



Immigration and Refugee Board

Performance Report

For the period ending
March 31, 1998

Canada

Improved Reporting to Parliament Pilot Document

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

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

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

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *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*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

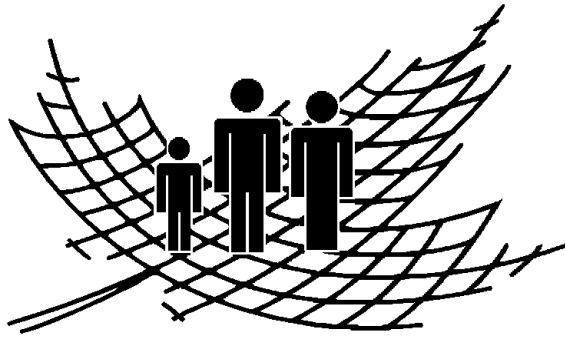
Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
<http://www.tbs-sct.gc.ca/tb/key.html>

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Immigration and Refugee Board

Performance Report

**For the
period ending
March 31, 1998**

Lucienne Robillard
Minister of Citizenship and Immigration

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Chart of Key Results Commitments

Immigration and Refugee Board (IRB)

has a budget of

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



1

Chairperson's Message

I am pleased to submit to Parliament the 1997-98 Performance Report for the Immigration and Refugee Board.

The Board is the largest administrative tribunal in Canada, and each year its three divisions—the Convention Refugee Determination Division, the Immigration Appeal Division, and the Adjudication Division—render more than 40,000 decisions which affect the lives, security and liberty of individuals, and the public interest.

Productivity has been steadily improving in our Immigration Appeal Division. In 1997-98, the Division finalized 20% more appeals than in 1996-97 and 60% more than in 1995-96. Once again, the Adjudication Division finished the fiscal year with its workload current in all regions and no pending inventory of cases.



Although all three divisions performed remarkably well during 1997-98, the year marked an important turning point for our Refugee Division. During the year, the Division succeeded in reducing its average case processing time and the size of its pending inventory, while maintaining the high quality of its decisions. These results confirm that we are well on our way to meeting our commitments to Parliament, and realizing our vision of being a leading-edge administrative tribunal that deals simply, quickly and fairly with everyone.

The good news continues, with productivity figures for the first three months of 1998-99 showing that we have maintained and increased the momentum established in 1997-98. Between April and June, the Board finalized the highest number of refugee claims in a three-month period in more than four years—a noteworthy achievement.

Although our reporting to Parliament has traditionally focused on numbers, we can never forget that behind each case there is a person waiting for a decision. Our challenge has been to find ways to reach decisions more quickly, without compromising the quality of our decisions. Credit for the dramatic improvement in our productivity goes to Board personnel and to case management initiatives that have increased the efficiency of our processes. Most significantly, we are now rendering 40% of decisions orally at the end of hearings. This shift represents a significant cultural change for the Board, and is proof of our determination to be on the leading edge of administrative tribunal practices.



On March 12, 1998, I issued the Guidelines on Detention, the fourth set of Chairperson's Guidelines issued since the Board was created in 1989, and another example of our leading edge practices. Our adjudicators make close to 9,000 detention decisions a year. In making these decisions, they must balance the need to protect the health, safety and good order of Canadian society against the principle that detention is an exceptional restraining measure in our society. The Guidelines will ensure that the decision-making process for detention reviews is more transparent, consistent, and fair.

Further evidence of our innovation is our pilot project to test the usefulness of Alternative Dispute Resolution (ADR) techniques in resolving sponsorship appeals. The purpose of ADR is to resolve cases through negotiation and mediation to avoid the expense and delay of a formal hearing. The pilot project will allow us to determine if ADR is a technique that will help us to better serve Canadians.

Throughout 1997-98, the Board continued developing and nurturing partnerships both within Canada and internationally. This year, we are honoured to be co-hosting with the Federal Court of Canada the annual conference of the International Association of Refugee Law Judges in October. This conference is an essential forum for sharing information and building links among the international community of decision-makers who deal with asylum and refugee issues.

Canadians deserve to have confidence in the fairness, integrity and efficiency of our immigration and refugee system. As we approach the 10th anniversary of the Board, we will continue to work with our partners to fulfill our mandate and build on the progress we have made in improving our performance.

Nurjehan Mawani, Chairperson

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Overview

Mandate

The Immigration and Refugee Board's mandate is contained in Part IV of the *Immigration Act*. This Act provides a process for refugee determinations in order to protect Convention refugees (Canada is a signatory of the 1951 *United Nations Convention on the Status of Refugees* and the 1967 *Protocol to the Convention*). The Board's mandate includes its role as an independent appeal tribunal for certain immigration decisions. The Board also adjudicates immigration inquiries and detention reviews.

Mission

The Immigration and Refugee Board is an independent administrative tribunal with quasi-judicial functions. 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

The IRB's vision statement is:

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

Operating Environment

The public is demanding more transparency and accountability of its institutions. This, in turn, has led to new and expanded accountability requirements imposed by the Treasury Board, by Parliamentary Committees, and by the Auditor General. The Board has a responsibility both to Parliament and to Canadians to operate efficiently and in a businesslike manner.

During the last year, a report by the Auditor General, two Standing Committee reports, and one advisory group report have assessed the framework in which

the IRB operates.

In December 1997, the Auditor General of Canada published a value-for-money audit of the processing of refugee claims made in Canada called *Chapter 25: Citizenship and Immigration Canada and Immigration and Refugee Board – The Processing of Refugee Claims*. In January 1998, an independent advisory group submitted to the Minister of Citizenship and Immigration *Not Just Numbers – A Canadian Framework For Future Immigration*, a comprehensive review of the entire immigration and refugee system, including recommendations to guide and update future immigration and refugee legislation. Furthermore, in May 1998, the Public Accounts Committee reported on the Auditor General's recommendations, and in June 1998, the Standing Committee on Citizenship and Immigration released its report on Immigration Detention and Removal.

The publication of these four reports, coupled with the possibility that the Government may wish to consider other initiatives, has heightened awareness over the future of the Canadian immigration and refugee system.

External Influences

In the Auditor General of Canada's report to the House of Commons, he noted that "Internally, the circumstances and origins of persons seeking asylum are in a constant state of flux. Ever-increasing numbers of people are fleeing ethnic, political and religious conflict. In 1995, the United Nations High Commissioner for Refugees estimated that 14.5 million refugees crossed an international border and received asylum in another country."

He also noted that "complexities of migration add to the challenges for the receiving countries, who must grant protection to the refugees while safeguarding the interests of their own nationals and the integrity of their immigration programs."

Objective

The Board's objective is to meet Canada's immigration and refugee related obligations as defined in the *Immigration Act* and as a signatory to the *1951 United Nations Convention on the Status of Refugees* and the *1967 Protocol to the Convention*. It does this by:

- determining claims to Convention refugee status made by persons within Canada;
- hearing appeals of certain persons who have been denied admission to or have been ordered removed from Canada;
- hearing appeals from Canadian citizens and permanent residents whose

- family members have been refused permanent resident status in Canada;
- hearing appeals from the Minister;
- 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 Board had three main priorities for the reporting period. They were:

- to improve the processing time for cases and reduce the number of claims in the pending inventory;
- to strengthen the case management process;
- to consolidate changes to the refugee status determination system.

Organization

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

The Immigration and Refugee Board has three divisions: the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD), and the Adjudication Division.

- The CRDD deals exclusively with the determination of claims to refugee status made within Canada. Its members are appointed by the Governor in Council. They report to a Deputy Chairperson (also appointed by Governor in Council) within the division.
- The IAD hears appeals against deportation orders and refusal of sponsored applications for permanent residence. The members of the IAD are also appointed by the Governor in Council and report to a Deputy Chairperson (appointed by Governor in Council) within the division.
- The Adjudication Division conducts detention reviews and immigration inquiries for certain categories of people believed to be inadmissible or removable from Canada. The employees of this division 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 professional development and reports directly to the Chairperson.

