



# Immigration and Refugee Board of Canada 2024-25 Annual report on member complaints

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Dear Madame Chairperson,

This is the 7th annual report on the member complaints process under the Immigration and Refugee Board of Canada's (IRB) [Procedures for Making a Complaint About a Member](#), covering the period from April 1, 2024 to March 31, 2025.

During this period, my office had jurisdiction to receive and investigate complaints about the conduct of IRB members (decision-makers) across the 4 divisions of the Board: the Refugee Protection Division, the Refugee Appeal Division, the Immigration Division, and the Immigration Appeal Division.

This report contains information about the complaints received and/or finalized in fiscal year 2024-25. There were 7 complaints carried forward from the previous year, and 39 new complaints were received by my office. [Annex A](#) contains case summaries of each complaint finalized in 2024-25.

In 2025-26, my office will take best practices and lessons learned from the last 5 years to refine and continue to strengthen the member complaints process, including the launch of an updated [Code of Conduct for Members of the IRB](#) and [Procedures for Making a Complaint About a Member](#). We will continue to improve how complaints are managed in the most efficient way possible, addressing misperceptions of the complaints process and the change in types of complaints we receive, while reinforcing adjudicative independence and maintaining public and member confidence in the integrity of Canada's immigration and asylum system.

Stephanie Shatilla  
Ombudsperson

## Introduction: The Complaints process

The Immigration and Refugee Board of Canada (IRB) appointed an Ombudsperson in 2020, at which point the responsibility for member conduct was moved to that office. The Office is composed of 5 people: the Ombudsperson and 4 others, 3 of whom comprise the Member Complaints Directorate (the Director and 2 investigators).

The Ombudsperson's mandate regarding IRB member conduct is to ensure that complaints about non-compliance with the *Code of Conduct for Members of the IRB* are thoroughly reviewed and appropriately addressed in a timely manner.

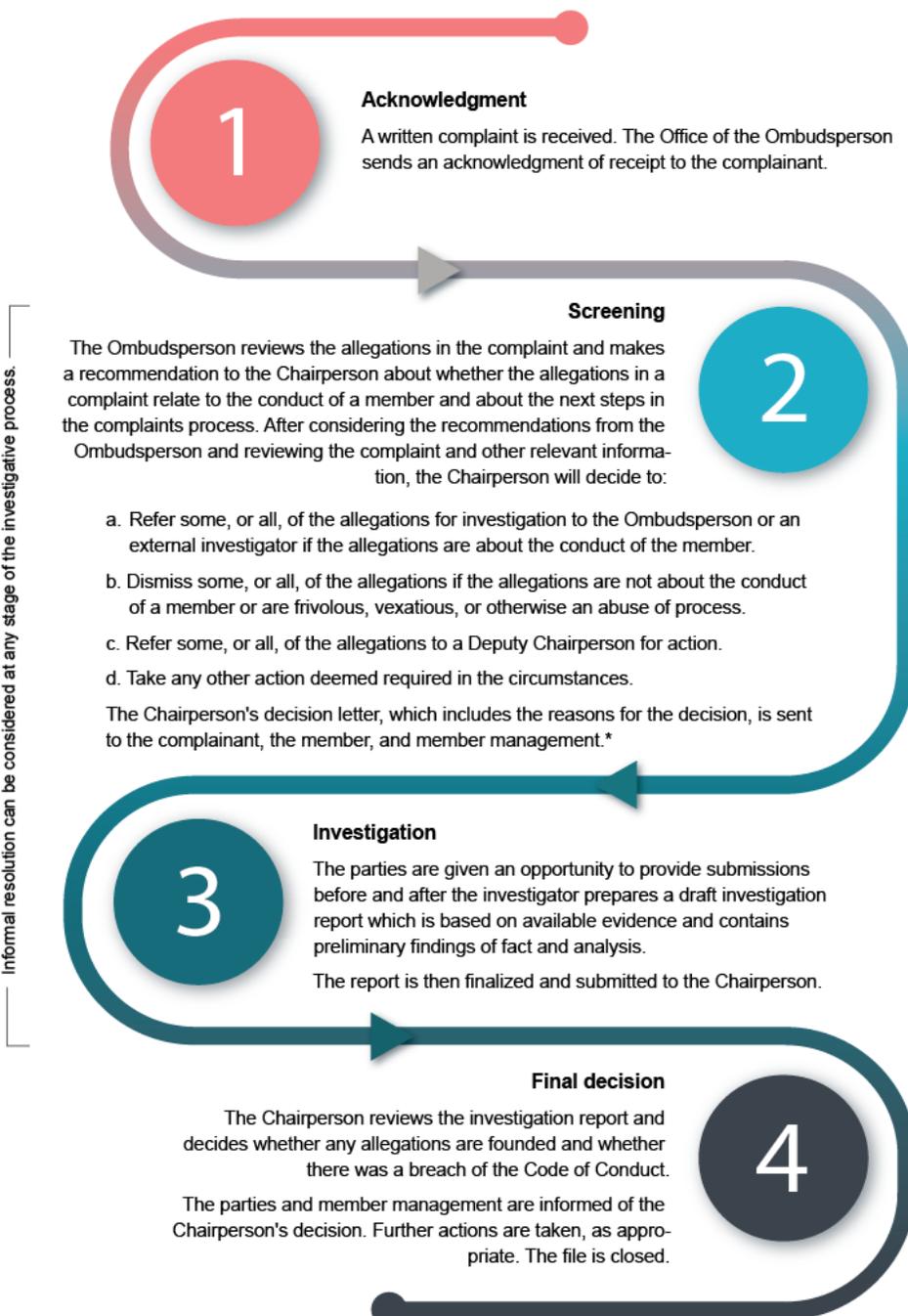
Among other responsibilities, the Ombudsperson oversees the complaints process, reports directly to the Chairperson, and is independent of the 4 divisions whose members are the subject of complaints. The Ombudsperson plays an important role by providing an impartial and confidential avenue for people to raise concerns about member conduct. Through this process, the Office ensures that the IRB and its members consistently uphold the high standards of behaviour required by the nature of their position, while maintaining both the confidentiality (outside of the parties) and transparency of the complaints process.

