



Immigration and Refugee Board



For the
period ending
March 31, 1997



Improved Reporting to Parliament —
Pilot Document

Canada

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

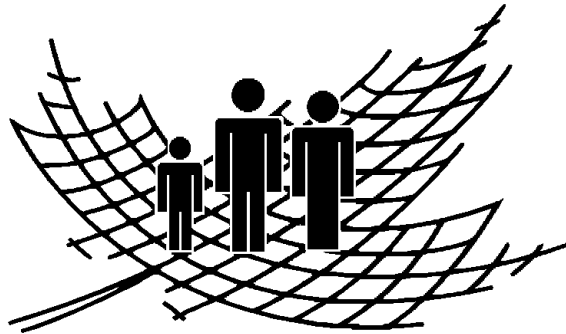
Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
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Immigration and Refugee Board

Performance Report

**For the
period ending
March 31, 1997**

Nurjehan Mawani
Chairperson, Immigration and Refugee Board

Lucienne Robillard
Minister of Citizenship and Immigration

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Section I: Chairperson's message

Our 1997-98 *Report on Plans and Priorities* described 1995-96 as a year of consultation and conceptualization, 1996-97 as a year of consolidation and 1997-98 as the year when we would reap results. I am pleased to report that the Immigration and Refugee Board has made greater strides than anticipated. In addition to being a period where we consolidated our gains and initiatives, 1996-97 has brought significant successes in meeting our commitments to Parliament.

Our most noteworthy achievement in the course of that fiscal year was to reach and exceed "equilibrium" -- the point at which we finalize as many cases as we receive. Since the last two quarters of 1996, we have been finalizing more cases than have been referred to us, and every case completed over and above the equilibrium point is a case removed from our pending inventory.

How did we manage to surpass our productivity forecasts? The credit goes to all Board personnel and to their capacity to adapt to and optimize a number of initiatives designed to increase the efficiency of our processes. As a result, in 1996-97 the Board completed 30 percent more refugee claims and 20 percent more immigration appeals than in 1995-96, despite having less than a full complement of members, significant member turnover, and a reduced budget. It is always a pleasant duty to report that our Adjudication Division has no pending inventory and keeps its workload current in all regional offices.

The present *Performance Report* reviews the measures the Board has implemented to improve its productivity and thus provide its many clients with a higher quality service. You will note that our performance priorities do not preclude less quantitative values such as quality and excellence. I strongly believe that these are the foundations for all Board activities and that only by keeping them in sight can we move forward in the right direction. A new vision statement now guides our steps as we plan our future and develop new ways of working as a team. Our vision is being integrated into everyday operations at every level of the Board and is rapidly becoming an effective instrument in leadership and in promoting excellence in governance.

I am also pleased to report that the Immigration and Refugee Board, through its efforts to develop and promote the use of best practices in every sector of its operations, remains at the forefront of administrative tribunal practices in Canada and internationally. Our leadership in both jurisprudence and operational initiatives is important to Canada and our government, since it opens up avenues for learning and international exchange for everybody.

I am very proud of our collaboration with Citizenship and Immigration Canada aimed at formalizing our cooperative endeavours. This new management coordination process within the immigration portfolio will benefit all parties in Canada's immigration and refugee program, as will the Board's undertakings in 1996-97. We are looking forward to reporting on our performance next year as we anticipate even further dividends on our investments in enhancing and improving our contribution to the immigration system.

Section II: Overview

Mandate, mission, vision and corporate values

Mandate

The mandate of the Immigration and Refugee Board (IRB) is derived from Part IV of the *Act to Amend the Immigration Act* and subsequent related legislation. This Act sought to streamline the processing of refugee claims and, under the *1951 United Nations Convention on the Status of Refugees* and the *1967 Protocol to the Convention* to which Canada is a signatory, to protect people with a well-founded fear of persecution. The Board's mandate includes the role of an independent appeal tribunal for certain immigration decisions. With Bill C-86, which came into force on February 1, 1993, the Board took over responsibility for adjudicating immigration inquiries and detention reviews.

Mission, vision and corporate values

The IRB's mission, vision and corporate values statements are as follows:

Mission statement

The Immigration and Refugee Board is an independent tribunal established by Parliament. Its mission, on behalf of Canadians, is to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly and in accordance with the law.

Vision statement

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.

Corporate values

- *Excellence in delivery*
- *Valuing people*
- *Open, honest, timely communication*
- *Relevant, responsive and accountable management*
- *Working together effectively*

Objective

The Board's program 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 on the Status of Refugees* and the *1967 Protocol to the Convention*. The Board meets this objective by:

- determining claims to Convention refugee status made by persons from within Canada;
- hearing appeals of persons who have been denied admission to or have been ordered removed from Canada, of Canadian citizens and permanent residents whose family members have been refused landing in Canada, and of the Minister regarding an adjudicator's decision to grant admission or not to order removal;
- conducting inquiries involving persons alleged to be inadmissible to or removable from Canada; and
- conducting detention reviews for persons detained for immigration reasons.