Business Line Structure

Treasury Board approved a Planning, Reporting and Accountability Structure (PRAS) effective April 1, 1998 dividing the Board's program into four business lines:

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

The latter, Corporate Management and Services, supports the other three business lines.

Prior to approval of the most recent PRAS, the same business line/activity structure prevailed over the reporting period.

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Departmental Performance

Performance Accomplishments by Business Line

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

The mission of the Immigration and Refugee Board is to make well-reasoned decisions on immigration matters, efficiently, fairly, and in accordance with the law. We are committed to streamlining and reforming our processes to improve our delivery time, without sacrificing the quality of decisions.

Fiscal year 1997-98 marked a turning point for the Immigration and Refugee Board. Production was higher than it has been in several years, the size of the pending inventory was reduced, costs per claim/appeal dropped, as did average processing time. Most importantly, the Board accomplished these while maintaining the high quality of its decisions.

In this section, we outline 1997-98 performance accomplishments for the Refugee Division, the Immigration Appeal Division, and the Adjudication Division. We used several performance measures, including the number of cases finalized, processing times, cost per case, the age and size of the inventory, consistency in decision-making and the number of decisions set aside by the Federal Court to report on the results achieved.

Refugee Determination

1997-98 Actual Expenditures	\$43,457,000
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Claims finalized

In 1997-98, the Refugee Division finalized 25,100 claims. This figure represents an increase of almost 10% over 1996-97 and 40% over 1995-96.

Between April and June 1998, claims finalized rose to 7,800 - the highest number of claims finalized during a three-month period in more than four years.

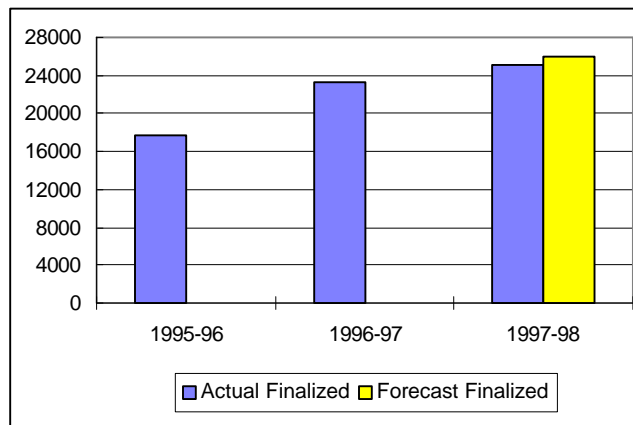


Figure 1 - Number of Claims Finalized

Size of the pending inventory

Over the last few years, the size of the Refugee Division's pending inventory has grown steadily. During 1997-98, the Board made a major breakthrough by reversing this trend. The Division finalized more claims than it received, and was consequently able to reduce the size of its pending inventory by 2,000 claims.

Increased productivity, combined with a drop in intake, has resulted in a significant reduction in the size of our pending caseload. During the first quarter of 1998-99, we reduced our inventory further by almost 3,000 claims.

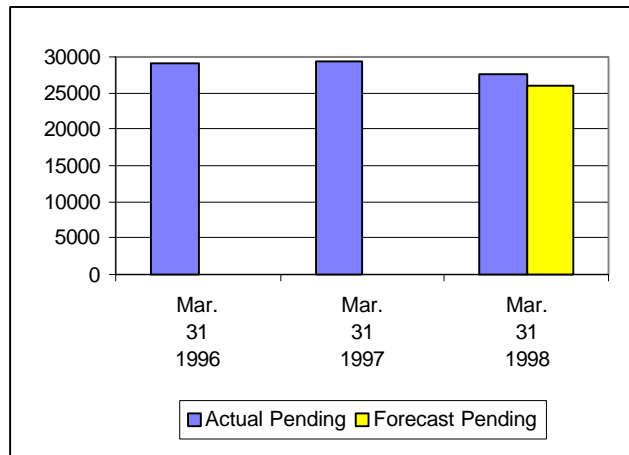


Figure 2 - Size of the Pending Inventory

The goal of the Refugee Division is to reduce the pending inventory to about 18,000 claims.

Age of the pending inventory

The pending inventory of claims not only grew smaller in 1997-98, it is now composed of more recent cases, as the reduction was in the number of older claims. During 1997-98, the number of claims with the Refugee Division for over nine months dropped by 2,700.

Cost per claim

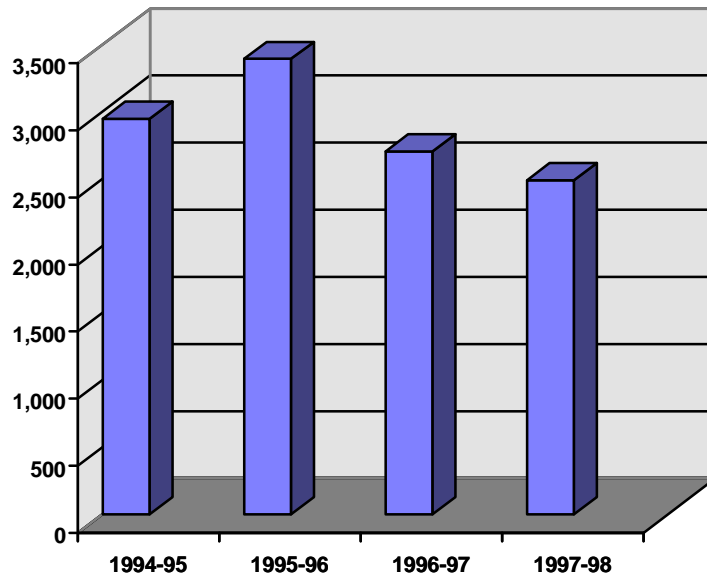


Figure 3 - Cost per Claim

For the third consecutive year, cost per claim decreased: the average cost per claim went from \$2,702 in 1996-97 down to \$2,489 in 1997-98. This

decrease is a reflection of the higher productivity of the Refugee Division in 1997-98.

Average processing time

In 1997-98, the Refugee Division reversed the trend of increasing processing times. In the first half of 1997-98, processing time peaked at 13.5 months. By the end of the year, it was down by a month to 12.5 months. The Division's goal is to reduce its average processing time to less than eight months by March 31, 2000.

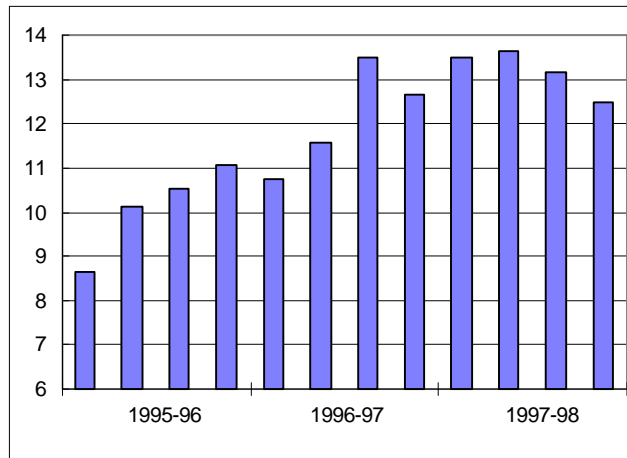


Figure 4 - Months from Referral to Finalization

Decisions set aside by the Federal Court

It takes about 12 to 15 months for the Federal Court to complete judicial reviews of Refugee Division decisions. Thus, it is too early to say how many decisions rendered in 1997-98 will be set aside by the Court. In the three most recent years where figures are available, 1% or less of decisions were set aside.

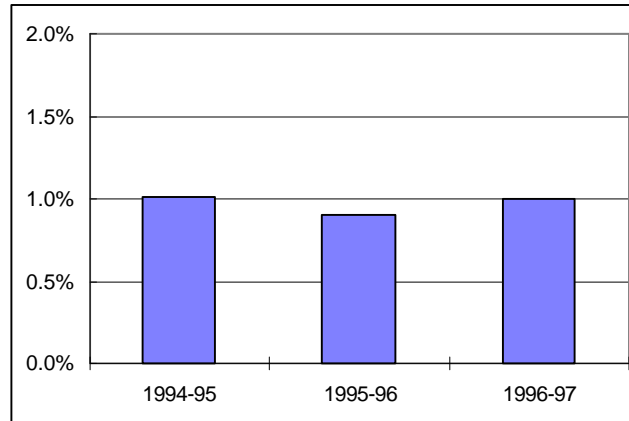


Figure 5 - Percentage of Decisions Set Aside by the Federal Court

For more information on judicial review, see Appendix A.

