Decisions are made based 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” (the United Nations definition of a Convention refugee), and
- a person faces a danger of torture or risk to life or risk of cruel and unusual treatment or punishment if returned.

By rendering these decisions, Canada fulfills 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*.

### **Admissibility Hearings and Detention Reviews**

The Admissibility Hearings and Detention Reviews program activity is responsible for conducting:

- admissibility hearings for foreign nationals or permanent residents who seek entry into Canada, or who are already in Canada and are considered to be inadmissible, and
- detention reviews regarding foreign nationals or permanent residents who have been detained for immigration reasons.

### **Immigration Appeals**

The Immigration Appeals program activity is responsible for hearing and deciding appeals from:

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

### **Corporate Management and Services**

The Corporate Management and Services program activity encompasses a range of sub-activities that support the three decision-making program activities, including:

- ensuring strategic, operational and resource planning
- managing internal and external communications, including building effective relationships with stakeholders
- providing administrative, financial, legal and human resources services
- ensuring an evaluation and audit function
- support to executive offices
- providing leading-edge technology, embracing on-line services, and
- comptrollership on due diligence and probity of financial expenditures.



## How Canadians Are Well Served

Immigrants and refugees have made an enormous contribution to Canada's growth and development. Canadians benefit from an immigration and refugee system that underscores the country's priorities, expresses its values and fulfills its international obligations. The IRB is an innovative partner within that system. In pursuing its mandate, the Board benefits Canadians in a number of ways. For example, its hearings regarding refugee claims ensure that Canada accepts only those who are in need of protection. Its hearings regarding admissibility and detention reviews play an important role in ensuring individual rights and the security of Canadians. Its independent appeal mechanism for sponsorship cases contributes to fairness of process within Canada's immigration program.

Through the decisions it renders, the IRB contributes to quality of life in Canada's communities by strengthening the social fabric and by reflecting and reinforcing values that are important to the country. These values include respect for human rights, cultural diversity, equality and fairness, family reunification, respect for peace and the rule of law.

The work of the IRB is aligned with the security and diversity themes highlighted in *Canada's Performance*, the Government of Canada's annual performance report, ([http://www.tbs-sct.gc.ca/report/govrev/04/cp-rc1\\_e.asp](http://www.tbs-sct.gc.ca/report/govrev/04/cp-rc1_e.asp)). This government-wide report measures Canada's annual progress toward broad societal goals.

Globally, the Board contributes to Canada's commitment to an international framework associated with the work of the United Nations that affords the world's refugees the right of protection, in keeping with Canada's tradition of humanitarianism. This contribution is an expression of the country's core values of fairness and compassion.

Canada's approach to refugee determination is highly regarded by other nations, which has enhanced the reputation of Canadians abroad. The essence of its approach is the concept of an independent administrative tribunal that emphasizes both fairness and efficiency. Elements of Canada's approach to refugee determination have been studied and adopted by other countries. Thus, Canadians benefit from the IRB's contribution to Canada's role in the world at large. Strengthening this role and projecting Canadian values to the world is part of the Government of Canada's priorities, as reflected in the October 2004 *Speech from the Throne*.<sup>3</sup> The IRB is an institutional expression of these Canadian priorities.

## Our Diverse Partnerships

The IRB regularly partners with federal bodies and with domestic and non-governmental organizations as it pursues its day-to-day work and as it seeks to improve the way it operates.

<sup>3</sup> To view the Speech from the Throne, see <http://www.pm.gc.ca/eng/sft-ddt.asp?id=2>.



While the Board functions as a separate and independent organization, it remains an integral partner in the federal immigration and refugee system.

One of the Board's most important relationships is with Citizenship and Immigration Canada (CIC), (<http://www.cic.gc.ca/english/index.html>), which has the lead responsibility for the immigration and refugee determination portfolio. CIC is responsible for overall policy, including the selection, admission, and integration of newcomers.

Similarly, the Board has an important relationship with the new Canada Border Services Agency (CBSA), (<http://www.cbsa-asfc.gc.ca/>). Many of the enforcement functions formerly carried out by CIC, notably detention, removals, investigations, intelligence and immigration control functions overseas, have been transferred to this new agency.

All refugee claims, detention reviews, and admissibility hearings that come before the IRB are referred by CIC or the CBSA. Canadian citizens or permanent residents who want to sponsor close family members to immigrate to Canada may appeal to the IRB if their applications have been refused by CIC. Once one of the Board's three tribunals renders an independent decision, CIC and CBSA continue their own processing of cases according to their respective mandates and responsibilities bound by the decision of the Board.

The IRB also works with partners outside the federal family, including international organizations, legal professionals and Non-Governmental Organizations (NGOs) — these include the United Nations High

Commissioner for Refugees (UNHCR), the Canadian Bar Association, the *Association québécoise des avocats et avocates en droit de l'immigration*, the Refugee Lawyers Association, representatives of licenced immigration consultants, and the Canadian Council For Refugees, among others. The IRB seeks the external groups' views to ensure robust and responsive operational policy development, to keep apprised of international trends in the area of refugee protection, and to share best practices.

## Our Planning Environment

The IRB carries out its mandate within a continually changing environment. A variety of international and domestic factors — economic, social, and political — influences the Board's work and planning context. Conflicts and country conditions abroad can result in refugee movements affecting the number of protection claims made in Canada and the number of people seeking admission. The same is true for unexplained shifts in international patterns of migration — events such as wars and internal conflicts can have an unforeseen impact on the numbers of people seeking asylum in Canada. The sustained global focus on border protection and security continues to affect the overall movement of people.

An important aspect of the Board's planning environment is that it has no control over the forces affecting the numbers of cases it receives. Further, while its tribunals are independent, the work of the Board is carried out within the broader context of government legislation and policy.



Based on our current forecasts we will only realize our productivity projections for the planning period with additional funding. The IRB is currently updating a business case previously approved by Treasury Board Ministers for short-term funding to enable us to maintain the momentum of high productivity and quality decisions.

The factors outlined below will shape the environment in which the IRB delivers on its commitments during 2005-2006.

### ***International Context***

In the past year, the world continued to witness significant movements of people around the globe, while numbers of displaced people and refugee claimants generally declined. At the beginning of 2004, 17.1 million people — 3 million fewer than in the previous year and the lowest number in at least a decade — were considered “persons of concern” as defined by the United Nations High Commissioner for Refugees (UNHCR)<sup>4</sup>. The decline is attributed to several factors, including increased international efforts to find solutions for millions of uprooted people and ongoing work by the UNHCR and its partners to resolve “protracted” refugee situations that have gone on for extended periods. An example of international co-operation is the UNHCR’s Convention Plus<sup>5</sup> initiative for which the goal is to improve refugee protection worldwide and to facilitate the resolution of refugee problems through multilateral special agreements.

Like all refugee-receiving countries, Canada is affected by refugee flows that

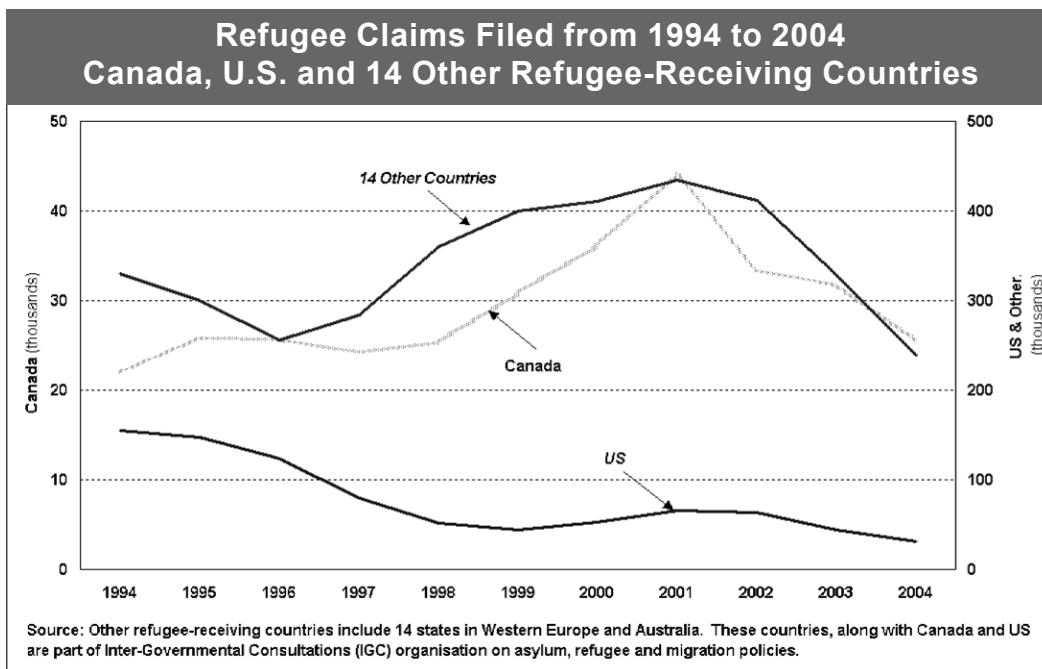
can fluctuate considerably in any given year. The chart on page 10 provides a picture of the changing numbers of refugee claims made to major refugee-receiving countries since 1994. In the United States and Western Europe, the number of new refugee protection claims for 2004 decreased by 52% and 45% respectively over the previous three years. Some countries, such as the United Kingdom, experienced a very sharp decline of 67% since 2001, while others, such as France, experienced an increase of 26% over the same period. These increases and declines reinforce the volatility of refugee flows in any given period.