Strategic priorities

The Immigration and Refugee Board intended to focus on two major initiatives in 1996-97:

- Excellence in delivery, which included enhancements to the refugee status determination system, use of the team concept and case management to foster consistency, quality, and efficiency in decision making. This initiative had two main objectives: to strengthen the case management process and to improve the processing time of cases in order to manage the IRB's workload within the limits set by available resources.
- Organizational renewal, through a structured process involving a champion of change, a renewal team approach, well-defined goals and timeframes, and broad participation by Board personnel, as well as continued investigation into the feasibility of cost recovery initiatives.

Business lines and organizational structure

Business lines

The Immigration and Refugee Board has four business lines, which correspond exactly to the four Activities identified in the Operational Planning Framework previously used by the IRB for reporting purposes.

- Refugee Determination
- Immigration Appeals
- Inquiries and Detention Reviews (Adjudication)
- Corporate Management and Services

Organizational structure

The Chairperson is the Board's chief executive officer and reports to Parliament through the Minister of Citizenship and Immigration Canada. The Executive Director is responsible for the administration of the Board and functions as the Board's chief operating officer.

The Immigration and Refugee Board has three divisions:

- the Convention Refugee Determination Division (CRDD)
- the Immigration Appeal Division (IAD)
- the Adjudication Division

The Convention Refugee Determination Division deals exclusively with the determination of claims to refugee status made within Canada. Its members are appointed by the Governor in Council for terms of up to seven years. The CRDD's Deputy Chairperson and six Assistant Deputy Chairpersons are also appointed by the Governor in Council.

The Immigration Appeal Division hears appeals against deportation orders and refusal of sponsored applications for permanent residence. IAD members are appointed by the Governor in Council for terms of up to seven years. The IAD's Deputy Chairperson and two Assistant Deputy Chairpersons are also appointed by the Governor in Council.

The Adjudication Division conducts detention reviews and immigration inquiries for categories of people believed to be inadmissible to or removable from Canada. Adjudicators are appointed under the *Public Service Employment Act* and report to the Director General of the Adjudication Division.

The head of each Division reports directly to the Chairperson. All three divisions are supported by staff who report through directors general and directors to the Executive Director. In addition, one member of the Board is designated as the Assistant Deputy Chairperson responsible for the professional development of CRDD and IAD members.

Section III: Performance

A. Performance expectations

Comparison of Total Planned Spending with Actual Expenditures, 1996-97, by category

(millions of dollars)

1996-97 Comparison of Main Estimates¹ with							
<u>Actuals</u>							
Business Line	FTEs	Operating	Capital	Voted Grants and Contributions	Subtotal: Gross Voted Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Refugee Determination	586	41.4	-	-	41.4	-	41.4
	596	41.3	-	-	41.3	-	41.3
Immigration Appeals	73	4.3	-	-	4.3	-	4.3
	70	4.4	-	-	4.4	-	4.4
Inquiries and Detention Reviews	75	6.3	-	-	6.3	-	6.3
	75	4.9	-	-	4.9	-	4.9
Corporate Management and Services	259	24.3	.5	-	24.8	-	24.8
	258	26.3	.5	-	26.8	-	26.8
Total 1996-97 Main Estimates	993	76.3	.5	-	76.8	-	76.8
Total 1996-97 Public Accounts	999	76.9	.5	-	77.4	-	77.4
Cost of services provided by other departments							13.1
							13.8
Net cost of the program							89.9
							91.2

Note: Shaded numbers denote actual expenditures in 1996-97.

1. The IRB received \$1 million through the 1996-97 Supplementary Estimates for the carryforward of 1995-96 funds and a statutory increase of \$.3 million for contributions to employee benefit plans.

Comparison of Total Planned Spending with Actual Expenditures, 1996-97, by Organization and Business Line

Immigration and Refugee Board
1996-97 Main Estimates by Business Line and Organization

1996-97 Main Estimates

	Business Lines				TOTAL
	Immigration Appeals	Refugee Determination	Inquiries and Detention Reviews	Corporate Management & Services	
Organization					
Immigration Appeal Division	3.1				3.1
	2.7				2.7
Refugee Determination Division		18.4			18.4
		23.1			23.1
Adjudication Division			3.7		3.7
			3.7		3.7
Members Professional Development Branch		0.5			0.5
		0.2			0.2
Executive Director ¹	1.2	22.5	2.6	24.8	51.1
	1.7	18.0	1.2	26.8	47.6
TOTAL	4.3	41.4	6.3	24.8	76.8
	4.4	41.3	4.9	26.8	77.4 ²
% of TOTAL	6%	53%	6%	35%	100%

¹ Includes the resources of the Chairperson's Office, the Director of Legal Services, and all support services provided by headquarters and regional offices.

² The IRB received \$1 million through the 1996-97 Supplementary Estimates for the carryforward of 1995-96 and a statutory increase of \$.3 million for the employer's contributions to employee benefit plans.

Note: Shaded numbers denote actual expenditures in 1996-97.