A consistent approach to decision-making

To promote consistent decision-making, the Refugee Division:

- requires written reasons for positive decisions involving countries where there is a wide and unexplained variance in decisions;
- has cross-Canada networks of members and refugee claim officers who deal with claims from the same countries;
- gives training to members and refugee claim officers, with special conferences on conditions in specific countries;
- is working to ensure that the same documentation is given to decision-makers across Canada.

The Immigration and Refugee Board will be establishing quality-related performance indicators to measure consistency in decisions and procedures.

Immigration Appeals

1997-98 Actual Expenditures	\$4,506,000
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Appeals finalized

In 1997-98, the Appeal Division finalized 4,200 appeals—over 20% more than the number finalized in 1996-97, and almost 60% more than in 1995-96.

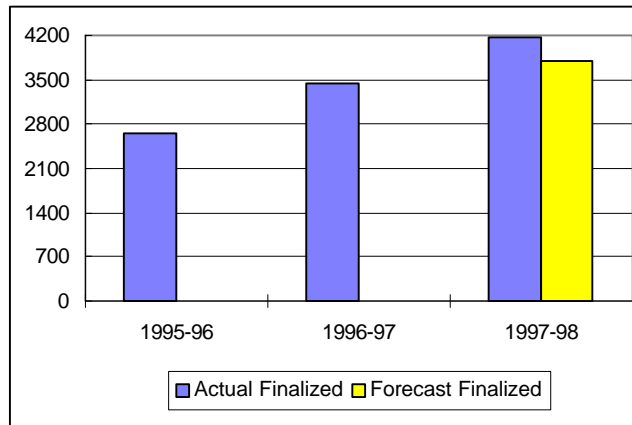


Figure 6 - Number of Appeals Finalized

Size of the pending inventory

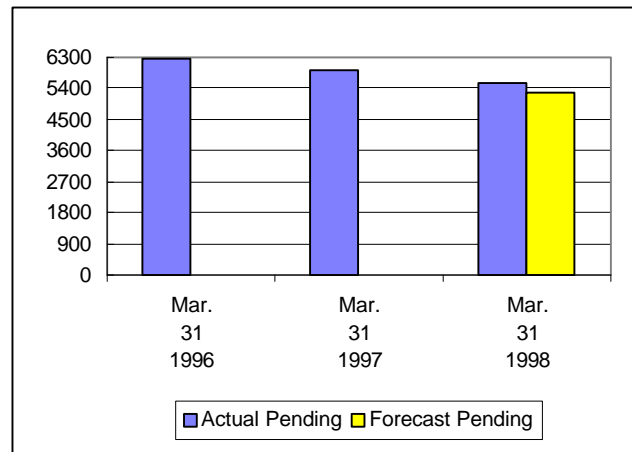


Figure 7 - Size of the Pending Inventory

The number of appeals waiting to be finalized peaked at 6,250 at the end of 1995-96, and has come down 5% per year since then, to reach 5,550 at the end 1997-98. Last year, there was a significant increase of new appeals filed with the Division. However, the record number of appeals finalized allowed the Division to reduce its pending inventory.

Age of the pending inventory

The average age of the pending inventory is decreasing. The total number of appeals pending decreased by almost 400 during 1997-98, and half of this reduction represents cases that were over nine months old.

Cost per appeal

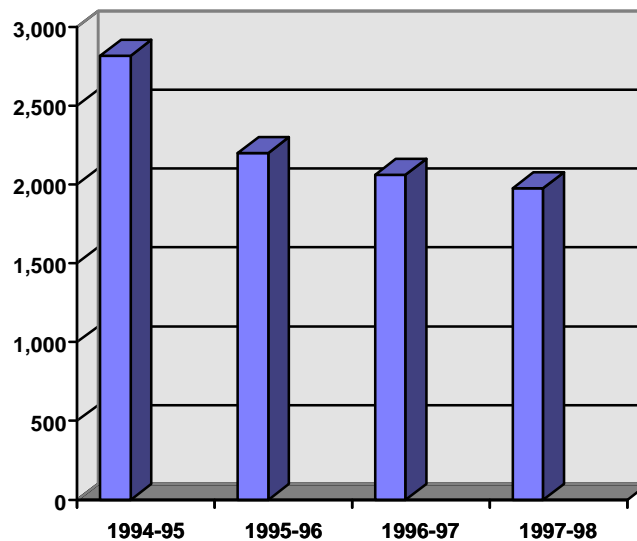


Figure 8 - Cost per Appeal

For the third straight year, cost per appeal dropped, from \$2,060 in 1996-97 to \$1,975 in 1997-98 as a result of the increase in productivity in the Appeal Division.

Average processing time

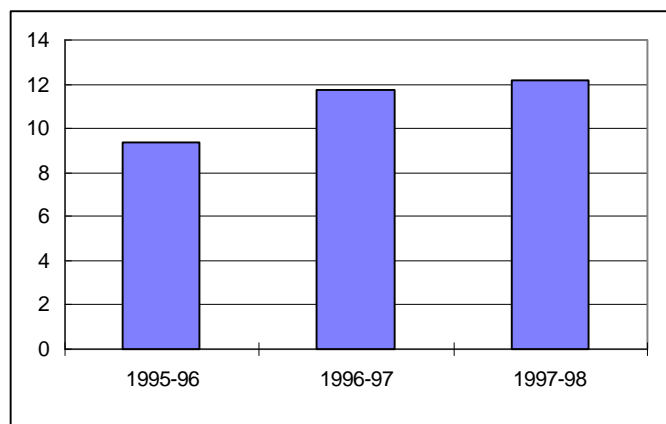


Figure 9 - Months from Receipt of Record to Finalization

Since March 1996, the Appeal Division has been

finalizing more appeals than it has been receiving, and the size of the pending inventory has been decreasing. As a result, processing time should begin to drop in 1998-99, and should reach the Division's goal of less than nine months by March 2000.

Decisions set aside by the Federal Court

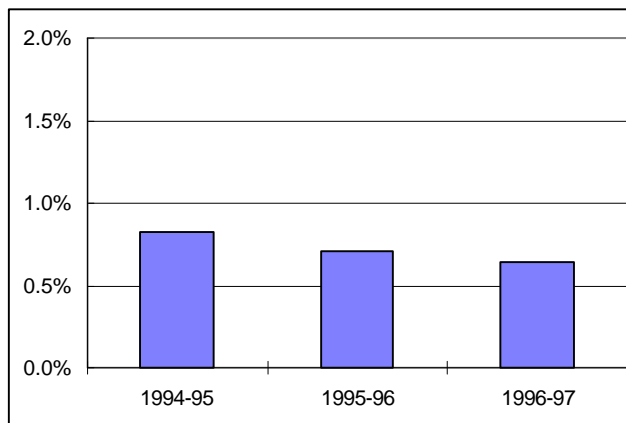


Figure 10 - Percentage of Decisions Set Aside by the Federal Court

In the three most recent years for which figures are available, less than 1% of decisions were set aside by the Court. For more information on judicial review, see Appendix A.

Inquiries and Detention Reviews

1997-98 Actual Expenditures	\$5,911,000
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The mandate of the Adjudication Division is to conduct immigration inquiries and detention reviews.

All immigration inquiries and detention reviews are adversarial in nature. The adjudicator is an independent decision-maker and sits as a one-member panel.

Inquiries are held to determine whether persons are to be admitted to, or removed from Canada.

Detention reviews are held on persons who have been detained because they are considered unlikely to appear for an examination, inquiry or removal or to be a danger to the public.

Inquiries and Detention Reviews finalized

In 1997-98 the Adjudication Division concluded 5,100 inquiries and 8,770 detention reviews for a total of 13,870 decisions.