The international context also affects the IRB’s work in immigration appeals, admissibility hearings, and detention reviews. Immigration continues to be very important for Canada, with immigrants making up an increasingly large proportion of its population — immigration accounted for over 50% of population growth in 2004. In this context and given the Government of Canada priority to promote family reunification, there is an emerging trend of increased numbers of sponsorship applications, thus adding to the volume of appeals of sponsorship decisions made to the Board. Within a heightened international security environment, government initiatives for protecting the health, safety, and security of Canadians and managing access to the country influence the IRB’s work in the areas of admissibility hearings, detention reviews, and appeals from removal orders.

<sup>4</sup> For more information on the UNHCR, see <http://www.unhcr.ch/cgi-bin/texis/vtx/home>.

<sup>5</sup> For more information, visit the UNHCR Web site (see above).





As mentioned above, a variety of factors affects the IRB’s workload over which the Board has no control. However, the IRB tries to mitigate this situation by ongoing environmental scanning and close monitoring of trends with our portfolio partners and international colleagues. In 2005-2006, our estimates indicate that the IRB could receive up to 30,000 refugee claims and 6,000 immigration appeals, and would hear 2,000 admissibility hearings and 11,500 detention reviews.

**Domestic Context**

We live in a world of heightened awareness of security. It continues to be a government and citizen focus and this has important implications for the immigration and refugee systems. This environment has influenced how Canada and the United States manage border arrangements, with security considerations continuing to be a strong

factor, not only affecting the movement of people across our shared border but also our processes.

The Government of Canada has announced its intention to conduct a comprehensive examination of the refugee determination system, from the point when a claimant first arrives in Canada to the point the claimant is either landed as a permanent resident or is removed from Canada. The IRB’s refugee determination process is an important component of the overall system. As an independent administrative tribunal, the IRB is not responsible for policy formulation. However, the IRB perspective can contribute meaningfully to the reform process, which is led by CIC, while maintaining its arm’s length relationship.

The Board is collaborating with the Departments of Justice and Citizenship and Immigration in the development of a



long-term strategy for immigration and refugee legal aid matters to continue to ensure that everyone appearing before the IRB is treated fairly regardless of representation.

Public interest in the work of the IRB and heightened demand for accountability in both the private and public sectors will continue throughout 2005-2006. This interest, coupled with the ongoing review of the refugee protection system, is expected to place greater emphasis on the Board's communications.

### **Our Strategic Priorities**

The IRB's sole strategic outcome, rooted in its legislated mandate, is *to provide Canadians with well-reasoned decisions on immigration and refugee matters rendered fairly, efficiently and in accordance with the law*. To achieve its strategic outcome, the IRB has established the following four strategic priorities for the planning period ahead:

- promoting further integration of quality, consistency and efficiency measures while sustaining a high volume of decisions and committing to reduce processing times
- sustaining innovation and improving case management processes, through the Integrated Case Management System (ICMS) and other measures
- implementing a comprehensive, dynamic and fully integrated people management strategy which will support all employees of the Board and enable the IRB to meet the challenges and opportunities of its mandate, and

- increasing the confidence of Canadians in the integrity and fairness of the refugee determination system.

These priorities will affect all aspects of the IRB's work, particularly our program activities, and will guide management choices throughout the planning period. Monitoring key initiatives that support these organizational priorities will be critical to guide operational and strategic decisions and to address emerging issues.

It is important to recognize that the IRB's success is as much a function of the soundness and fairness of each individual decision as it is of the overall efficiency of personnel and processes. In 2005-2006, equal priority will be placed on the promotion and continued integration of quality, consistency, and efficiency measures, as well as improved case management processes. Key initiatives supporting these priorities are outlined in the Decision Making Program Activity section.

The IRB will pursue these strategic priorities while it continues to render a high volume of well-reasoned decisions through efficiency measures. At the same time, the Board will also ensure that everyone who comes before it is treated fairly and with dignity and respect. This includes recognizing that individuals may have experienced very difficult circumstances. It means being sensitive to the diversity of cultures of individuals who appear before the IRB. Most importantly, it means recognizing that the outcome of each case directly and profoundly affects the life of a person and, by extension, many others.



## Summary Information

The IRB's strategic outcome is to provide Canadians with well-reasoned decisions on immigration and refugee matters that are rendered fairly, efficiently and in accordance with the law. Four program activities collectively account for the work of the organization and support the strategic outcome. The first three

encompass the IRB's decision-making functions — its three tribunals — while the fourth provides the corporate management and services to support decision making. The following table is a summary of how the IRB plans to allocate its resources to its three decision making activities for the coming years.

| <b>Well-Reasoned Decisions on Immigration and Refugee Matters Rendered Efficiently, Fairly and in Accordance with the Law</b> |                  |                  |                  |
|---|------------------|------------------|------------------|
| <b>Financial Resources (in \$ millions)</b>   |                  |                  |                  |
| <b>Activity</b>   | <b>2005-2006</b> | <b>2006-2007</b> | <b>2007-2008</b> |
| <b>Refugee Protection</b>   | 84.4             | 82.0             | 82.0             |
| <b>Admissibility Hearings &amp; Detention Reviews</b>   | 14.9             | 14.4             | 14.4             |
| <b>Immigration Appeals</b>  | 12.6             | 12.1             | 12.1             |
| <b>Corporate Management and Services</b>  | –                | –                | –                |
| <b>Total</b>  | <b>111.9</b>     | <b>108.5</b>     | <b>108.5</b>     |
| <b>Human Resources (Full-time Equivalent)</b>   | 1,100            | 1,100            | 1,100            |

The total Corporate Management and Services planned spending for 2005-2006 is \$24.9 M and includes \$14.3 M for personnel, \$2.9 M for the Employee Benefit Plan (EBP) and \$7.7 M for other operating expenditures. The amount of \$24.9 M is proportionally reallocated to the other activities: \$19.4 M to Refugee Protection, \$3.0 M to Admissibility Hearings and Detention Reviews and \$2.5 M to Immigration Appeals. The reallocation is based on respective budget expenditures trends. The total planned spending for Corporate Management and Services is \$24.9 M for the following two years.





## DECISION MAKING

The following sections summarize the planned initiatives and results in the three decision-making program activities that support the IRB's strategic outcome during 2005-2006. Key management priorities and planned initiatives pertaining to the Corporate Management and Services program activity are outlined in the Managing for Results section.

### Refugee Protection

*Strategic Outcome: Well-reasoned decisions on refugee and immigration matters rendered fairly, efficiently, and in accordance with the law*

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.

#### Workload Context

The IRB has made significant progress in reducing the number of refugee protection claims waiting for decision, cutting the inventory in half over the past two years, from a record high 52,300 on April 1, 2003 to an expected 26,000 by March 31, 2005. This reduction was due to a 3-year plan to

reduce the inventory to a manageable number. The results have been so successful that the plan will now be implemented over two years, rather than three. However, without additional funding whatever gains have been realized in reducing the inventory will be reversed.

Over the course of 2004-2005 alone, the IRB plans to finalize about 36,000 claims, the second-highest yearly total on record, thus marking a second year of major progress in reducing the number of claims waiting for decision, with 10,000 fewer individuals waiting to have their claims finalized at the end than at the start of the year.

In 2003-2004, the IRB adopted an Action Plan to respond to its backlog by increasing the Board's capacity to finalize refugee claims while maintaining a high quality of decision making. The Action Plan provided a foundation for the transformation of the operation of the IRB in three specific ways: standardizing and simplifying the case management process; providing greater institutional guidance for decision making; and streamlining the overall conduct of hearings. The Action Plan combines initiatives that improve the

*One of the ways to quantify the IRB's success in making well-founded decisions is to look at the number of its decisions the Federal Court has set aside. In recent years, the Federal Court has overturned less than one percent of IRB decisions in all three tribunals.*



efficiency of processes with activities that improve the quality and consistency of decisions.

The Action Plan changes, combined with additional decision-making capacity, have helped the IRB increase its capacity to finalize refugee claims. However, the Plan is more than a backlog clearance, it represents a fundamental change to and a long term transformation of the way the IRB works.

The reduction in the number of claims waiting to be finalized can also be attributed to the decline in new claims. In 2003-2004, the IRB received 29,200 new claims, down 25% from 2002-2003. For the year 2004-2005, new claims are expected to total up to 26,000.

Nevertheless, the IRB has to position itself to receive up to 30,000 new claims in 2005-2006 and for the following two years. It is too early to assess the potential impact of the recent implementation of the Canada-USA Safe Third Country

Agreement. For more information on this agreement, see [http://www.cic.gc.ca/english/policy/ menu%2Dsafethird.html](http://www.cic.gc.ca/english/policy/menu%2Dsafethird.html).

### ***Expected Results***

The initiatives described below have been developed to build on progress achieved so far with the benefit of lessons learned. The aim is to continue to improve results, particularly in reducing processing time, in the coming year.

Collectively, the planned initiatives outlined are expected to help sustain the high quality and volume of decisions, increase efficiency, begin reducing processing time, and continue to ensure that decisions are rendered fairly and in accordance with the law. Maintaining the fairness and quality of decisions remains an overarching theme.