Planned Versus Actual Spending by Business Line

(millions of dollars)	Actuals 1993-94	Actuals 1994-95	Actuals 1995-96	Total Planned 1996-97 ¹	Actuals 1996-97
Business Lines					
Refugee Determination	43.2	47.1	43.4	41.4	41.3
Immigration Appeals	2.6	4.0	4.5	4.3	4.4
Inquiries and Detention Reviews	6.5	6.5	6.5	6.3	4.9
Corporate Management and Services	30.8	19.2	20.6	24.8	26.8
Total	83.2	76.8	75.5	76.8	77.4

1. In addition to its 1996-97 Main Estimates totalling \$76.8 million, the IRB received \$1 million through 1996-97 Supplementary Estimates for the carryforward of 1995-96 funds and a statutory increase of \$.3 million for contributions to employee benefit plans.

Human Resource Requirements by Business Line

(Full-time equivalents, including GICs)	Actual 1994-95	Actual 1995-96	Actual 1996-97
Refugee Determination	630	583	596
Immigration Appeals	52	66	70
Inquiries and Detention Reviews	91	79	75
Corporate Management and Services	263	258	258
	1,036	986	999

Summary of performance expectations

The Immigration and Refugee Board is reporting on performance in 1996-97 in three areas: excellence in the delivery of its services, leadership and innovation in administrative tribunal practices, and excellence in governance. The IRB made the following results commitments which were included in the 1996 Annual Report to Parliament by the President of the Treasury Board.

The Immigration and Refugee Board had a budget of \$76,753,000 in 1996-97	
to provide Canadians with:	to be demonstrated by:
Excellence in the delivery of its services	<ul style="list-style-type: none"> • number of decisions rendered • cost per decision rendered • processing times and age analysis of cases • percentage of IRB decisions set aside by the Federal Court
Leadership and innovation in administrative tribunal practices	<ul style="list-style-type: none"> • enhancements to the refugee determination process • responsiveness to emerging issues • recognition by other organizations and jurisdictions • innovative use of technology • improved case management • consistency in decision making
Excellence in governance	<ul style="list-style-type: none"> • continuous improvement through: <ul style="list-style-type: none"> • organizational renewal • structural consolidation • professional development • cost recovery • effective work relationships with stakeholders (Citizenship and Immigration Canada, non-governmental organizations and other administrative tribunals)

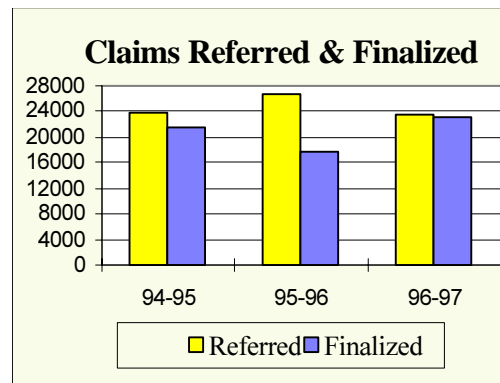
B. Performance accomplishments

EXCELLENCE IN THE DELIVERY OF ITS SERVICES

The Board has established a number of indicators to measure the efficiency and quality of its service delivery. The number of decisions rendered, the average cost per decision and the rate at which decisions are set aside by the Federal Court are monitored for three business lines (Refugee Determination, Immigration Appeals and Inquiries and Detention Reviews) whereas the average processing times for cases finalized and the age of outstanding cases are monitored for the Refugee Determination and Immigration Appeal business lines only. This is because the workload for inquiries is current and the timeframes for detention reviews are dictated by legislation. The performance of the Corporate Management and Services business line is integrated throughout this and the next two sections dealing with accomplishments.

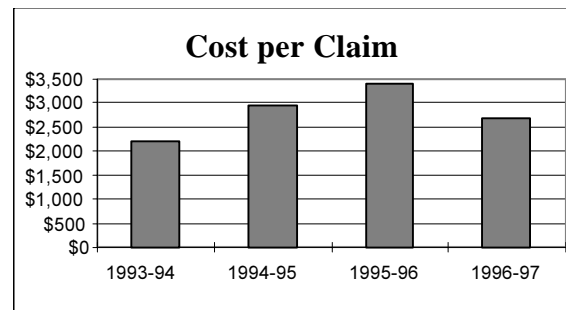
Refugee Determination

During each quarter of 1996-97, the number of refugee claims referred to the CRDD by CIC dropped, while the number of claims finalized went up. By the end of the year, the total number of refugee claims referred to the Division was about 23,500, down more than 10% from 1995-96, while the number of claims finalized stood at over 23,200, up 30% from the previous year. Consequently, the number of claims pending a decision before the Board rose by just 1%, from 28,600 to 28,900 claims.



The large increase in claims finalized was achieved despite a 6% drop in the average member complement from 1995-96. Average productivity per member therefore increased considerably during 1996-97. The Division's goal for 1996-97 was to finalize cases at an annual rate of 165 full hearings per two-member panel, and by the middle of the fiscal year, it had achieved this goal.