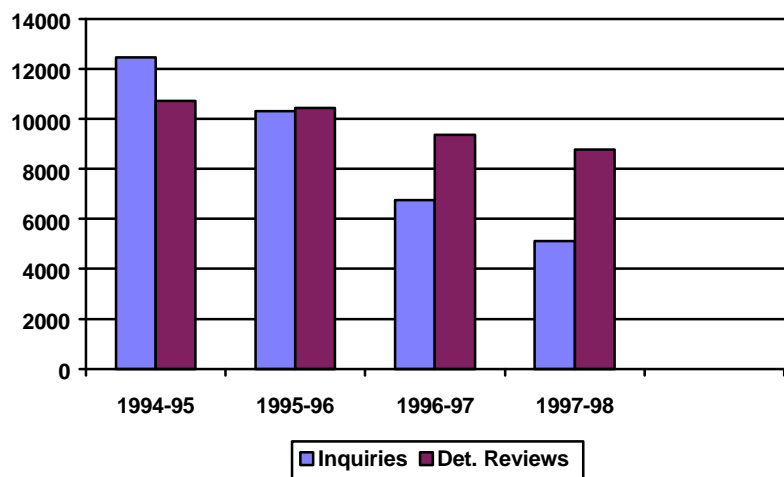


Figure 11 - Number of Inquiries and Detention Reviews

The implementation of Bill C-44 in July 1995 (which amended the *Immigration Act* and expanded the jurisdiction of the Senior Immigration Officer,

Citizenship and Immigration) removed a large volume of less complex inquiries from the Division's caseload. But while the number of inquiries handled by this Division is approximately 25% lower than in 1996-97 and approximately 50% lower than in 1995-96, the overall complexity of the work has increased; each inquiry takes, on average, twice as long to conclude. The recently announced initiative to deal with people suspected of war crimes and crimes against humanity will further increase the complexity of the immigration inquiries handled by the Adjudication Division.

Size and Age of the pending inventory

There was no inventory of cases in the Division and the workload was current in all regions at the end of the fiscal year.

Cost per case

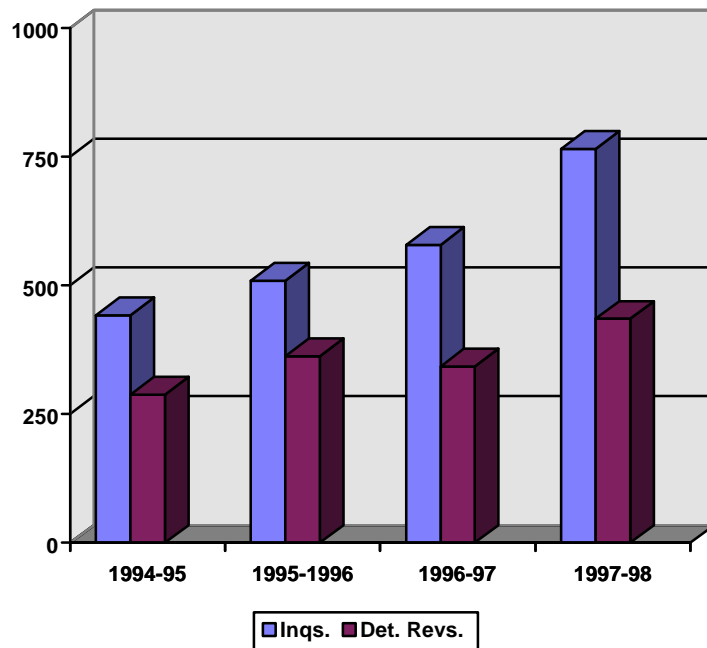


Figure 12 - Cost per Case

As a result of Bill C-44 immigration inquiries are taking, on average, twice as long to conclude. This explains the rising cost per inquiry shown in the graph above.

Decisions set aside by the Federal Court

The quality of decisions continued to be high in 1997-98. This is reflected in the very small number of decisions overturned by the Federal Court: four decisions out of 13,870.

Performance Accomplishments

A leading-edge administrative tribunal

The IRB has a strong reputation, both internationally and among Canadian administrative tribunals. We will continue to maintain this reputation and become a truly leading-edge organization through our commitment to: the pursuit of excellence and efficiency and our willingness to take risks to attain them; innovation in all our practices and procedures; optimal use of technology; our international role in sharing best practices, training and expertise with both developed and developing nations; and promoting a learning environment.

Innovative and optimal use of technology

Information sharing between the IRB and Citizenship and Immigration Canada

The 1997 Auditor General report recommended that CIC and the IRB develop a strategy to put in place the information systems needed to address gaps identified by the Auditor General. This strategy must include an evaluation of costs and expected benefits as well as targets and implementation deadlines.

On November 18, 1997, the Department and the Board signed a sub-agreement on electronic information sharing under the *Administrative Framework Agreement*. The *Information Sharing Agreement* (ISA) calls for an interface between the Department's Field Operations Support System (FOSS) and the Board's Adjudication Tracking System (ATS) to be completed by the end of December 1998. It also stipulates that an interface between FOSS and the IRB's System for the Tracking of Appellants and Refugees (STAR) be completed by the end of March 1999.

The ISA will allow refugee claims, appeals, and requests for inquiries to the Adjudication Division to be referred automatically from CIC to the IRB, and

will allow decisions to be transferred automatically from the IRB to CIC.

New case management system

At present, IRB systems report progress only after the fact. In 1997-98, the Board developed a proposal for a new case management system that would allow IRB managers to measure progress as it occurs. It would also allow them to analyze case inventories to achieve optimal use of resources. This new system would provide a single source of information for case histories that cross divisions. The Information Systems Directorate expects to have the new system in place and operational by March 31, 2001.

Videoconferencing

By the end of July 1997, eight videoconferencing facilities had been established in the Board's regional, district and headquarters offices. In conducting hearings, inquiries and detention reviews by videoconference, the Board was able to provide better service to its clients by reducing travel time and travel costs. Videoconferencing was also used to promote training.

Year 2000

As part of a Government-wide program, the Board is assessing its exposure to Year 2000 problems and must take prudent action to minimize the impact thereof. A preliminary assessment indicated that most of the Board's internal systems would be minimally affected, either because they were designed to handle four digit year fields or because they will be replaced before the turn of the century.

To ensure all systems are thoroughly tested and modified as necessary for Year-2000 compliance, a detailed test plan is being prepared. It is expected that testing staff and facilities will be assigned to implement this plan starting in April 1998.

Case management process initiatives

Refugee Division

Performance indicators for 1997-98 show that recent case management initiatives are succeeding in reducing the average case processing time and improving overall productivity. The following are examples of the most significant case management initiatives for fiscal year 1997-98:

- processing priority was given to dealing with new cases, as they were referred to the Board; excess processing capacity was directed to clearing the oldest cases in the pending inventory;
- the proportion of reasons delivered orally at the conclusion of the hearing, with a view to providing claimants with quicker decisions, was increased;
- meeting with newly-referred claimants prior to the formal hearing to make sure that all necessary documents supporting the claim have been properly completed and to identify what, if any, additional information or evidence the claimant intends to submit.

Appeal Division

New rules governing the activities of the Division were implemented in mid 1997-98. As a result, the IAD has been getting appeal records from CIC more quickly, which means a more predictable inventory of appeals that are ready to be heard. The following are examples of the most significant case management initiatives for fiscal year 1997-98:

- more emphasis was placed on rendering decisions orally, at the end of the hearing, or within the week following the hearing;
- case management teams monitored the process for potential bottlenecks, and gave

special attention to cases which were taking significantly longer than average;

- two practice notices were issued; one on the scheduling of cases, and the other on postponements and adjournments. Their intent was to ensure that cases were scheduled only when ready to proceed, and that they proceeded with a minimum of delay;
- alternative dispute resolution for sponsorship appeals, a special procedure for finalizing cases without a formal hearing, began in the spring with a one-year pilot project of 300 appeals in Toronto.

Professional development and promoting a learning environment

The Board's learning and professional development program has brought it considerable strength and recognition over the years, both domestically and internationally. At home, the Auditor General acknowledged our successes in this area when he noted in his December 1997 report that "the Board places great importance on the training of its members and provides a complete training program."