### ***Planned Initiatives***

#### ***Fair, quality decisions***

- provide a comprehensive training and professional development program to

### ***No decision is made lightly ...***

*Making a decision on a claim for refugee protection is a particularly challenging form of decision making. Claims can be complex and allegations are frequently impossible to document; many claimants can only speak through an interpreter. Ascertaining the truth of a claim can be very difficult, requiring considerable expertise to establish and consider the facts. Decision makers must make fair and unbiased decisions while being compassionate and sensitive to the claimant's cultural and personal background.*



support the implementation of changes to hearing and case management processes, including focussed training for the delivery of decisions orally

- issue Jurisprudential Guides to assist decision makers on matters of substantive and procedural importance in considering cases, building on experience in developing Guides for Costa Rica claims
- restructure the National Geographic Networks of decision makers and employees involved in case preparation and hearings and hold quality issue sessions to promote the exchange and consistent use of human rights information, with a focus on specific countries rather than on geographic regions
- draw on the strengths of international counterparts as a strategic and targeted field research program is developed to address the greatest priority information needs of IRB decision makers
- continue to participate in the Intergovernmental Consultations Country of Origin Working Group with the overall objective of ensuring that the most modern current, reliable, accurate and quality research informs the IRB's decision-making process
- receive delegations frequently from European counterparts and others involved in collecting country-of-origin information for protection determinations

#### *Decisions are rendered efficiently*

- identify groups of claims for faster processing; more specifically implementing a "Fast Track Initiative" for faster processing of claims that are

manifestly well-founded or for simple claims that require a hearing

- identify management strategies for emerging claim trends
- increase the number of reasons for decision delivered orally at the hearing to reduce the time required to conclude a case
- develop innovative approaches to ready cases for hearing more quickly while maintaining fairness
- monitor the administrative transfer of files between regions to match resources and workload demands, and optimize the use of videoconferencing facilities
- implement new technological tools to allow for electronic filing of Personal Information Forms, electronic disclosure of case documentation and other functions to support case management from the referral of a claim until its finalization

#### *Decisions are rendered in accordance with the law*

- designate three-member panels to support the exchange of ideas, address important substantive or procedural issues and provide training and practical experience to new decision makers
- identify "persuasive decisions," i.e. decisions of high quality that are of value in developing jurisprudence. (While decision makers are encouraged to adopt the reasoning in cases that involve similar considerations, these decisions are not binding)
- identify a representative case or sample of similar cases to be conducted as "lead cases" to facilitate efficient and in-depth



examination of issues that recur in similar cases

- continue to develop and update national documentation packages for countries of origin to ensure consistent documentary evidence for decision making and evaluating the *Policy for Producing Country of Origin National Documentation Packages* from both operational and policy perspectives
- seek leave to intervene at the Federal Court in key cases involving a legal or policy issue or an issue that is of institutional interest
- continue to establish jurisprudence and share decisions among decision makers.

The IRB is committed to providing fair hearings to all persons appearing before it. Occasionally, the IRB will hear cases involving vulnerable persons.<sup>6</sup> To accommodate the sensitivity of their situation, the Chairperson will issue a new Guideline for all three tribunals to address the procedural issues raised by their appearance before the Board and to support consistent national approaches across regional offices. The IRB will ensure that decision makers and employees involved in case preparation are equipped with adequate training, information and tools.

### ***Did you know?***

*Delegations frequently visit the internationally recognized Research Directorate to learn about its research protocols and methodological approach, the IRB's innovative research products such as the National Documentation Packages, and the Directorate's use of electronic media and e-technology to ensure consistent dissemination across all regions and client groups. Delegations from the Irish Refugee Appeals Tribunal, the Hong Kong Immigration Department, and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) were among those welcomed this past year.*



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<sup>6</sup> For example, vulnerable persons may include those who have suffered very severe forms of mistreatment, such as torture or sexual abuse or whose mental or physical state impairs their ability to participate meaningfully in the hearing process.



### ***Claims Finalized***

In 2005-2006, the IRB plans to maintain a high level of finalizations. It will finalize up to 40,000 claims by focussing on continued efforts to streamline, simplify, and standardize the work process. This is an ambitious target given the changing nature of the claims awaiting decision: the IRB now faces the need to address a higher proportion of older, more complex and time-consuming cases. The realization of this target is contingent on additional funding, without which the number of claims waiting for decision will not be reduced to a manageable level and the average time to process a claim will not be shortened.

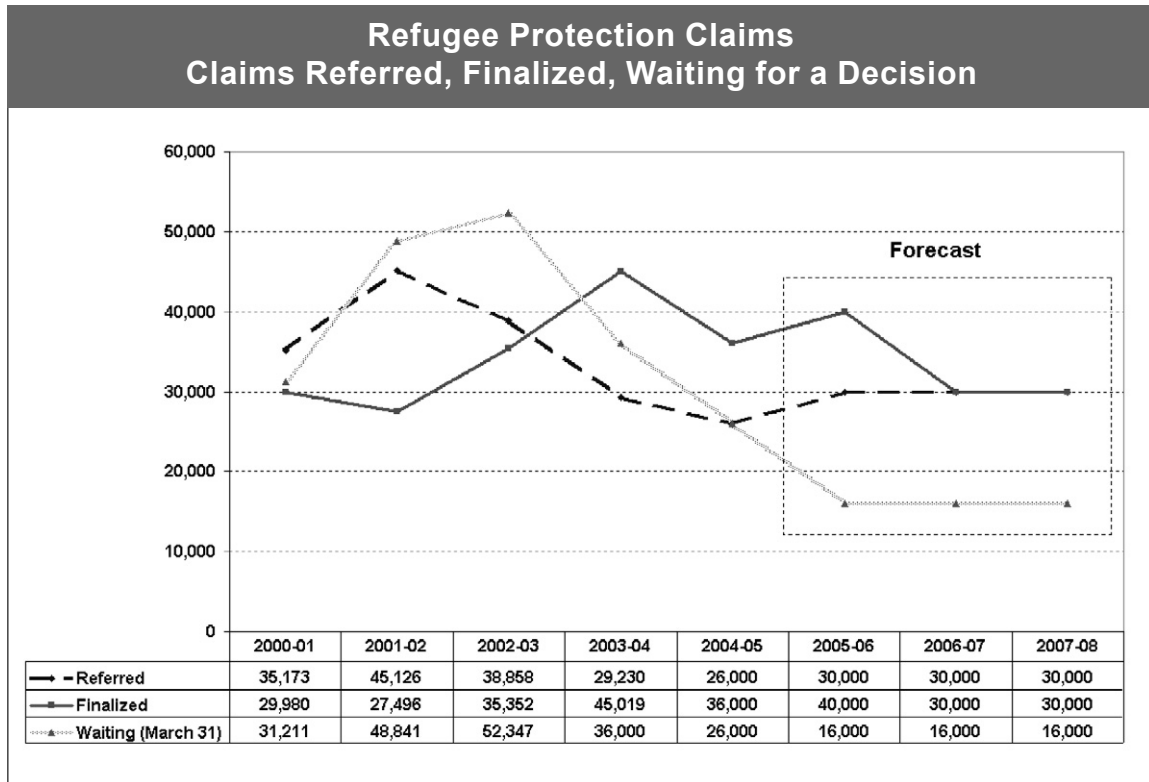
In 2006-2007 and 2007-2008, with continued efforts to standardize and simplify work processes, ongoing guidance and assistance to decision makers, more decisions rendered orally and shorter hearings, the IRB will be in position to sustain efficiency and high levels of claims finalized throughout the planning period.

### ***Claims Waiting for a Decision***

In 2005-2006, the IRB plans to continue progress in reducing the number of claims waiting for decision, building on the work of the last two years. The number of claims waiting was reduced by over 30% during 2003-2004 and is expected to drop by almost 30% again in 2004-2005. In 2005-2006, the IRB plans to reduce further the number of refugee claims waiting for a decision. Some 16,000 claims are expected to be waiting for decision by the end of 2005-2006. This represents the optimal number of claims needed to process claims efficiently, as there needs to be a certain number of claims at each stage in the process, from referral to final decision.

We plan to sustain this low inventory over the next two fiscal years, contingent on several assumptions, some of which cannot be controlled. First, the number of new refugee claims received over the following three years needs to remain constant. Second, sufficient resources





must be in place to ensure that the IRB keeps current with incoming new claims. Third, existing case management processes must be maintained and improved.

#### **Age of Cases Waiting for a Decision**

In 2005-2006, the number of older cases waiting for a decision is expected to continue to decrease, as the IRB will be positioned to focus on these cases in a significant way.

2004-2005 marked the beginning of a reduction in the proportion of older claims. A good indicator of our progress is a decline of more than 40% in the number of claims waiting for more than twelve months compared to the previous year. This accomplishment is noteworthy reflecting significantly more cases finalized within one year from the referral. At the end of

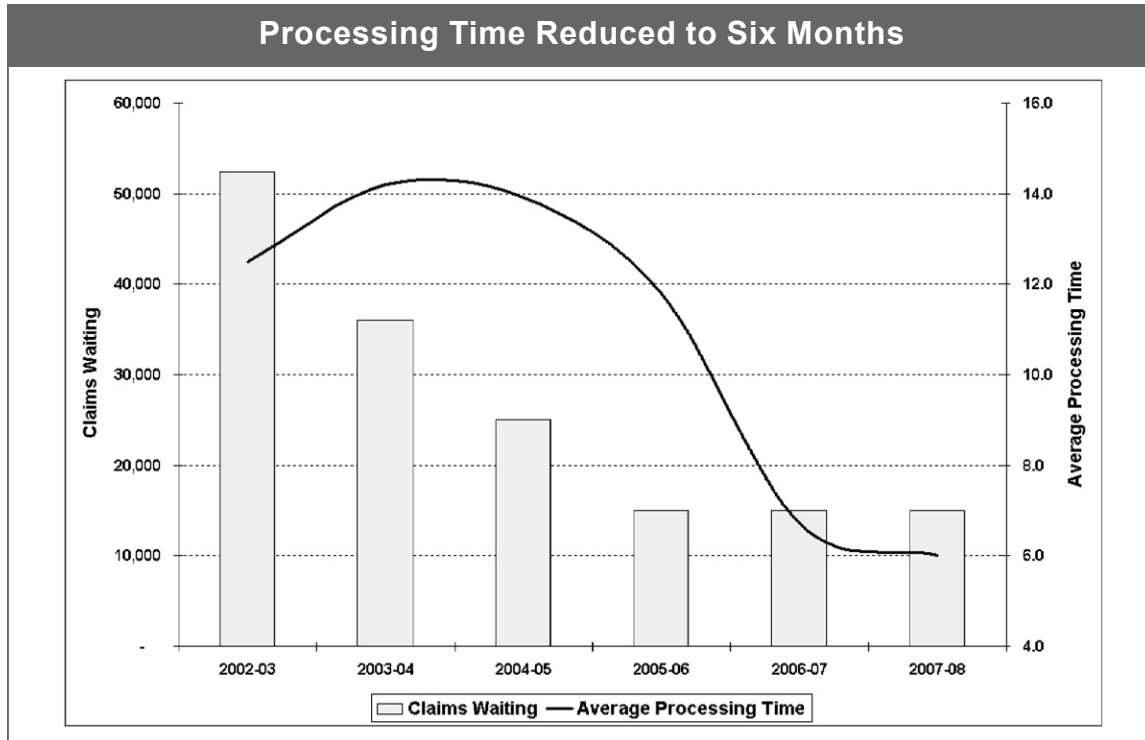
2004, 70% of all referrals were finalized within twelve months compared to 40% a year earlier.