The average cost of finalizing a refugee claim went from \$3,392 in 1995-96 to \$2,702 in 1996-97. This decrease is a reflection of the higher productivity achieved by the Refugee Division in 1996-97.

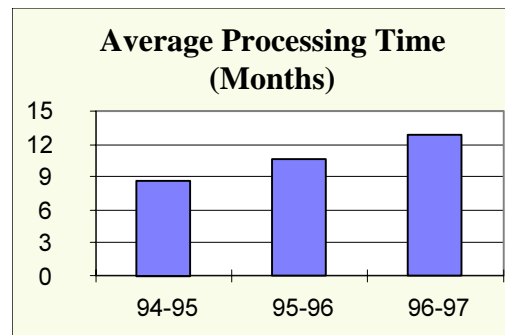


A number of initiatives contributed to this success in increasing productivity and bringing down the cost per claim:

- CRDD members and staff were grouped into case management teams;
- single-member hearings, with consent of the claimant, grew from 9% of all hearings in 1995-96 to 21% in 1996-97;
- the Division focused on reducing the time taken to render a decision and write reasons, after the hearing was completed; and
- claims from particular source countries continued to be given priority and assigned to specialized teams.

An example of this last initiative is the Division's response to a large and sudden influx of claims from Chile: these cases were scheduled on a priority basis, ahead of older cases, and several members were dedicated to hearing and deciding them. These measures proved to be very successful in dealing with the situation, as large numbers of claims were finalized quickly by teams of experts. The initiative did, however, make the claims left in the pending caseload slightly older on average: before the decision to focus on the relatively new Chilean claims, roughly 25% of all claims awaiting a decision were over one year old but, by the end of March 1997, about 35% were over a year old.

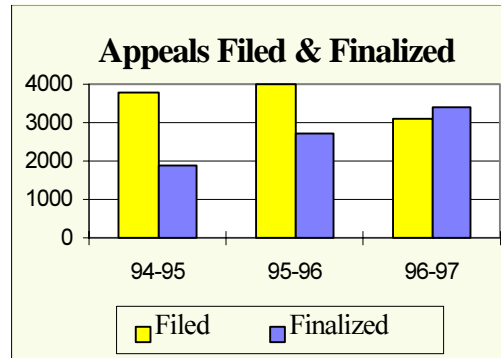
The average processing time for a period is defined as the average age of the claims finalized during that period. The most important factor affecting this measure is the size of the pending caseload: a marked change, upward or downward, in the size of the pending caseload tends to move average processing times in the same direction, 6 to 12 months later. In 1995-96, high intake and low output made the pending caseload grow. As a result, in 1996-97, the average processing time rose to 13 months, up from 11 months the year before and from the 10.5 months estimated in late 1995, when the 1996-97 Main Estimates were prepared. Recent productivity gains will eventually translate into shorter processing times, but only after the pending caseload is reduced. With 182 members working at current intake and productivity levels, average processing times will begin to move down towards the Division's stated goal of eight months.



The Federal Court set aside fewer than 1% of all CRDD decisions in 1996-97, as it had the year before.

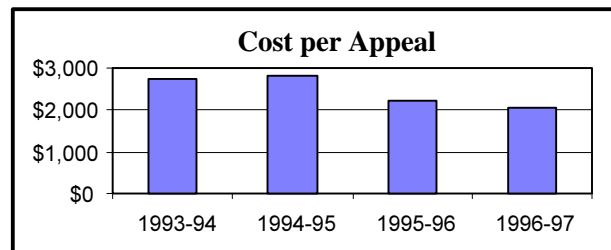
Immigration Appeal

In 1996-97, about 3,100 immigration appeals were filed with the IAD, down more than 20% from the year before. The Division finalized a record 3,400 appeals in 1996-97, up over 20% from the previous year. The combination of lower intake and higher output brought the number of appeals awaiting a decision as of March 31, 1997 down to 5,700 — a drop of 5% over the year.



The marked increase in output was achieved with no increase in resources: in fact, the member time actually available to hear cases in 1996-97 was slightly less than in the previous year due to training time for new members (half of the members were new to the Division in 1996-97). Average productivity per member was, therefore, much higher than in 1995-96.

The average cost of finalizing an appeal dropped from \$2,198 in 1995-96 to \$2,060 in 1996-97 as a result of the increase in productivity in the Immigration Appeal Division.



The IAD took a number of steps to manage its caseload more efficiently and increase its output and productivity:

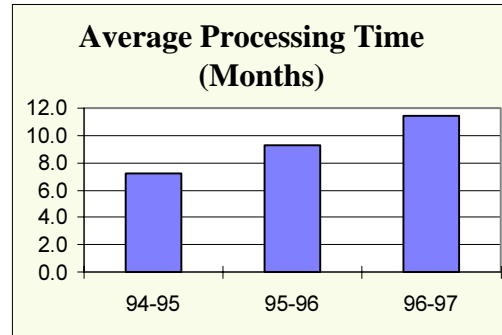
- it focused on purging the inventory of cases that could be finalized quickly, often outside the hearing room;
- it made more use of alternative dispute resolution mechanisms to resolve cases without a hearing where possible;
- it used pre-hearing conferences more often, to narrow down those issues that must be dealt with in the hearing room;
- more decisions were rendered orally at the end of the hearing, rather than reserved until a later date.