To ensure that government is responsive to changing needs, organizations must foster a culture of continuous learning. For this reason, we are continuing to develop and improve our learning program. In 1997-98, our National Learning Steering Committee adopted a National Learning Framework that integrates all learning and professional development activities for both members and public servants.

The framework will assist the Board in finding practical ways to facilitate learning and professional development that are integrated with the mission, vision, values, and priorities of the Board. It will also provide a mechanism to better coordinate learning initiatives throughout the Board.

**Recognition from
individuals and
organizations**

The Board's international reputation is based in part on its willingness to exchange its research, practices, procedures and jurisprudence. The Board cooperates with other determination systems and through the Office of the United Nations High Commissioner for Refugees. A new forum for this international exchange is the International Association of Refugee Law Judges consisting of members in more than 27 countries. The IRB, on behalf of Canada, has been asked to co-host, with the Federal Court, the Association's 1998 annual conference.

The Research Directorate of the IRB is considered to be one of the world's leading governmental research facilities on refugee, human rights and migration-related issues. The Immigration and Naturalization Service in the United States has described the IRB's Research Directorate as "the best service of its kind."

Information that is produced by the Directorate is shared with a number of governmental and non-governmental agencies both in Canada and internationally.

***A creative partner
in the Canadian
immigration
system***

We are an integral part of the immigration system and work with other partners to shape the future of the immigration system, both in policy and in procedural matters related to our functions.

The Department of Citizenship and Immigration is our key partner in managing the immigration portfolio because we share responsibilities and many of our purposes complement each other.

The Canadian immigration system involves other federal agencies and departments, provincial governments, the various bar associations, and non-governmental organizations.

**An integrated approach
to portfolio
management**

Immigration Legislative Review Advisory Group (ILRAG): in January 1998, the Immigration Legislative Review Advisory Group released its report entitled *Not Just Numbers*. In the spirit of portfolio management, the Department of Citizenship and Immigration and the Immigration and Refugee Board formed a joint working group to conduct a thorough analysis of the report's implications.

Policy Research Capacity: responsibility for strategic policy regarding Canada's refugee system rests with the Department of Citizenship and Immigration; the IRB concentrates on operational policy. The Board is currently expanding its operational policy research capacity by creating a policy committee, a policy development framework, and a strategic planning calendar. Combined, these initiatives will assist the Board in developing operational policy which is timely, effective and based on our mission, values and principles.

**Responding to
emerging issues**

Detention Guidelines

On March 12, 1998, the Chairperson of the Immigration and Refugee Board issued the *Guidelines on Detention*.

The Guidelines deal with the following topics: long-term detention, the notion of “danger to the public”, alternatives to detention, and evidence and procedure. The Guidelines will help ensure that the decision-making process for detention reviews is more transparent. They will assist detained persons, their counsel and the public in gaining a better understanding of the Adjudication Division’s procedures.

Effective relationships with clients and stakeholders

Videoconferencing pilot project

In an innovative solution to program delivery, the Board collaborated with the Department of Citizenship and Immigration, the Ministry of the Attorney General of Ontario and the Ministry of the Solicitor General and Correctional Services of Ontario in a pilot project to conduct inquiries and detention reviews with the Don Jail in Toronto by videoconference starting in November 1997.

The success of this project led to the decision to conduct all inquiries and detention reviews at the Celebrity Inn in Mississauga by videoconference after the co-location of the Board’s Toronto offices in June 1998.

In 1997, the Board shared its experience and best practices in conducting videoconferences in a quasi-judicial environment when, at the request of Bell Canada, it met with Quebec’s Ministère de la Justice which was embarking on its own videoconferencing project.

Russia Project

The IRB sent two representatives to Moscow in June-July 1997 to assist in the establishment of a Refugee Documentation Centre.

The IRB’s participation in this project enabled Russia to open an operational Documentation Centre with a basic collection, access to several research databases and a contingent of staff trained to continue building the Centre.

Consultative Committee on Practices and Procedures (CCPP)

The Consultative Committee on Practices and Procedures is designed to allow for systematic communications between the IRB and groups interested in Board activities. These include representatives from key non-governmental organizations, the Canadian Bar Association, and the United Nations High Commissioner for Refugees. The CCPP's mandate is to provide comment and discussion on IRB practices and procedures.

As in previous years, the CCPP met twice with senior management during 1997-98. To enhance the Committee's effectiveness as a forum, the IRB will consult more often on operational policy issues.

Public Complaints Process

To ensure public confidence in the integrity of the administrative justice system, the IRB established a Public Complaints Process in 1995. Claimants, or appellants, or interested counsel may make a complaint to the Chairperson in cases where a Board member may have breached the provisions of the Code of Conduct or acted in a manner inconsistent with the discharge of his or her duty. This mechanism allows the IRB to inquire into such matters and, when warranted, to take appropriate measures to resolve the complaint.

In 1997-98, the IRB received nine complaints against Board members. Of these, eight complaints were concluded and found to be unfounded; one complaint is pending.

4

Financial Performance

Financial Performance

At the aggregate level, the only variance to report occurred between Planned Spending and Total Authorities. This variance of \$2.3 M (or 3%) was largely due to downsizing costs, that is, Early Retirement Incentive and Workforce Adjustment Initiative Programs. Authority was granted by Treasury Board to access \$1.3 M of TB Vote 5.

With the exception of the Refugee Division, the business line Actual Expenditures were less than Total Authorities. The “unused resources” in these business lines were directed to the Refugee Division.

Subsequent Events

As part of the IRB’s strategy to meet our commitments to Parliament and Canadians, approval was sought for one-time funding of up to \$9.695 million over three years to support the increase in the CRDD member complement in Montreal, as well as to address other operational requirements.

Financial Table 1

Authorities for 1997-98 - Part II of the Estimates				
Financial Requirements by Authority (millions of dollars)				
Vote		1997-98 Planned Spending	1997-98 Total Authorities	1997-98 Actual
Immigration and Refugee Board				
15	Program expenditures	68.2	70.5 ¹	70.5
(S)	Contributions to employee benefit plans	8.8	8.8	8.8
Agency Total		77.0	79.3	79.3

¹ The IRB received \$1 million through 1997-98 Supplementary Estimates for the carryforward of 1996-97 funds and authority for \$1.3 million of Treasury Board Vote 5 reimbursable expenditures.

Financial Table 2

Comparison of Total Planned Spending to Actual Spending

Agency Planned versus Actual Spending by Business Line - 1997-98 (millions of dollars)									
Business Lines	FTEs	Operating	Capital	Voted Grants and Contributions	Sub-total: Gross Voted Expenditures	Statutory Grants and Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Refugee Determination									
- planned	604	39.5	-	-	39.5	-	39.5	-	39.5
- total authorities	-	39.5	-	-	39.5	-	39.5	-	39.5
- actuals	635	43.5	-	-	43.5	-	43.5	-	43.5
Immigration Appeals									
- planned	71	4.5	-	-	4.5	-	4.5	-	4.5
- total authorities	-	4.5	-	-	4.5	-	4.5	-	4.5
- actuals	71	4.5	-	-	4.5	-	4.5	-	4.5
Inquiries and Detention Reviews									
- planned	72	6.1	-	-	6.1	-	6.1	-	6.1
- total authorities	-	6.1	-	-	6.1	-	6.1	-	6.1
- actuals	68	5.9	-	-	5.9	-	5.9	-	5.9
Corporate Management and Services									
- planned	251	26.4	.5	-	26.9	-	26.9	-	26.9
- total authorities	-	28.7	.5	-	29.2	-	29.2	-	29.2
- actuals	258	24.9	.5	-	25.4	-	25.4	-	25.4
Total									
- planned	998	76.5	.5	-	77.0	-	77.0	-	77.0
- total authorities	-	78.8	.5	-	79.3	-	79.3	-	79.3
- actuals	1,032	78.8	.5	-	79.3	-	79.3	-	79.3
Other Revenues and Expenditures									
Revenue credited to the Consolidated Revenue Fund¹									
- planned									-
- total authorities									-
- actuals									-
Cost of services provided by other departments									
- planned									13.2
- total authorities									-
- actuals									12.5
Net Cost of the Program									
- planned									90.2
- total authorities									-
- actuals									91.8

¹ The IRB receives minimal amounts of revenue every fiscal year (avg. \$0.061 M).