#### **Average Processing Time**

Average processing time is the average number of months that claims remain with the IRB, starting from the claim's referral by CIC and ending when a decision is given to the claimant. It includes the 28-day period that a claimant has to prepare and submit a Personal Information Form, as well as the time a claimant waits before a hearing is scheduled. The average processing time is affected by the order in which claims are heard and finalized.

A gradual decline in average processing time is anticipated during the second half of 2005-2006, as the IRB makes progress in reducing its older claims waiting and is





positioned to handle more recent claims. In 2004-2005, the average processing time has remained around 14 months. This gradual decline is expected to continue for the rest of the fiscal year and into 2005-2006 as a large number of older and generally more complex claims are finalized.

Progress in reducing the average processing time is contingent on the IRB maintaining the capacity throughout 2005-2006 to finalize significantly more claims than will be received, and then, in 2006-2007 and beyond, to at least keep pace with new claims received. Subject to these factors, an overriding objective will be to continue progress towards achieving a six-month average processing time.

### ***Cost per Claim Finalized***

The cost per claim includes the decision-making costs and cost of related activities such as case preparation, research,

scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services, as well as administrative support. It also includes a share of the costs from the Corporate Management and Services activity, which is allocated to the three decision-making program activities, based on expenditure trends.

Based on 40,000 claim finalizations, the average cost per claim is expected to be \$2,200 for 2005-2006. Unit costs range from \$800 for an expedited case to \$2,800 for complex cases. The projected overall average cost per claim of \$2,200 is slightly higher than the 2003-2004 actual average cost per claim of \$2,000 due to a projected increase in complex cases finalizations for 2005-2006. However, it is lower than the 2002-2003 actual average cost per claim of \$2,700.



## **Admissibility Hearings and Detention Reviews**

*Strategic Outcome: Well-reasoned decisions on refugee and immigration matters rendered fairly, efficiently, and in accordance with the law*

The IRB conducts admissibility hearings for foreign nationals or permanent residents believed to have contravened the *Immigration and Refugee Protection Act*. The purpose of the hearing is to determine whether the person may enter or remain in Canada.

The IRB also conducts detention reviews for foreign nationals or permanent residents who are detained for immigration reasons. The several thousand people detained each year are entitled to detention reviews within specific timeframes set out in the Act. This process plays an essential role in maintaining the

balance between individual rights and the security of Canadians.

### **Workload Context**

The number of admissibility hearings and detention reviews conducted by the IRB depends on the number of cases referred by CBSA. The number of new cases received annually will vary.

### **Expected Results**

The initiatives described below were developed to apply the lessons learned to continue to generate fair, quality decisions, rendered in accordance with the law.

### **Planned Initiatives**

*Fair, quality decisions*

- promote working partnerships with other sections of the Board and regions to maintain the information and services

### **No decision is made lightly ...**

*Decision makers for the Admissibility Hearings and Detention Reviews tribunal preside over two types of hearings. The decisions have a major impact on the lives of the persons involved and their families.*

*Admissibility hearings are held for foreign nationals or permanent residents who are believed to have contravened the Immigration and Refugee Protection Act for reasons such as security, violation of human rights, or criminality. These hearings are adversarial, involving two opposing views. Decision makers also preside over detention reviews during which they must balance the individual's constitutional right to liberty and the protection of the health and safety of Canadians.*





that contribute to rendering fair, quality decisions

- examine the feasibility of implementing a system to streamline admissibility hearings process based on the complexity of the case
- continue to invest in the development and guidance of decision makers, by focusing training and tools to address emerging issues

#### *Decisions are rendered efficiently*

- continue to monitor the structure and workload of regional offices and examine all options that will lead to efficiency of services, by ensuring increased quality of data collection
- enhance analysis of emerging issues, trends, and costs to ensure appropriate resourcing and tools to manage the workload

#### *Decisions are rendered in accordance with the law*

- develop best practices and increase interactions between regions to share expertise, by providing training and development opportunities

#### **Admissibility Hearings Finalized**

During the planning period, the IRB anticipates finalizing a stable volume level of 2,000 admissibility hearings.

The number of admissibility hearings finalized in the last three years is lower than volumes experienced prior to the June 2002 implementation of the *Immigration and Refugee Protection Act*. CBSA officers

now have increased authority to issue removal orders in some cases of inadmissibility resulting in fewer cases referred to the IRB for an admissibility hearing. This has led to a decrease in the number of hearings finalized — the number dropped to approximately 2,600 in 2002-2003 and then, to approximately 2,050 in 2003-2004.

While the volume of admissibility hearings has declined, the cases before the IRB are more complex, sometimes dealing with allegations of security, violation of human rights or international rights, serious criminality and organized criminality amongst others. There is no appeal right to the Immigration Appeals Tribunal (IAD) when a foreign national or permanent resident has been found inadmissible on grounds of security, violation of human or international rights, serious criminality or organized criminality.

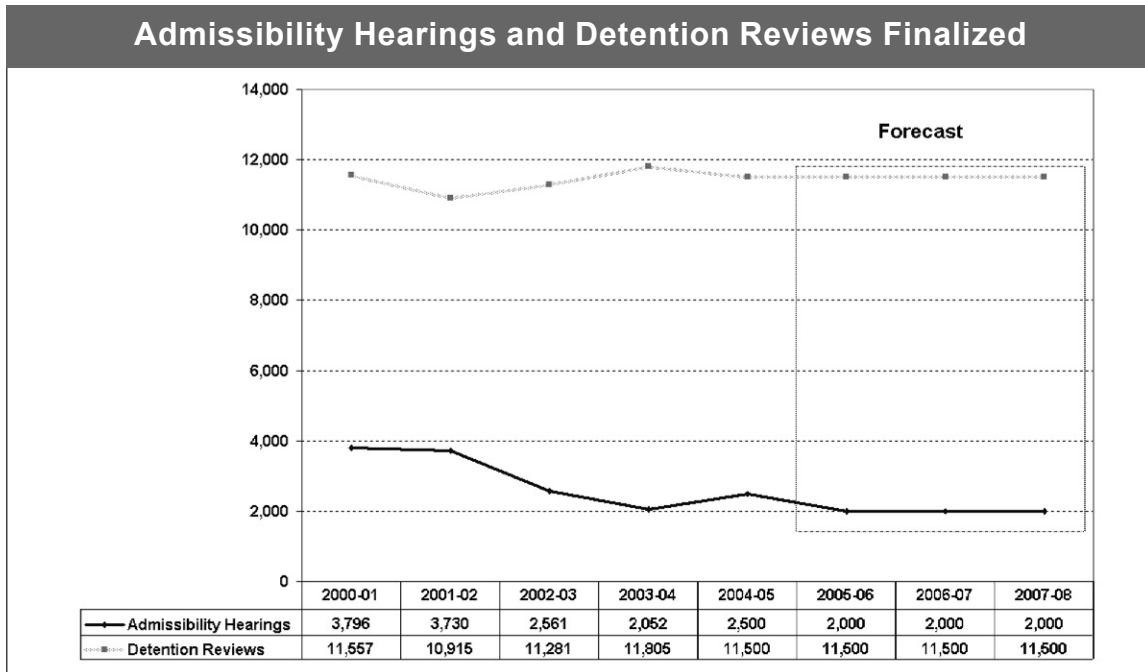
Currently, there is no backlog of admissibility hearing cases. The number of admissibility hearings and detention reviews the IRB conducts is contingent on the number of cases referred by CBSA.

#### **Detention Reviews Finalized**

Over the planning period, the IRB anticipates the volume of finalizations to remain stable at 11,500 detention reviews conducted annually.

The approximate number of detention reviews finalized has remained relatively stable since 2000-2001, between 11,000 and 11,800 per year. In 2003-2004, a record 11,800 detention reviews were finalized. In 2004-2005, this number





returned to more historical levels, at 11,500 detention reviews finalized.

The Immigration Division conducts detention reviews at the request of CBSA. The Act provides that the Tribunal must review detention reasons within 48 hours after the person is detained or without delay afterwards (unless CBSA has released or deported the person concerned within 48 hours), at least once during the seven days following the initial detention review and at least once each 30-day period following each previous detention review. A decision has to be rendered the same day the case is heard. For detention reviews, ongoing challenges include the pressure associated with meeting the statutory timeframes, travelling to detention facilities to conduct reviews and increased scrutiny in balancing the rights of individuals to liberty and the security of Canadians and persons in Canada.