A final factor that led to increased output was the implementation of Bill C-44 in July 1995. It limited the jurisdiction of the IAD to hear appeals against removal orders. This resulted in many such appeals being dismissed or abandoned in 1996-97.

Not only were output and productivity up but, also, the average age of pending appeals was down. Among “active” appeals, the ones that the Division could work on because it had received a record, there were fewer older cases: at the beginning of the year, 30% of active appeals were over one year old; by the end of the year, only 20% were over one year old. The Division’s success in finalizing more appeals led to this drop in older cases.

The IAD finalized an exceptionally large number of older cases in 1996-97 by:

- working through the unexpected surge in appeals filed between January and September 1995;
- taking active steps, as mentioned above, to purge its inventory of many older cases;
- dismissing or declaring abandoned many older cases as a result of Bill C-44.



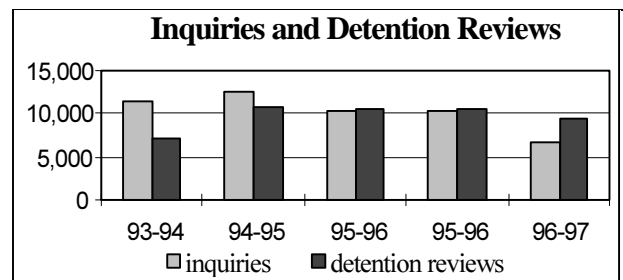
Finalizing so many older cases did, however, increase average processing time--which is the average age of the appeals finalized in a given period. Appeals finalized in 1996-97 were, on average, more than 11 months old from receipt of the appeal record. This was up from approximately 9 months in 1995-96, and from the 8-month estimate made in late 1995 for the 1996-97 Estimates.

If efficiency remains high in the coming months, processing times should start to come down as the Division deals with a somewhat younger caseload. The IAD is seeking a full complement of 30 members for 1997-98 in order to bring down processing times and meet its commitments as quickly as possible.

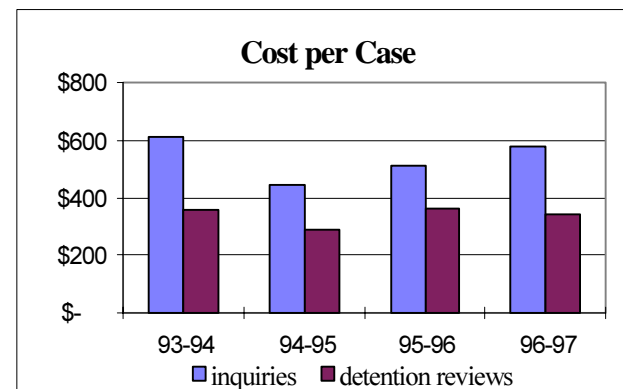
In 1996-97, as in previous years, the Federal Court set aside under 1% of all IAD decisions.

Inquiries and Detention Reviews (Adjudication)

The Adjudication Division concluded 6,754 inquiries and 9,356 detention reviews for a total of 16,110 decisions in 1996-97. This represents a decrease in workload of roughly 22%. The cost of conducting inquiries increased from \$509 in 1995-96 to \$579 in 1996-97, but decreased slightly for detention reviews, from \$362 in 1995-96 to \$342 in 1996-97. Significant adjustments in resources dedicated to this activity will be made in 1997-98 to reflect this continuing decrease in workload from 1994-95 levels, resulting from the implementation of Bill C-44 in July 1995. The number of adjudicators decreased from 45 in 1994-95 to 39 in 1995-96, and to 38 in 1996-97.



The quality of decisions made in the Division continued to be high. One measure of this quality is that in 1996-97, the Federal Court overturned only .02 % of all decisions rendered in that year.



There is no inventory of cases in the Division and the workload is current in all regions.

LEADERSHIP AND INNOVATION IN ADMINISTRATIVE TRIBUNAL PRACTICES

The Immigration and Refugee Board strives to be innovative in the way it carries out its mandate as an administrative tribunal. In 1996-97, it maintained its tradition of developing leading-edge initiatives and practices that improve its procedures and processes and enable it to share its best practices with other administrative tribunals.

Enhancements to the refugee status determination process

Case management teams: Personnel directly involved in the hearing process became members of case management teams (CMTs) and now increasingly manage their own workload. Case management has also allowed for the country specialization of CMTs, a corollary initiative that has contributed much to the Board's capacity to respond to sudden influxes of claimants from specific source countries. After the launch of the case management concept in 1995-96, all regional offices adapted it to their own requirements, which led to a variety of structures and practices. Throughout 1996-97, best practices were identified, shared and encouraged. CMTs have contributed significantly to the increase in productivity in 1996-97 and into 1997-98 by making possible, among other things, new creative scheduling practices, better case preparation, more efficient hearings and higher quality decisions.