Financial Table 3

Agency Planned versus Actual Spending by Business Line (millions of dollars)					
Business Lines	Actual 1995-96	Actual 1996-97	Planned Spending 1997-98	Total Authorities 1997-98	Actual 1997-98
Refugee Determination	43.4	41.3	39.5	39.5	43.5
Immigration Appeals	4.5	4.4	4.5	4.5	4.5
Inquiries and Detention Reviews	6.5	4.9	6.1	6.1	5.9
Corporate Management and Services	20.6	26.8	26.9	29.2	25.4
Total	75.0	77.4	77.0	79.3	79.3

Financial Table 4

Crosswalk between Old Structure and New Structure - (Not applicable to the Immigration and Refugee Board)

Financial Table 5

Resource Requirements by Organization and Business Line

Comparison of 1997-98 Planned Spending, and Total Authorities to Actual Expenditures by Organization and Business Line (millions of dollars)					
Organization	Business Lines				Totals
	Immigration Appeals	Refugee Determination	Inquiries and Detention Reviews	Corporate Management and Services	
Immigration Appeal Division					
- planned	2.8				2.8
- <i>total authorities</i>	2.5				2.5
- actuals	2.5				2.5
Refugee Determination Division					
- planned		17.7			17.7
- <i>total authorities</i>		18.9			18.9
- actuals		20.8			20.8
Adjudication Division					
- planned			3.1		3.1
- <i>total authorities</i>			4.3		4.3
- actuals			4.1		4.1
Members Professional Development Branch					
- planned		.3			.3
- <i>total authorities</i>		.3			.3
- actuals		.3			.3
Executive Director¹					
- planned	1.7	21.5	3.0	26.9	53.1
- <i>total authorities</i>	2.0	20.3	1.8	29.2	53.3
- actuals	1.9	22.4	1.7	25.4	51.5
Totals					
- planned	4.5	39.5	6.1	26.9	77.0
- <i>total authorities</i>	4.5	39.5	6.1	29.2	79.3
- actuals	4.5	43.5	5.9	25.4	79.3
% of Total	5.7%	54.8%	7.4%	32.1%	100.0%

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

The following financial tables are not applicable to the Immigration and Refugee Board:

Financial Table 6 - Revenues to the Vote

Financial Table 7 - Revenues Credited to the Consolidated Revenue Fund
by Business Line

Financial Table 8 - Statutory Payments by Business Line

Financial Table 9 - Transfer Payments

Financial Table 11 - Capital Projects

Financial Table 12 - Status of Major Crown Projects

Financial Table 13 - Loans, Investments and Advances

Financial Table 14 - Revolving Fund Financial Summaries

Financial Table 10

Capital Spending by Business Line (millions of dollars)					
Business Lines	Actual 1995-96	Actual 1996-97	Planned Spending 1997-98	Total Authorities 1997-98	Actual 1997-98
Refugee Determination	-	-	-	-	-
Immigration Appeals	-	-	-	-	-
Inquiries and Detention Reviews	-	-	-	-	-
Corporate Management and Services	0.5	0.5	0.5	0.5	0.5
Total Capital Spending	0.5	0.5	0.5	0.5	0.5

Financial Table 15

Contingent Liabilities (millions of dollars)	Amount of Contingent Liability		
	March 31 1996	March 31 1997	Current as of March 31 1998
Claims and Pending and Threatened Litigation	114.0	94.2	95.1
Total	114.0	94.2	95.1

5

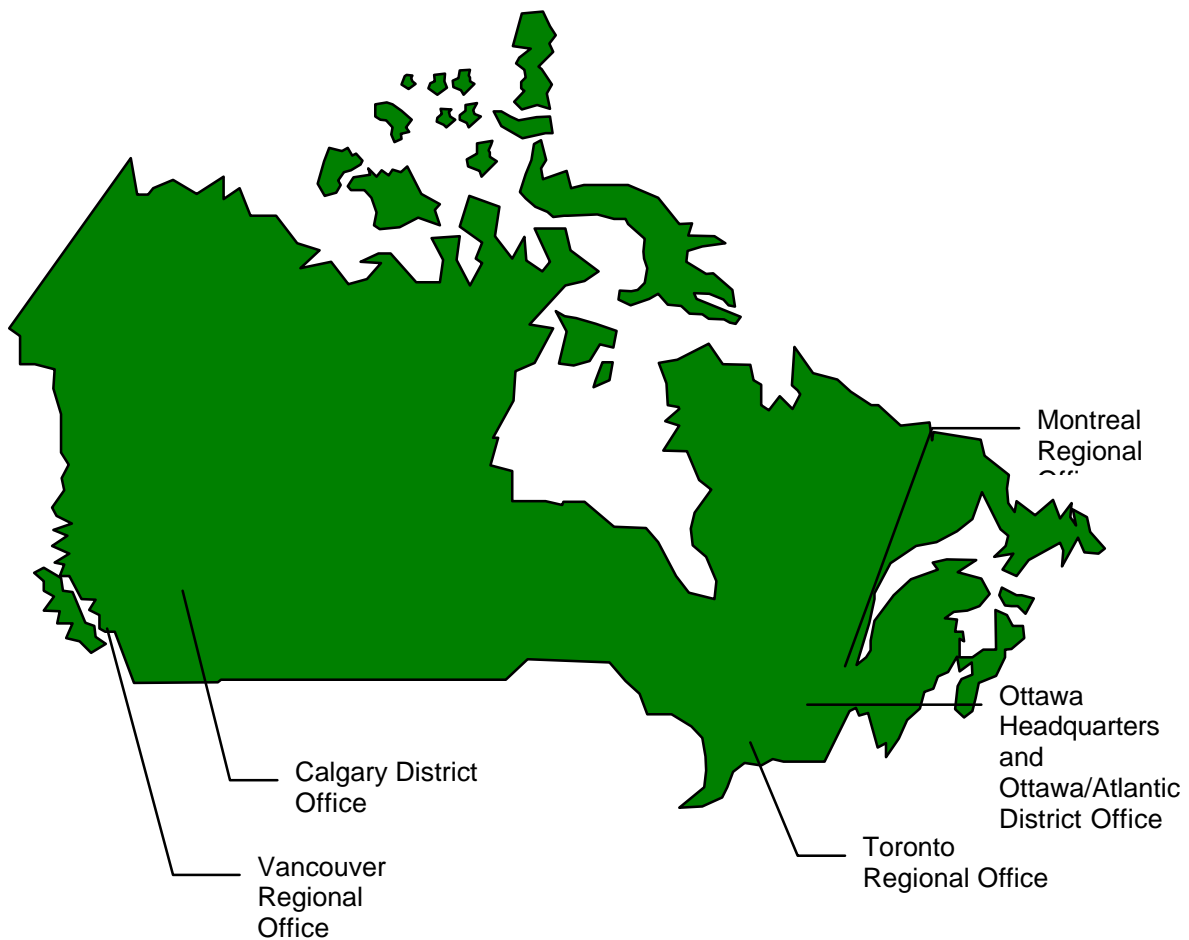
Consolidating Reporting

(This section is not applicable to the IRB)

6

Other Information

Further Information & IRB Website



For further information on the IRB contact:

Denise Robichaud
Chief, Public and
and Parliamentary Affairs
(613) 943-0201

or visit our Website at: <http://www.irb.gc.ca>

Legislation & Associated Regulations Administered

Legislative Authority:

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

The Board has responsibility to Parliament for the following Regulations:

Convention Refugee Determination Division Rules SOR/93-45

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

Adjudication Division Rules SOR/93-47

Other Departmental Reports

1998-99 Estimates: A Report on Plans and Priorities

Performance Report for 1996-97

Report on Plans and Priorities for 1997/98 - 1999/2000

Performance Report for 1995-96

Judicial Review of Decisions

Q. *What does it mean when the Federal Court “sets aside” an IRB decision?*

A. It means that the decision has been overruled.

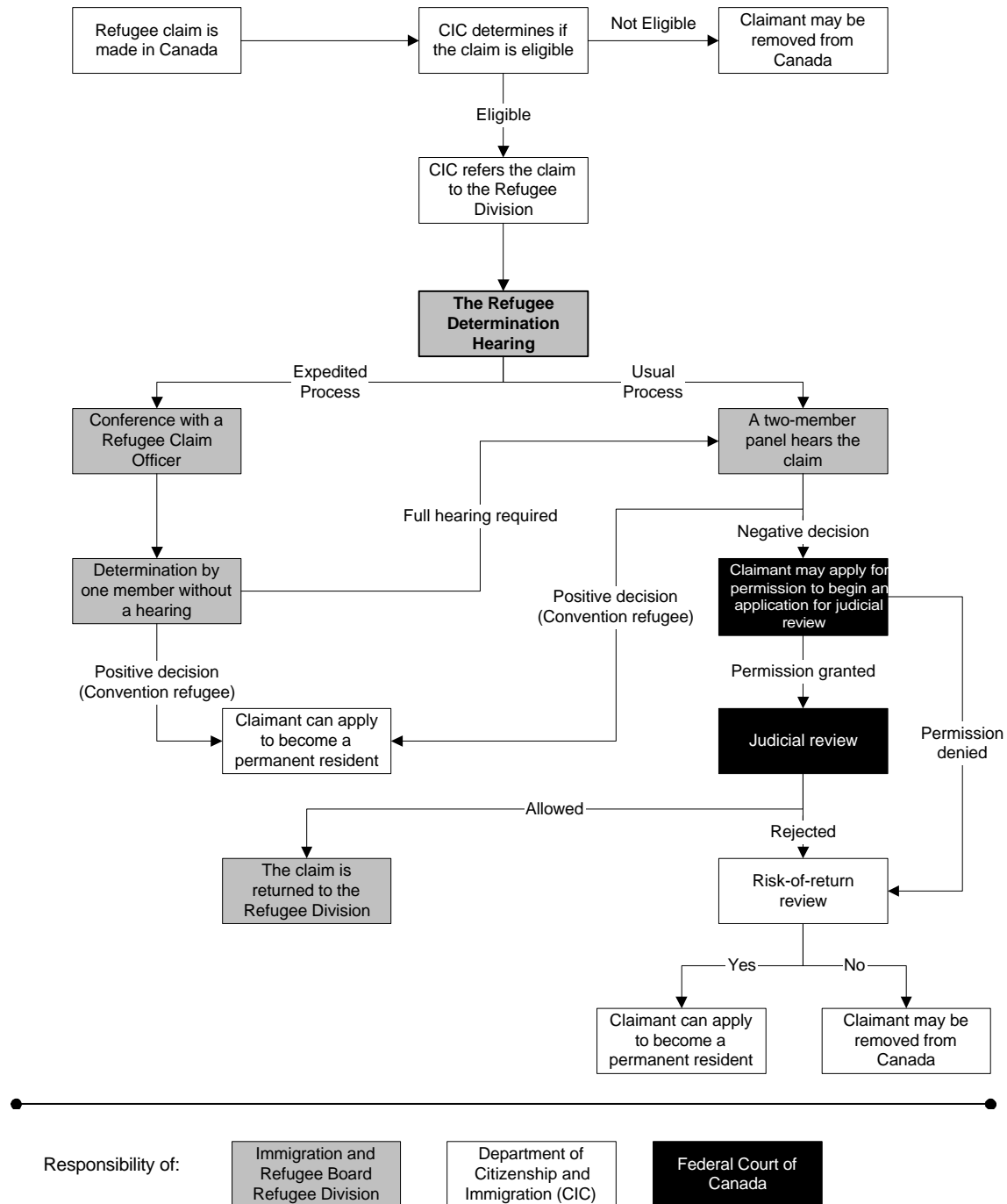
Q. On what grounds can the Federal Court set aside an IRB decision?

A. The grounds for judicial review of any IRB decision are found in section 18.1(4) of the Federal Court Act. The grounds include: breach of natural justice or procedural fairness, errors of jurisdiction, errors of law, and errors of fact. The applicant must set out the grounds upon which judicial review is sought in his or her application.

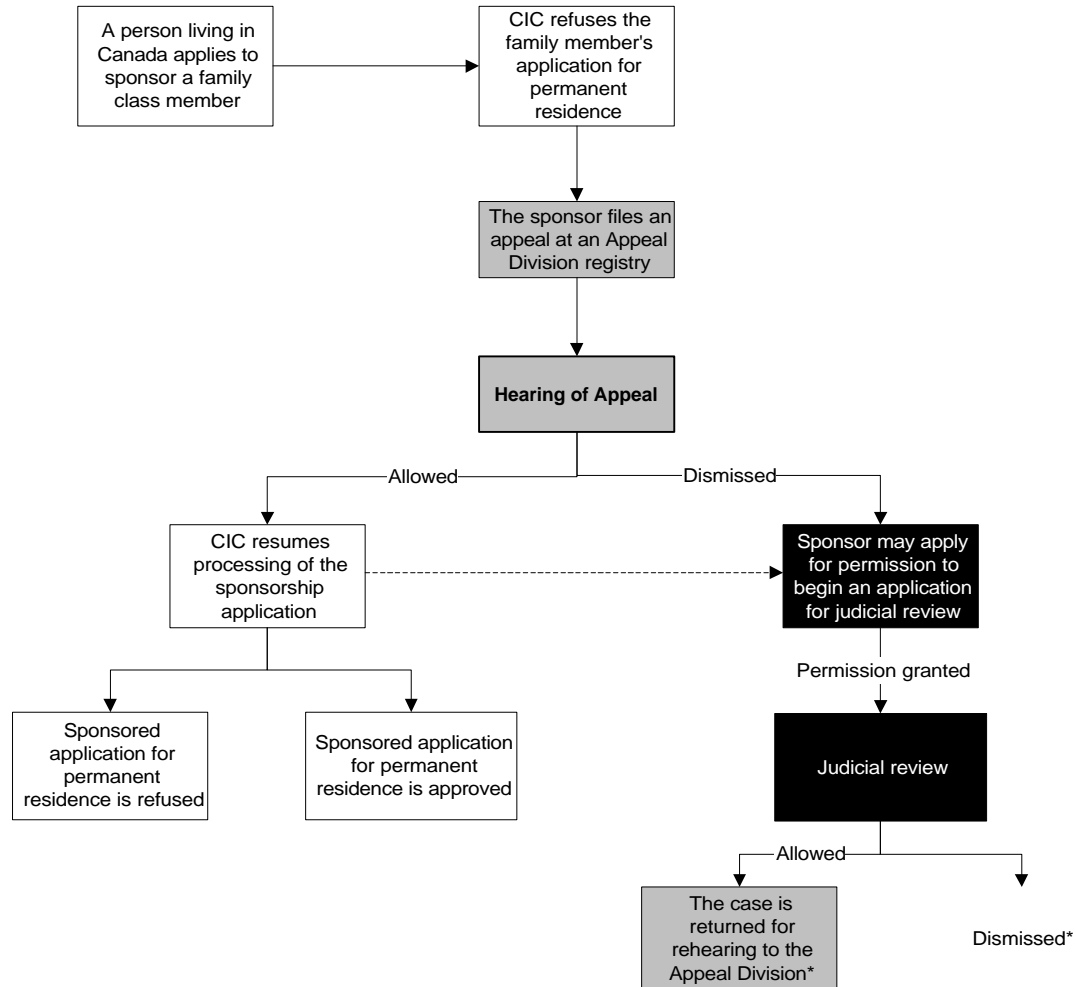
Q. What happens if the Court sets aside an IRB decision?

A. It depends on what type of case it is, and what the judge says in the reasons. The Court may set aside the decision and return it to the IRB for rehearing, either to the same panel or to a new panel for a new hearing. In some cases, the Court will set aside the decision and return it to the Board with directions, which will vary depending on the circumstances of the case.