**Cost per Admissibility Hearing and Detention Review Finalized**

The cost per admissibility hearing and detention review includes the decision-making costs and cost of related activities such as case preparation, research, scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services, as well as administrative support. It also includes a share of the costs from the Corporate Management and Services activity, which is allocated to the three decision-making program activities, based on expenditure.

Based on 2,000 admissibility hearings and 11,500 detention reviews, the average cost is expected to be \$1,200 and \$700 respectively. These average costs are in line with prior years actual average costs.



## Immigration Appeals

*Strategic Outcome: Well-reasoned decisions on refugee and immigration matters rendered fairly, efficiently, and in accordance with the law.*

Immigration appeals originate from four sources:

- Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused (67% of all appeals in the first three quarters of 2004-2005)
- permanent residents, foreign nationals with a permanent resident visa, and protected persons who have been ordered removed from Canada (15%)

- permanent residents determined outside of Canada by an officer of CIC not to have fulfilled their residency obligation (18%)
- the Minister responsible for CBSA who may appeal a decision made by the IRB at an admissibility hearing (less than 1%).

### **Workload Context**

The IRB has experienced dramatic and progressive growth in its immigration appeals workload in the past three years. This trend is continuing in 2004-2005 — an expected 6,700 appeals will be received. This represents a 33% increase over 2002-2003, and a 50% increase over the

### **No decision is made lightly ...**

*Decision makers in the Immigration Appeal tribunal consider several types of appeals and, in many cases, must exercise a broad and unique discretionary jurisdiction to assess the humanitarian and compassionate circumstances. Each decision can change forever the lives of the people involved and their families.*

*Most cases are sponsorship appeals, which can involve many issues such as whether a relationship is genuine or fraudulent, or whether a family should be reunited despite not meeting all the criteria of sponsorship or admissibility. This requires sensitivity to cultural norms.*

*Decision makers also consider appeals to removal orders. These decisions require balancing between the appellant's future in Canada and the safety of the Canadian public — the best interests of a child are also often involved.*



levels experienced throughout the 1990s. Without additional funding over the next two years the IRB will not be able to reduce this growing inventory to manageable levels.

The IRB increased its levels of productivity beginning in 2002. A record 5,400 appeals were finalized in 2003-2004, and the IRB expects to maintain this high level in 2004-2005. This strong productivity has not been sufficient to offset the increase in the number of appeals filed. Consequently the number of appeals waiting for a decision continued to increase, and will reach over 8,000 by the end of 2004-2005.

### ***Expected Results***

The expected results for this activity include:

- more effective appellant and counsel participation in IRB proceedings
- a systematic, integrated approach to consistency, that ensures clarity in

decision-making, respects adjudicative independence and provides for effective ways to identify and assess areas of concern

- effective management to increase the performance of members — through effective performance appraisals, mentoring and focused professional development
- a dynamic cross-regional exchange that will lead to innovative ideas and improvements
- management capacity to assess the efficiency of various case management initiatives and to plan strategically for impacts on the tribunal from caseload and other trends.

### ***Planned Initiatives***

The initiatives described below have been developed to build on progress achieved so far and to continue improving results in the coming year.

*Did you know that in 2004-2005 the three tribunals of the IRB collectively rendered close to 60,000 decisions?*



*Fair, quality decisions*

- emphasize professional development of decision makers, a key area will be cultural competence
- provide management training tailored to member managers, tailored to the unique context of managing decision-makers. Effective management will increase the performance of the members — through effective performance appraisals, mentoring and focused professional development
- continue to apply the Consistency Plan<sup>7</sup> — through a proactive approach to the developing body of new Act IAD decisions and Federal Court decisions; with focused professional development, and co-ordinated efforts with the Professional Development Unit, Legal Services and the IAD Management Team to promote the early identification and response to emerging legal issues

***Innovation at the IRB***

*The Immigration Appeal Division manages one of the most successful Alternative Dispute Resolution (ADR) programs in the Public Service — in December 2003 it was a recipient of a Head of the Public Service Award. In working co-operatively and creatively with CIC, CBSA and Appellants' counsel, the use of ADR contributes significantly to the efficiency, effectiveness and quality of administrative justice at the IAD. ADR is a key component of the Immigration Appeal Division's Action Plan that seeks to build increased capacity for decision making. It is an important mechanism to encourage the settlement of cases (mainly sponsorship appeals) without a formal hearing, through using informal, less confrontational and more consensual approaches to processing and resolving disputes. IAD members are assigned the role of the Dispute Resolution Officer on a rotational basis, and they preside over confidential mediation meetings to encourage a discussion of issues and facilitate settlements. The IAD will continue to work with CBSA/CIC and Appellants' counsel in the ADR Advisory Committees in all regions to improve the program and to resolve any concerns about the process. In 2005-2006, the IAD will continue to add additional case types to the ADR Program as appropriate.*



<sup>7</sup> There are two dimensions to the Immigration Appeals Consistency Plan:

- substantive consistency – consistency of legal approach to issues
- procedural consistency – consistency in the management of the appeal process, including the conduct of hearings



- continue to develop plain language information guides for unrepresented appellants and present information sessions for appellants' counsel across the country to enhance accessibility and effective participation of parties and counsel
- maintain a constructive relationship with stakeholders, and receive external input on practices and procedures from CBSA and CIC and appellants' counsel on the regional consultative committees

*Decisions are rendered efficiently*

- focus on sustaining the high number of decisions finalized and reducing the number of appeals waiting, as well as ongoing case management improvement initiatives, and further integration of quality, consistency and efficiency measures
- focus on further expanding and enhancing case management initiatives — the screening and streaming of cases
- continue to consolidate and expand the use of ADR, including the addition of more case types where appropriate
- complete more appeals without a hearing where appropriate
- use effective monitoring and reporting tools to manage the various case management initiatives including completing the development of monitoring and statistical reporting systems for the ADR and early review case streams, member workload reports and additional monitoring reports
- convene multi-disciplinary teams (managers, registry staff, and others) to benefit from management best practices

and improve national consistency and efficiency in practices and procedures. This would include conducting file audits to identify steps and forms in different types of files and case processes

*Decisions are rendered in accordance with the law*

- focus the professional development of decision makers through co-ordinated efforts with the Professional Development Unit, Legal Services and the IAD Management Team to promote the early identification and proactive response with respect to emerging legal issues

**Appeals Filed**

The increase in new appeals received started in 2002-2003, and continued in 2004-2005. This trend resulted from the implementation of the provisions of the *Immigration and Refugee Protection Act* and from CIC processing abroad an increased number of family class applications. A record 6,700 appeals are expected to be filed by the end of 2004-2005, comprising 4,500 sponsorship appeals, 1,000 removal order appeals and 1,200 residency obligation appeals. This increase in appeals is in part due to sponsorship appeals — CIC continues to process higher volumes of family class applications than it has done historically, leading to more refusals of family class members overseas and more appeals by sponsors. A high number of new residency obligation appeals, a new type of appeal under IRPA, have also contributed to the increase.



The number of appeals filed is expected to abate slightly in 2005-2006 to 6,000, still significantly higher than historical levels.

### ***Appeals Finalized***

The IRB expects to maintain its 2003-2004 record of 5,400 appeals finalized by the end of 2004-2005, which is a 29% increase over 2002-2003.

With additional funding, the IRB can position itself to significantly increase its level of finalizations — between 6,500 and 7,500 appeals could be finalized in 2005-2006 in collaboration with our portfolio partners. Without additional funding, the number of appeals waiting for a decision will increase by 600 instead of decreasing by a range of 500 to 1,500. A combination of more members, sustained productivity and continued efforts to improve case management process will be crucial in order to achieve this higher level of finalizations.

Continued use of ADR and the Early Review process, as well as additional alternative case processes, will be an important contributor to this goal. Fully harnessing the potential of these approaches will require a high level of cooperation with parties and counsel involved in the appeal processes — both the Appellants' counsel and CBSA and CIC.

Over the longer term, sustained high levels of finalizations will be required to keep pace with new appeals filed and progressively reduce the pending inventory that has grown in recent years. This will be contingent on sustained productivity and