Single-member panels: The Refugee Division completed 21% of its hearings in 1996-97 before single-member panels with claimants' consent, which is provided for in the *Act*. The increased use of single-member panels contributed to the Board's productivity gains.

Other initiatives: Various initiatives were designed in 1996-97 to further enhance the refugee status determination process. A "just-in-time" scheduling project was developed for the Montréal regional office whereby all claims referred were scheduled to be processed within six months; the Toronto regional office examined the possibility of batching its cases to refer a fixed number of hearings to specific hearing units; and the Vancouver regional office looked into intake interviews as a means of identifying hearing processes and issues.

Responsiveness to emerging issues

Management of the influx of Chilean claimants: Sudden influxes of claimants considerably tax the resources and practices of the Board. The unforeseen arrival of great numbers of Chilean nationals, which began in August 1995 with the removal of the visa requirement for that country, developed into an unprecedented challenge for the Board. To both maintain the efficiency of its operations and deal fairly with the claimants, the IRB undertook several initiatives that included temporarily setting aside its scheduling principle of "first in, first out" to schedule all cases from Chile on a priority basis, and dedicating resources, including part-time members, to the processing of Chilean claims. By July 1996, following the reinstatement of the visa requirement, the number of Chilean arrivals became negligible. In 1996-97, 2,247 claims from Chile were finalized and, by March 1997, the number of pending claims from Chile had been reduced to 1,127 claims. Several members are still dedicated to these claims.

Legislative review: The IRB has been an active contributor to the research and analysis activities of the Immigration Legislative Review Advisory Group (ILRAG), mandated by the Minister of Citizenship and Immigration in November 1996 to examine the suitability of current immigration and refugee legislation and policy.

In support of this important and timely initiative, the IRB has provided extensive information and background research to ILRAG. Areas of in-depth research and analysis have included a review of decision-making functions within the IRB's mandate; safeguards to the integrity of the refugee determination process; the possibility of an internal review process; and grounds of refusal and discretionary jurisdiction for sponsorship appeals.

Chairperson's guidelines: The Chairperson has the legislative authority to issue guidelines which, while not binding on decision makers, present a recommended approach in examining complex issues of national importance, when emerging issues arise or when an ambiguity in the law needs to be resolved, to ensure consistent and fair decision making.

In its report on plans for 1996-97 (1996-97 Estimates - Part III Expenditure Plan), the Board indicated that it intended to develop guidelines on three matters. First, an update to the *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, originally published in March 1993, was issued on November 25, 1996. The update was necessary because of a Supreme Court of Canada decision bearing directly on issues related to refugee status and because of the experience that the Board had acquired with regard to this type of claim since the publication of the original guidelines.

Second, the Board published the *Guidelines on Civilian Non-Combatants Fearing Persecution in Civil War Situations* in March 1996 to guide the Refugee Division when dealing with these claims.

Finally, in August 1996, the Board issued guidelines concerning the specific needs of a special group of refugee claimants—namely, the *Guidelines on Child Refugee Claimants*. These guidelines, among other things, assist unaccompanied children who file refugee claims and contribute to reducing the stress suffered by this vulnerable claimant group.

Commentaries: The issue of undocumented and improperly documented claimants was a concern for the Board during 1996-97. Often, people fearing persecution have to flee their countries of nationality without documentation and are forced to travel using false papers. Also, there are those individuals who are subject to extortion by criminals in their efforts to flee. Finally, there are those who deliberately withhold their documents because of bad advice from “agents”, or as an attempt to take advantage of the system.

To address this issue, the Board issued a *Commentary on Undocumented and Improperly Documented Claimants* in March 1997, as well as a practice notice on the processing of such claims to the legal community and to refugee advocacy groups. The Commentary deals with credibility inferences that may be drawn when claimants destroy or dispose of identity documents

without valid reason or pursue a claim using false documentation. The Commentary also addresses the issue of the burden of proof that rests with the claimant to establish identity.

International recognition

IRB guidelines: Internationally, the Canadian guidelines have been well received. In particular, the United Nations High Commissioner for Refugees, following the issuing of the first Canadian guidelines on women refugee claimants, persuaded 19 member countries to adopt an approach to gender-related persecution that is based on the Canadian approach. The United States and Australia adopted guidelines similar to the Canadian guidelines. Other countries, including the United Kingdom, are considering doing likewise. In addition, the Board was very pleased to learn that its *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* were going to be translated into German. In June 1996, the Chairperson of the Board was invited to speak about Canadian guidelines at the U.S. Immigration Judges' National Conference in Washington. She also spoke at the Seminar on Women and Asylum in Copenhagen, Denmark, in March 1997, which attracted academics, NGO's, government participants and lawyers from the Nordic countries.

International associations: The Board and the Federal Court of Canada will be co-chairing the next international conference of the International Association of Refugee Law Judges (IARLJ), in Ottawa, in the fall of 1998. This organization is a voluntary association of judges and quasi-judicial decision makers who are called upon to interpret issues of refugee law and procedure. Its main purposes are to foster an understanding, among judges, of the obligations created by the *United Nations Convention on the Status of Refugees*, and to encourage the use of the judicial process to adjudicate the rights of asylum seekers. The IARLJ has the support of the United Nations High Commissioner for Refugees.