The Convention Refugee Determination Process



The Sponsorship Appeal Process



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

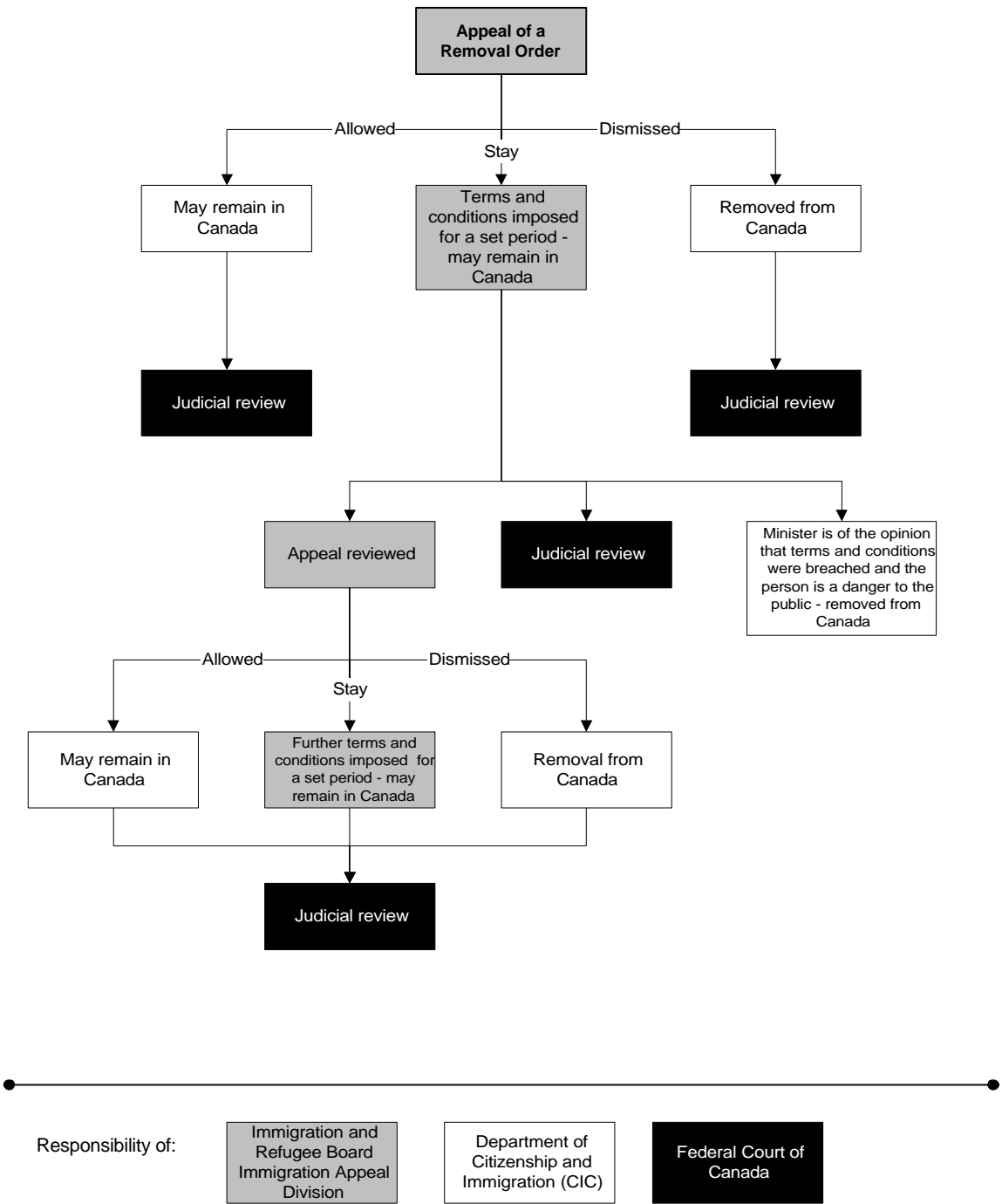
Responsibility of:

Immigration and
Refugee Board
Immigration Appeal
Division

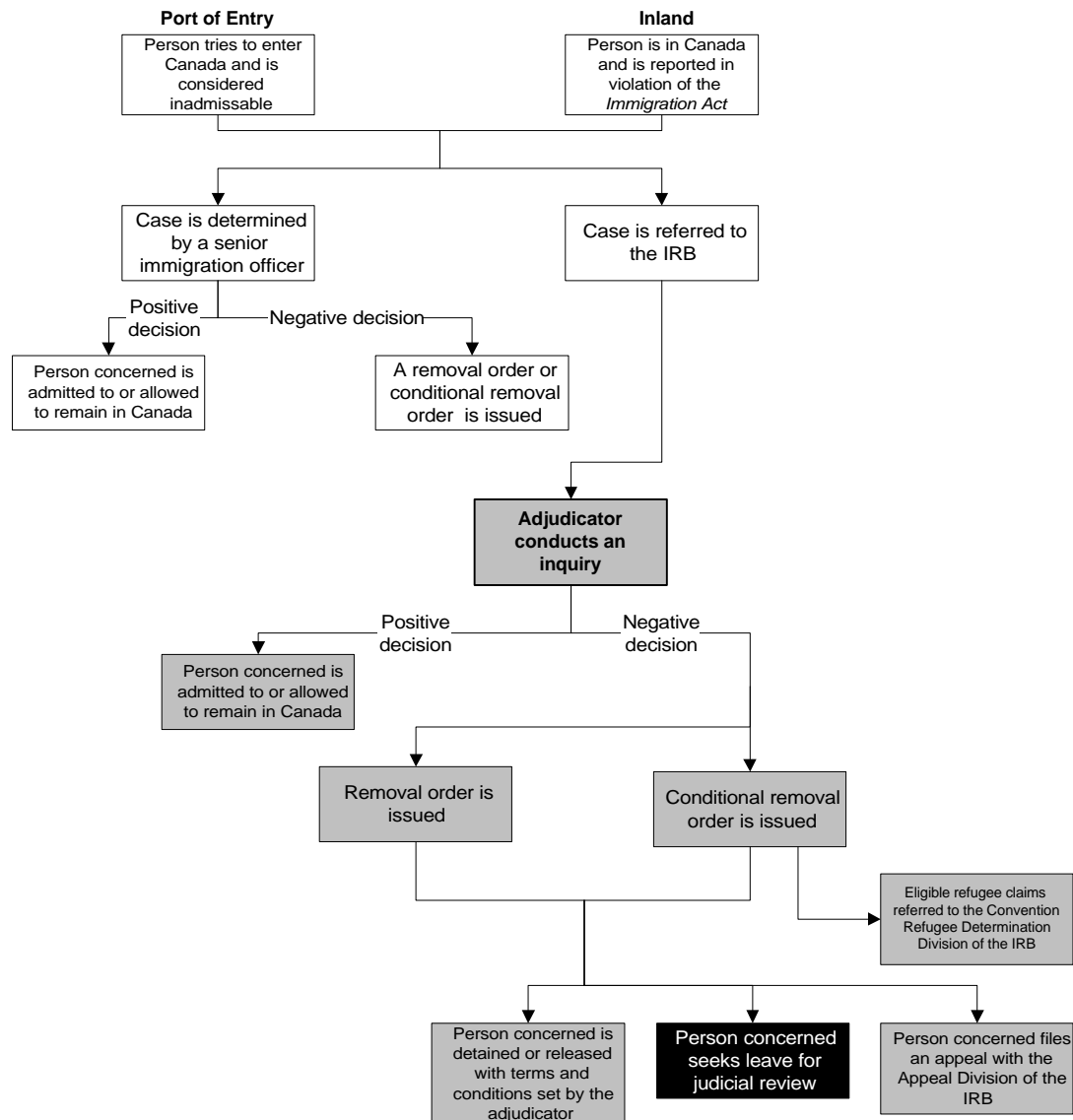
Department of
Citizenship and
Immigration (CIC)

Federal Court of
Canada

The Removal Order Appeal Process



The Immigration Inquiry Process



Responsibility of:

Immigration and
Refugee Board
Adjudication Division

Department of
Citizenship and
Immigration (CIC)

Federal Court of
Canada