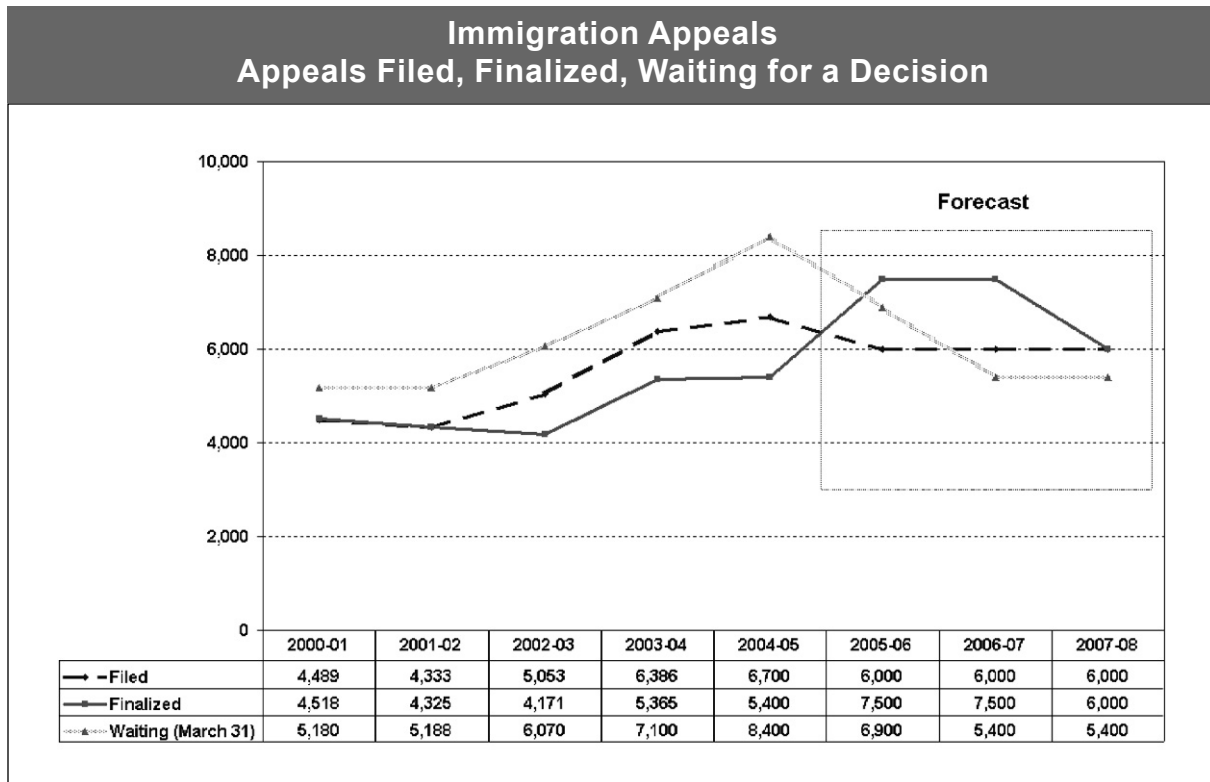


devotion of additional resources to appeals activity. It will be crucial to coordinate the IAD's resources and decision-making capacity with adequate resources for Minister's counsel at CBSA and CIC.

### ***Appeals Waiting for a Decision***

Trends in the number of appeals waiting for decision depend on the number of appeals filed and the number of appeals finalized. Since the IAD finalized about as many appeals as it received between 1999-2000 and 2001-2002, the number of appeals pending remained virtually unchanged over this period, at approximately 5,200. However, starting in 2002-2003, the number of appeals filed exceeded the IRB's capacity to finalize them, leading to 7,100 appeals waiting for decision by the end of 2003-2004. The high productivity and the record number of appeals finalized were not





sufficient to offset the rise in the number of appeals filed in 2004-2005. As a result, the number of appeals pending is expected to surpass 8,000 by the end of March 2005. This represents a 14% increase over the previous year and a 33% rise over 2002-2003.

With plans for more finalizations in 2005-2006, contingent upon additional resources, the IRB will begin a turnaround in the number of appeals waiting for decision. For the first time in five years, the IRB plans to finish the year with fewer appeals waiting, than when the year started. Appeals waiting for decision by March 31, 2006 are expected to surpass 6,000. Further reduction will depend on sustained high level of finalizations over

and above the 6,000 new appeals expected annually.

#### **Average Processing Time**

Average processing time represents the average period from the date the IRB receives the appeal record (from CIC in most cases) to the date of the IRB's decision.

The average processing time for all appeals finalized decreased to 6.7 months in 2003-2004 from 7.0 months in 2002-2003. Greater use of Alternative Dispute Resolution and Early Reviews of appeals helped lower the average processing time in 2003-2004. However, due to unprecedented record numbers of appeals





filed and waiting for decision, the processing time climbed to 8 months during 2004-2005.

In spite of sustained high productivity through case management innovations, processing time is expected to remain above 8 months in 2005-2006. This increase in processing time is a reflection of the growing number of appeals filed and pending. The average processing time is anticipated to return gradually to more traditional levels over the following two fiscal years. This progress will be directly proportional to the IRB's resourcing level.

### ***Cost per Appeal***

The cost per appeal includes the decision-making costs and cost of related activities such as case preparation, research, scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services, as well as administrative support. It also includes a share of the costs from the Corporate Management and Services activity, which is allocated to the three decision-making program activities, based on expenditure trends.

Based on 7,500 appeal finalizations, the average cost per appeal is expected to be \$1,700. Unit costs range from \$1,000 for a residency obligation to \$1,700 for a removal order or a sponsorship appeal; the majority of appeals projected to be finalized during 2005-2006 are removal orders and sponsorships. The 2005-2006 projected average cost per appeal of

\$1,700 is lower than that for 2003-2004 (\$1,900 per appeal) due to the projected finalization of more appeals through the ADR program which allows for a less formal, less costly and faster process than the formal hearing process.



## ORGANIZATION

The Chairperson is the IRB's Chief Executive Officer and spokesperson. He provides overall leadership and direction to the tribunals and is responsible for creating and implementing 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.

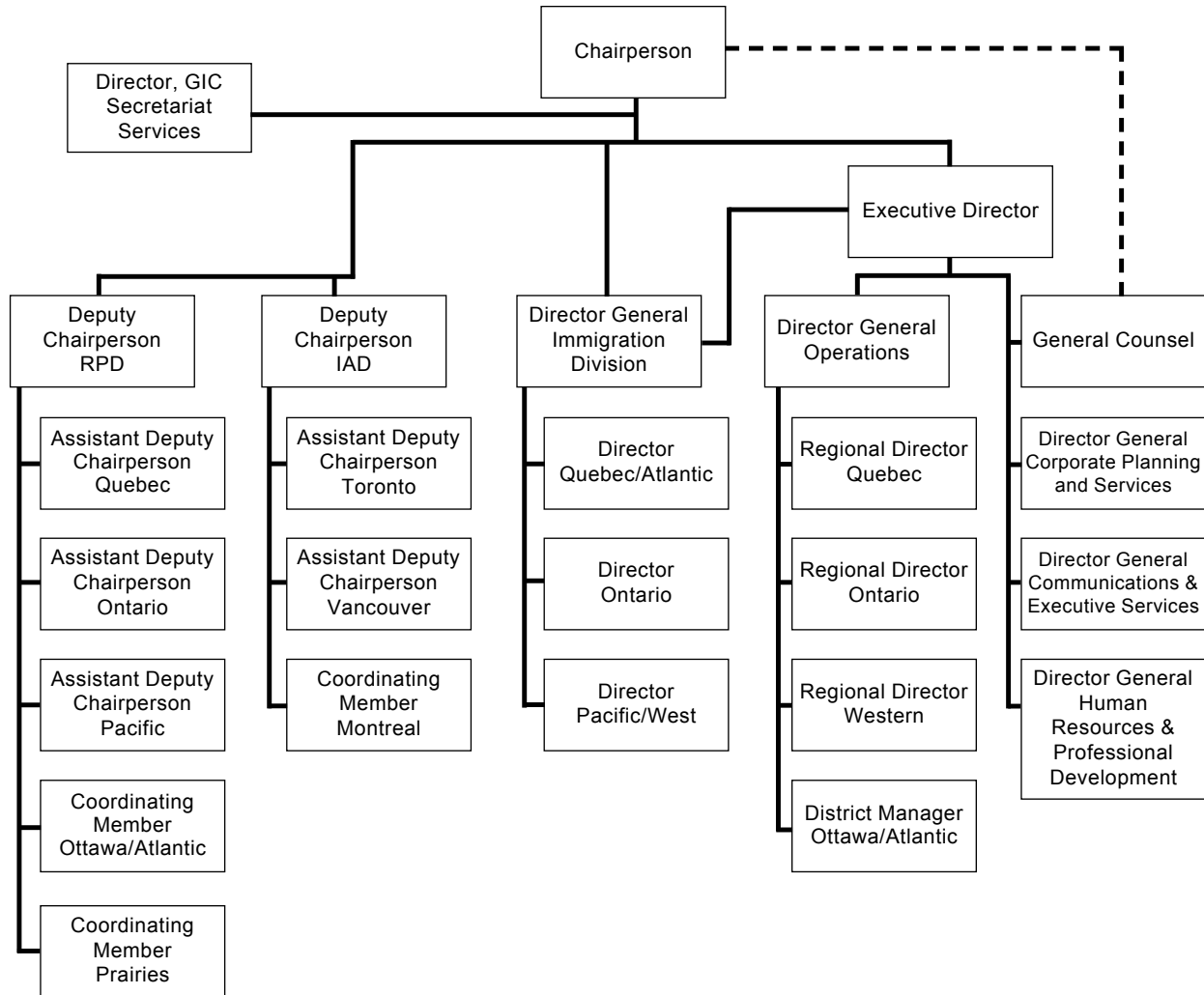
The Executive Director is the IRB's Chief Operating Officer and reports to the IRB Chairperson. As such, the Executive Director is responsible for IRB operations and the overall administration of the three tribunals. The Executive Director is responsible for over 900 public servants, including those who provide direct support to the decision-making activities.

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

- the Deputy Chairperson of the Refugee Protection tribunal, who is appointed by the Governor-in-Council, has responsibility for about 160 decision makers
- the Director General of the Admissibility Hearings and Detention Reviews tribunal, who is appointed under the *Public Service Employment Act* (PSEA), has responsibility for about 30 decision makers, and
- the Deputy Chairperson of the Immigration Appeal tribunal, who is appointed by the Governor-in-Council, has responsibility for about 30 decision makers.



**IRB Organizational Chart**



**Legend**

- GIC Governor-in-Council
- RPD Refugee Protection Division
- IAD Immigration Appeal Division
- PD Professional Development

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



## MANAGING FOR RESULTS

*Strategic Outcome: Well-reasoned decisions on refugee and immigration matters rendered fairly, efficiently, and in accordance with the law*

This Section describes planned initiatives and results in relation to two key IRB management priorities in 2005-2006: implementing a comprehensive people management strategy and increasing the confidence of Canadians in the integrity and fairness of the refugee determination system.