In addition, the Board works closely with the following organizations:

- the United Nations High Commissioner for Refugees
- the Pacific Rim Group of Refugee Determination Systems
- the Resource Information Centre of the U.S. Immigration and Naturalization Service
- the Country Information Service of the Australian Department of Immigration and Multicultural Affairs
- the sub-group titled "Country of Origin Experts" of the Inter-Governmental Consultation Group
- the International Documentation Refugee Network and Canada/U.S. Human Rights Information and Documentation Network.

Innovative use of technology

Internet Web site: In 1996-97, the IRB undertook to develop its own World Wide Web site on the Internet (www.irb.gc.ca), which was launched on April 1, 1997. The site makes general and program information concerning the IRB and its exhaustive research and legal databases more

widely available to Canadian and international publics and in particular to the Board's clients and stakeholders. The site is updated on a continuous basis, thereby providing more accurate and timely information to Internet users.

SHARENet: Information is the foundation of the Board's work and the IRB is committed to preserving its information holdings by investing in the appropriate information systems. In 1996, a new IRB information management system (SHARENet) was introduced to provide personnel with desktop access to information published or managed by the Board. SHARENet is growing at a rapid rate and current developments include electronic media monitoring and the development of region-specific information.

Consistency in decision making

The IRB is committed to increasing the Board's consistency in decision making.

It does so by strengthening the monitoring of its performance with respect to variances in decision making, gathering information on situations where differences in decision making have been observed and ensuring a thorough discussion of that information among its decision makers. The Board's policy of requiring members to provide written reasons for positive decisions in certain cases is one means of gathering this information. Greater consistency also results from members sharing their understanding of country conditions, documentary evidence, legal and factual issues, and applicable jurisprudence.

Board-wide sessions on country conditions have also been organized to brief personnel when a need for additional expert information on a source country has been established. Sessions on Somalia and India were held in February 1996 and January 1997 respectively.

Improved case management

Strategies: The enhancements to the refugee status determination process had a significant impact on case management within the Refugee Division resulting in higher productivity. The Appeal Division adopted the case management approach to reduce processing times for appeals and enhance their efficient disposition. Planning and development of the IAD case management strategy was assigned to a working group within the Division consisting of personnel from all IRB regional offices.

In 1996-97, the working group conducted a thorough review of Appeal Division processes and proposed the following changes or innovations in the handling of appeals:

- a comprehensive series of time standards for processing appeals;
- a computer-based tracking system to monitor adherence to the above time standards;
- the creation of a case management group in each region to troubleshoot on individual cases which exceed the time standards;

- a work simplification exercise to be undertaken in the Registry of each region in order to streamline file handling;
- a new approach to scheduling cases through a Practice Notice and the increased use of assignment courts;
- the development of a Practice Notice on Postponements and Adjournments to clarify the expectations of the Division in this area for users of the appeal system; and
- the development of enforcement mechanisms to ensure that sponsorship appeal records are produced by CIC in accordance with proposed amendments to the Appeal Division Rules as soon as these come into force.

Internal and external consultations, management examination of these proposals, and eventual implementation will follow in 1997-98.

Changes to the Rules of the three divisions: The Board endeavours to strike a balance between the effectiveness of its processes in its three divisions and the interests of the parties appearing before it. For that reason, it proceeded with extensive consultations, which led to the *Rules Amending the Immigration Appeal Division Rules*, which came into force in August 1997. With regard to the Refugee Division and the Adjudication Division, the Board has undertaken the regulatory amendment process and will prepublish its amendment proposals in the *Canada Gazette* during the 1997-98 fiscal year. The amendments to the rules of the Board's three divisions aim to simplify and clarify the procedures. They also improve the effectiveness and integrity of the processes.

EXCELLENCE IN GOVERNANCE

Organizational renewal

The Immigration and Refugee Board remains committed to excellence in the governance of its resources, both human and financial. To this end, the Board created a renewal team in 1996-97 which concentrated on working in partnership with the IRB's executive management committee to facilitate, coordinate and monitor efforts at all levels of the organization to develop statements on the Board's mission, vision and corporate values, and to integrate them into everyday operations. The renewal team also participated in the development of productivity enhancement initiatives, coordinated the "managing the workforce" concept that was designed to provide managers with options and flexibility in meeting their workload challenges, and was assigned a videoconferencing project. Other renewal team projects included participation in the planning phase of the regional realignment for service delivery (RASD) project and the integration of two registry units in Toronto.

As part of its organizational renewal initiative, the IRB continues to explore ways to create a structure with fewer management layers, to promote an orientation to client needs and to foster a team approach to service delivery.

Professional development

Training is crucial to an organization that earns the confidence of the public through the integrity and quality of its decision making. The Board has an Assistant Deputy Chairperson whose responsibility is the training and professional development of Board members. In 1996-97, all members of the Board continued to attend an educational program one day per month that included workshops on substantive or procedural topics, round-table discussions on common issues arising from cases, and jurisprudence updates by the IRB's legal advisers.