### Strategic Management of Human Resources

For the 2005-2006 reporting period, the IRB established the following strategic priority: *implementing a comprehensive, dynamic, and fully integrated people management strategy to support all employees of the Board and enable the IRB to meet the challenges and opportunities of its mandate.*

#### Expected Results

- a more cohesive management of IRB's human resources
- a comprehensive, integrated learning and development program
- a planning approach that is facilitated and streamlined to help the IRB align its human resources with its financial and material resource and strategic objectives
- an improved linkage of human resources with the IRB's vision, mandate, and strategic priorities

#### Planned Initiatives

To support this strategic priority, the IRB plans to:

- develop a comprehensive and integrated *People Management Strategy*
- design an approach that will integrate the function of human resources planning with its operational and business planning
- develop initiatives to support the realization and implementation of the *People Management Strategy* while continuing to build its human resources capacity
- implement the organizational infrastructure needed to deliver IRB programs and services more effectively and efficiently
- continue the work undertaken as part of the departmental *Classification Strategy*
- undertake classification reform
- manage transitions, competency-based human resource management, and employee development, and
- meet the requirements set forth in the *Public Service Modernization Act* by focussing on the design and implementation of an informal conflict management system, as well as the elaboration of policies and procedures for the new staffing regime.



## Communications

For the 2005-2006 reporting period, the IRB established the following strategic priority: *increasing the confidence of Canadians in the integrity and fairness of the refugee determination system.*

To support this strategic priority, the IRB will implement its *Communications Strategy and Framework* to ensure a cohesive and integrated communications function across the IRB. Communications will expand its outreach activities to key target audiences to improve their understanding of the work and priorities of the IRB.

### **Expected Results**

- a cohesive and integrated communications function across the IRB
- employees understand the mission, work and values of the organization
- Canadians have confidence in the integrity and fairness of the refugee determination system and understand the IRB's place in it

### **Planned Initiatives**

- arrange briefing sessions for Members of Parliament and arrange for them to attend IRB hearings in the regional offices
- cultivate ongoing integrated communications with stakeholders and clients through the Consultative Committee on Policies and Procedures (CCPP) and its sub-committee on communications

- enhance the use of stakeholder fora, develop new approaches and opportunities
- seek opportunities for more robust media relations
- develop communications products to better inform claimants and individuals about the IRB's processes

The following represent an additional investment focus for the IRB in the coming year.

## Innovative Use of Technology

### **Expected Results**

- increase efficiency of new business processes
- support decision-making consistency
- increase security and integrity of data
- improve sound quality, information sharing, and minimize storage requirements for audio decision-making records

### **Planned Initiatives**

- continue the development and implementation of the Integrated Case Management System (ICMS)
- continue the implementation of digital audio recording equipment



## **Strategic Management, Reflecting Transparency and Accountability**

### ***Expected Results***

The initiatives described below were developed to build on progress achieved so far and the benefits of lessons learned. We will continue to improve on our results in the coming year.

- the IRB will be an exemplary, effective, high performing, and healthy organization
- the IRB will be transparent and accountable in its management

### **Planned Initiatives**

- expand and refine an integrated action plan aligning management initiatives to clarify and reinforce accountability
- integrate risk management into strategic management decisions
- maintain a comprehensive analysis of domestic and international factors influencing the Board's operating environment to inform planning and priorities
- monitor activities and review programs
- participate in government-wide shared service initiative



## OUR WORK WITH PARTNERS

### Canadian Partners

#### Expected Results

- maintain the institutional independence of the IRB and its decision makers
- contribute to integrated portfolio management, including sharing of information to support early security screening of refugee protection claimants

#### Planned Initiatives

- continue to collaborate with CIC and CBSA on operational issues:
  - adapt Administrative Framework Agreements (AFA) and develop sub-agreements
  - support review of refugee protection system by contributing knowledge and experience
  - identify, monitor, and respond to emerging issues and trends, such as Safe Third Country Agreement
  - share information on case management systems
  - contribute to CIC and Department of Justice efforts to develop a long-term legal aid strategy
- continue participation in the annual conferences of the Council of Canadian Administrative Tribunals (CCAT) to share best practices and new approaches to emerging issues

### International Partners

#### Expected Results

- IRB staff and members gain increased knowledge and expertise, contributing to quality decisions
- the IRB's reputation will be enhanced internationally and domestically by showcasing our expertise, increasing the confidence of our partners abroad in the fairness and integrity of our processes
- contribute to Canada's international human rights commitments
- contribute best practices to the international community and intergovernmental organizations in the form of knowledge and capacity building transfers

#### Planned Initiatives

- continue to participate in international fora
- maintain a good working partnership with the UNHCR in Ottawa as well as in Geneva, by attending the UNHCR's Executive Committee meetings in Geneva
- continue exchanges with the Intergovernmental Consultations (IGC) organization, which leads substantive discussions on migration and refugee matters (the Research Directorate of the IRB has been an integral participant within the IGC country of origin information working group)



- participate in the European Union's Asylum Group (Eurasil) when invited to harmonize standards and procedures
- participate in the International Association of Refugee Law Judges (IARLJ) and support other countries to develop their own refugee determination systems
- review participation in international bodies and events to assess benefits and results

*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*  
*(Immigration and Refugee Board)*  
(SOR/2002-231)

\* Came into force on June 28, 2002.

## Other Information

### Legislation Administered\*

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

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

### Further Information

For further information on the IRB, visit the IRB Web site at <http://www.irb-cisr.gc.ca/> or contact the Communications Directorate at (613) 947-0803.

### ***Our accountability to Canadians***

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





## IRB Processes

Each of the three IRB tribunals has its own particular processes associated with the type of cases it handles. For detailed information about the:

- Process for Making a Claim for Refugee Protection, see [http://www.irb-cisr.gc.ca/en/about/processes/rpdp\\_e.htm](http://www.irb-cisr.gc.ca/en/about/processes/rpdp_e.htm)
- Admissibility Hearing Process, see [http://www.irb-cisr.gc.ca/en/about/processes/ahp\\_e.htm](http://www.irb-cisr.gc.ca/en/about/processes/ahp_e.htm)
- Detention Review Process, see [http://www.irb-cisr.gc.ca/en/about/processes/drpd\\_e.htm](http://www.irb-cisr.gc.ca/en/about/processes/drpd_e.htm)
- Sponsorship Appeal Process, see [http://www.irb-cisr.gc.ca/en/about/processes/sap\\_e.htm](http://www.irb-cisr.gc.ca/en/about/processes/sap_e.htm)
- Removal Order Appeal Process, see [http://www.irb-cisr.gc.ca/en/about/processes/roap\\_e.htm](http://www.irb-cisr.gc.ca/en/about/processes/roap_e.htm)



# Financial Tables

| Departmental Planned Spending and Full-Time Equivalents                              |                                |                               |                               |                               |
|--|--------------------------------|-------------------------------|-------------------------------|-------------------------------|
| (in \$ millions)   | Forecast Spending<br>2004-2005 | Planned Spending<br>2005-2006 | Planned Spending<br>2006-2007 | Planned Spending<br>2007-2008 |
| Refugee Protection   | 94.4                           | <b>84.5</b>                   | 82.0                          | 82.0                          |
| Admissibility Hearings & Detention Reviews   | 14.5                           | <b>14.9</b>                   | 14.4                          | 14.4                          |
| Immigration Appeals  | 12.2                           | <b>12.6</b>                   | 12.1                          | 12.1                          |
| Budgetary Main Estimates (gross)   | 121.1                          | <b>112.0</b>                  | 108.5                         | 108.5                         |
| Less: Respendable revenue  | 0                              | <b>0</b>                      | 0                             | 0                             |
| <b>Total Main Estimates</b>  | 121.1                          | <b>112.0</b>                  | 108.5                         | 108.5                         |
| <i>Adjustments:</i>  |                                |                               |                               |                               |
| Supplementary Estimates:   |                                |                               |                               |                               |
| 1. Refugee Backlog Initiatives   |                                |                               |                               |                               |
| • Public Security Initiatives  | 7.9                            |                               |                               |                               |
| • Program Infrastructure related to decision-making on immigration and refugee cases | 2.6                            |                               |                               |                               |
| • Employee Benefit Plan (EBP)  | 1.5                            |                               |                               |                               |
| 2. Operating budget carry forward  | 4.7                            |                               |                               |                               |
| 3. Compensation for collective agreements  | 0.6                            |                               |                               |                               |
| Budget Announcements:  |                                |                               |                               |                               |
| 1. Procurement Savings*  |                                | <b>(0.1)</b>                  |                               |                               |
| <i>Total Adjustments</i>   | <i>17.3</i>                    | <i>(0.1)</i>                  | <i>0</i>                      | <i>0</i>                      |
| <b>Total Planned Spending</b>  | 138.4                          | <b>111.9</b>                  | 108.5                         | 108.5                         |
| * Impact on future years still to be determined.                                     |                                |                               |                               |                               |
| Total Planned Spending   | 138.4                          | <b>111.9</b>                  | 108.5                         | 108.5                         |
| Less: Non-Respendable revenue  | 0                              | <b>0</b>                      | 0                             | 0                             |
| Plus: Cost of services received without charge                                       | 19.6                           | <b>18.4</b>                   | 18.4                          | 18.4                          |
| <b>Net cost of Program</b>   | 158.0                          | <b>130.4</b>                  | 126.9                         | 126.9                         |
| <b>Full-Time Equivalents</b>   | 1,250                          | <b>1,100</b>                  | 1,100                         | 1,100                         |

The variance between the 2004-2005 Forecast Spending and Planned Spending in 2005-2006 is \$26.5 million. This decrease is due to the following:

- The end of a \$12 million temporary funding related to the initiative addressing the number of refugee claims waiting for a decision.



- The end of an 8 million temporary funding to help finance the development of IRB's Integrated Case Management System (ICMS). This decrease overall decrease is reflected by a decrease of \$9 million in the funding dedicated for the Refugee Determination portion of the system, offset by \$0.5 million increase in funding for each of the Immigration Appeals and the Admissibility Hearings and Detention Review portions of the system to be developed in 2005-2006.
- The Operating budget carry forward provision for 2004-2005 of \$4.7 million.
- A decrease of \$1 million to adjust the Employee Benefit Plan (EBP) factor from 21.5% to 20%. This adjustment reduced the Refugee Determination budget by \$0.9 million and the Immigration Appeals and Admissibility Hearings and Detention Review budgets, by \$0.1 million.
- Compensation for collective agreements received in 2004-2005 of \$0.7 million.
- A decrease of \$0.1 million in 2005-2006 related to the Budget announcement on Procurement savings.

The difference in the Planned Spending for 2005-2006 and 2006-2007 is due mainly to the end of the temporary funding of \$3.5 million for the Integrated Case Management System (ICMS) of which \$2.5 million is for the Refugee Protection Section and \$0.5 million each for the Immigration Appeals Section and the Admissibility Hearings and Detention Reviews.

| <b>Spending by Program Activity</b>        |                  |                |                                 |              |                |              |  |                             |   |                               |
|--|------------------|----------------|---------------------------------|--------------|----------------|--------------|--|-----------------------------|---|-------------------------------|
| <b>2005-2006 (in \$ millions)</b>          |                  |                |                                 |              |                |              |  |                             |   |                               |
| <b>Program Activity</b>                    | <b>Budgetary</b> |                |                                 |              |                |              | <b>Non-Budgetary</b>                   | <b>Total Main Estimates</b> | <b>Adjustments (planned spending not in Main Estimates)</b> | <b>Total Planned Spending</b> |
|  | <b>Operating</b> | <b>Capital</b> | <b>Grants and Contributions</b> | <b>Gross</b> | <b>Revenue</b> | <b>Net</b>   | <b>Loans, Investments and Advances</b> |                             |   |                               |
| Refugee Protection                         | 84.4             | 0              | 0                               | 84.4         | 0              | 84.4         | 0                                      | 84.4                        | 0   | <b>84.4</b>                   |
| Admissibility Hearings & Detention Reviews | 14.9             | 0              | 0                               | 14.9         | 0              | 14.9         | 0                                      | 14.9                        | 0   | <b>14.9</b>                   |
| Immigration Appeals                        | 12.6             | 0              | 0                               | <b>12.6</b>  | 0              | 12.6         | 0                                      | 12.6                        | 0   | <b>12.6</b>                   |
| <b>Total</b>                               | <b>111.9</b>     | <b>0</b>       | <b>0</b>                        | <b>111.9</b> | <b>0</b>       | <b>111.9</b> | <b>0</b>                               | <b>111.9</b>                | <b>0</b>  | <b>111.9</b>                  |



| <b>Voted and Statutory Items Listed in Main Estimates</b> |   |                               |                                |
|---|---|-------------------------------|--------------------------------|
| <b>2005-2006 (in \$ millions)</b>                         |   |                               |                                |
| <b>Vote or Statutory Item</b>                             | <b>Vote or Statutory Wording</b>        | <b>Current Main Estimates</b> | <b>Previous Main Estimates</b> |
| 10  | Program expenditures                    | <b>98.6</b>                   | 106.7                          |
| (S)   | Contributions to employee benefit plans | <b>13.4</b>                   | 14.4                           |
|   | <b>Total</b>                            | <b>112.0</b>                  | <b>121.1</b>                   |

As explained previously, the variance between the 2004-2005 and the 2005-2006 Main Estimates of \$9.1 M is due mainly to the reduction in ICMS temporary funding and reduction to the EBP factor.

| <b>Net Cost of IRB</b>  |                           |   |                            |              |
|---|---------------------------|---|----------------------------|--------------|
| <b>2005-2006</b>  |                           |   |                            |              |
| <b>(in \$ millions)</b>   | <b>Refugee Protection</b> | <b>Admissibility Hearings &amp; Detention Reviews</b> | <b>Immigration Appeals</b> | <b>Total</b> |
| <b>Total Planned Spending</b>   | 84.4                      | 14.9  | 12.6                       | <b>111.9</b> |
| <i>Plus: Services Received without Charge</i>   |                           |   |                            |              |
| Accommodation provided by Public Works and Government Services Canada (PWGSC)   | 10.4                      | 1.4   | 1.2                        | <b>13.0</b>  |
| Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds) | 4.2                       | 0.7   | 0.5                        | <b>5.4</b>   |
|   | 14.6                      | 2.1   | 1.7                        | <b>18.4</b>  |
| <i>Less: Non-responsible Revenue</i>  | 0                         | 0   | 0                          | <b>0</b>     |
| <b>2005-2006 Net cost of the IRB</b>  | <b>99.0</b>               | <b>17.0</b>   | <b>14.3</b>                | <b>130.3</b> |



| <b>Resource Requirement by Organization and Program Activity</b> |                           |   |                            |                               |
|--|---------------------------|---|----------------------------|-------------------------------|
| <b>2005-2006</b>   |                           |   |                            |                               |
| <b>(in \$ millions)</b>  | <b>Refugee Protection</b> | <b>Admissibility Hearings &amp; Detention Reviews</b> | <b>Immigration Appeals</b> | <b>Total Planned Spending</b> |
| Chairperson, Executive Director and Secretariat <sup>1</sup>     | 24.4                      | 0.3   | 3.8                        | <b>28.5</b>                   |
| Refugee Determination Division                                   | 0.9                       |   |                            | <b>0.9</b>                    |
| Immigration Appeal Division                                      |                           |   | 0.7                        | <b>0.7</b>                    |
| Immigration Division   |                           | 3.3   |                            | <b>3.3</b>                    |
| Communication <sup>2</sup> and Executive Services                | 6.0                       | 5.6   | 2.5                        | <b>14.1</b>                   |
| Human Resources and Professional Development                     | 3.0                       | 0.3   | 0.3                        | <b>3.6</b>                    |
| Legal Services   | 4.0                       | 0.2   | 0.1                        | <b>4.3</b>                    |
| Corporate Planning and Services                                  | 7.1                       | 1.0   | 0.9                        | <b>9.0</b>                    |
| Operations (including regions and ICMS)                          | 39.0                      | 4.2   | 4.3                        | <b>47.5</b>                   |
| <b>Total</b>   | <b>84.4</b>               | <b>14.9</b>   | <b>12.6</b>                | <b>111.9</b>                  |

<sup>1</sup> including Governor-in-Council salaries

<sup>2</sup> including special purpose account for translation of decisions



## **Integrated Case Management System Project\***

*Strategic Outcome: Well-reasoned decisions on refugee and immigration matters rendered fairly, efficiently, and in accordance with the law*

On May 30, 2003, the Immigration and Refugee Board (IRB) obtained the Effective Project Approval (EPA) for the implementation of the Integrated Case Management System (ICMS). The scope of this project is to re-engineer case processing within the IRB and to implement an integrated case management system that will support regional and head office IRB operations. ICMS will provide IRB employees with single screen user access to all information required to manage or work with IRB cases. ICMS will provide the IRB with the capacity to

automate the processing improvements required to meet the Government's expressed desire and Chairperson's mandated direction to:

- significantly improve processing time
- reduce backlog and overall cost of processing refugee cases
- promote a consistency in decisions that will enhance the protection of refugees and the overall security of Canadians
- increase security and integrity of the data, and
- improve the current IT infrastructure.

\* Although ICMS does not meet the Treasury Board Secretariat definition of a major project for reporting purposes, it represents a significant investment for the IRB.

| <b>Current Estimated Total Cost</b> | <b>Cumulative Spending to March 31, 2004</b> | <b>Forecast Spending 2004-2005</b> | <b>Planned Spending 2005-2006</b> |
|-------------------------------------|--|------------------------------------|-----------------------------------|
| \$33M                               | \$11.3M                                      | \$12.8M                            | \$8.9M                            |

| <b>Planned Activities</b>   | <b>Expected Results and Timelines</b>   |
|---|---|
| <b>Stage 1</b>  |   |
| Release 1: Replacing the current Claim Type Management System and automation of the screening and streamlining activities | More robust system that will improve IRB's case management — <i>implemented in June 2004</i>  |
| Release 2: Research processes   | Increase the effectiveness of the Research processes by the automation of the research requests — <i>Spring 2005</i>  |
| Release 3: Electronic Personal Information Form (PIF)   | Enhance client services by allowing Counsels to send PIF electronically — <i>Spring 2005</i>  |
| Release 4: Automation of the Refugee Protection Division (RPD) processes  | Increase the delivery of the program by automating functions and improving decision making by providing timely, integrated, comprehensive and accurate information on the case — <i>Fall/Winter 2005</i>                        |
| <b>Stage 2</b>  |   |
| Automation of the Immigration Appeal Division (IAD) processes   | Building on Stage 1, development of the various ICMS elements required to provide actual appeal processing and scheduling for the IAD — <i>Fall 2006 — currently under discussion with Treasury Board Secretariat officials</i> |
| <b>Stage 3</b>  |   |
| Automation of the Immigration Division (ID) processes   | Building on Stage 1, development of the various ICMS elements required to provide actual appeal processing and scheduling for the ID — <i>Fall 2006 — currently under discussion with Treasury Board Secretariat officials</i>  |