Given the relatively short mandates of IRB members and the resulting high turnover rates, the Board has and will continue to invest significantly in new-member training, which now includes more hands-on workshops and a six-month follow-up training program on both legal issues and presiding skills. A train-the-trainers session, held for IRB personnel, has reduced the need for external trainers and added to the program's cost effectiveness.

In order to deal with the pending caseload and productivity concerns of the Refugee Division, the time allocated to the ongoing professional development of members was reduced by one-third in the fall of 1996 and the program reorganized to focus on activities having a direct bearing on the hearing and deciding of cases. The new guidelines on child refugee claimants, the updated gender guidelines, and the issue of domestic violence formed an important part of the national training agenda of the Refugee Division.

Effective partnerships

Consultative Committee on Practices and Procedures (CCPP): The Consultative Committee on Practices and Procedures (CCPP) was created in 1994 to allow for more systematic communications between the IRB and the stakeholders and agencies interested in its activities. It is made up of representatives from key NGO's, the Canadian Bar Association, the United Nations High Commissioner for Refugees and IRB senior management.

The CCPP's mandate is to comment on the practices and procedures of the three divisions, assess progress made in solving problems, examine important administrative issues that affect various stakeholders, and discuss any other relevant matters. The CCPP ensures that communications are maintained between the IRB and the stakeholders so that all parties are aware of any problems and can work toward finding solutions.

The CCPP meets at least twice a year. The last meeting was held on April 18, 1997 and the next will take place on November 7, 1997.

Administrative Framework Agreement (AFA): The IRB is committed to playing its part in the government's objective of portfolio management. The interaction of government agencies and tribunals with departments which are involved in the same area of public policy or which share the same reporting line to Parliament creates horizontal linkages which favour the orderly management of elements of the same portfolio. Although the IRB and Citizenship and

Immigration Canada (CIC) are independent federal government institutions, they share a common commitment to realizing the goals of the Canadian immigration program.

In this context, the IRB negotiated an Administrative Framework Agreement (AFA) with CIC which was signed on December 13, 1996. The AFA is intended to increase information sharing and cooperation in order to enhance administrative efficiency, clarify respective roles, share best practices, improve service to the public, and establish effective lines of communication.

The AFA provides for the subsequent negotiation of specific subagreements by technical and functional experts on new procedures for the processing of family-class sponsorship appeals, guidelines for office location and facilities, availability of videoconferencing technology, information-sharing with electronic interface of operational systems and databases, and processes for coordinating established priorities and priority-scheduling. As of March 31, 1997, new sponsorship appeal procedures were introduced and negotiations on the other topics were well under way.

Working groups with the legal community: The Board participates in meetings with the Legal Aid Plan of Ontario twice a year to discuss the impact of Board operations and procedures on the legal aid tariff structure and vice versa. The Board is interested in establishing similar regular meetings with officials responsible for legal plans in other provinces where the Board has offices.

At the regional level, local management officials communicate on a regular basis with local bar associations and local NGOs concerning Board practices and related issues. The Board is very satisfied with the effectiveness of its ongoing consultations with local bar associations in addressing issues and dealing with problems of mutual interest in a timely manner, and it intends to strengthen its consultation process with NGOs.

Cost recovery: The IRB obtained approval of its initiatives in this area in 1996-97 from the Minister of Citizenship and Immigration. A working group of officials from CIC and IRB has met to discuss how a fee for immigration appeals might be linked with other initiatives currently under examination in the Immigration Appeal Division.

Section IV: Supplementary Information

Appendix A: Other reports published by the IRB

Appendix B: Authorities for 1996-97 - Part II of the Estimates

Appendix C: Legislation Administered by the Immigration and Refugee Board

Appendix D: References

Other reports produced by the Immigration and Refugee Board:

Performance Report for the period ending March 31, 1996

1996-97 Part III of the Estimates - Expenditure Plan

1996-97 Departmental Outlook

1997-98 Report on Plans and Priorities

Authorities for 1996-97 - Part II of the Estimates**Financial Requirements by Authority (millions of dollars)**

Vote	1996-97 Main Estimates	1996-97 Actual Expenditures ¹
Immigration and Refugee Board		
15 Program Expenditures	68.7	69.0
(S) Contributions to employee benefit plans	8.1	8.4
Total Agency	76.8	77.4

1. The IRB received \$1 million through 1996-97 Supplementary Estimates for the carryforward of 1995-96 funds and a statutory increase of \$.3 million for contributions to employee benefit plans.

Legislation Administered By the Immigration and Refugee Board

<i>Immigration Act</i>	R.S.C. 1985 (4th Sup.), c.28, as amended
<i>Convention Refugee Determination Division Rules</i>	SOR/93-45
<i>Adjudication Division Rules</i>	SOR/93-47
<i>Immigration Appeal Division Rules</i>	SOR/93-46, as amended

References

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