Many complainants struggle to distinguish between a member's conduct—which may warrant a formal complaint—and dissatisfaction with a member's adjudicative decision. While concerns about conduct are handled through the complaints process, disagreements with decisions must be pursued through an appeal to a higher tribunal (such as the Refugee Appeal Division (RAD) or the Immigration Appeal Division (IAD)) or by seeking judicial review in Federal Court. The complaints process is not intended to overturn decisions or request a different member. This misunderstanding partially explains the large number of complaints being screened out early in the complaints process.

The 2024-25 annual report provides an overview and breakdown of the complaints received, including the reasons for screening decisions, and results of investigations. It also includes timeliness statistics and identifies areas where improvement to the process could be considered. The number and nature of complaints show a need for clearer tools—such as the website and complaint form—to help people understand what qualifies as member conduct that falls within the complaints process.

In 2025-26, an updated *Code of Conduct for Members of the IRB* and *Procedures for Making a Complaint* will be put in place. These updates reflect lessons learned over the past 5 years, including a shift in the types of complaints received. They aim to clarify for would-be complainants what is and what is not considered conduct. These updates ensure that the complaints process remains effective and focused on genuine conduct concerns.

## Member complaints process



### Principles that are applied in the process:

When a complaint is referred for investigation, the process will ensure that:

- the complaint is dealt with as quickly as fairness and thoroughness permit.
- it is procedurally fair to the parties - i.e., the person who made the complaint and the member who is the subject of the complaint.
- the identity of parties will be protected, to the extent possible, and as outlined in the *Privacy Act* and the *Access to Information Act*.
- adjudicative independence of IRB members is respected while members are accountable for their conduct.

### Service standards for processing member complaints:

- 5 calendar days to acknowledge receipt of complaint.
- 60 calendar days for the screening of the complaint†
- 170 calendar days for the final decision†

Note:

† This service standard does not include the time that passes if the case related to the complaint is still before the member who is the subject of the complaint.

Note:

\*The member is not notified of the complaint until after the file related to the complaint is no longer before the member.

[Long description](#)

## Statistics

### Member complaints in 2024-25

In 2024-25, the IRB had an average of 733 members who finalized 102,500 decisions. For that period, 39 new complaints were received. By comparison, the previous fiscal year saw 678 members finalize about 80,000 files, while 19 complaints were received.

Seven complaints from 2023-24 were carried over, bringing the total number of active complaints in 2024-25 to 46. A total of 28 of these complaints were finalized before March 31, 2025. The increase in finalized IRB decisions is a likely contributor to the increase in total complaints received. However, the proportion of complaints that resulted in a confirmed breach remained consistent—1 founded complaint in 2023–24 and 2 in 2024–25.

### Why an allegation is screened in or out

Most complaints received in 2024-25 contained a mix of allegations, some related to conduct and some not. The allegations deemed outside the scope of the Procedures are screened out of the process. Examples include asking for a new member to hear a case, appealing a member's final decision, disagreeing with questions the member asked during a hearing, or disagreeing with a ruling that the member made during the hearing.

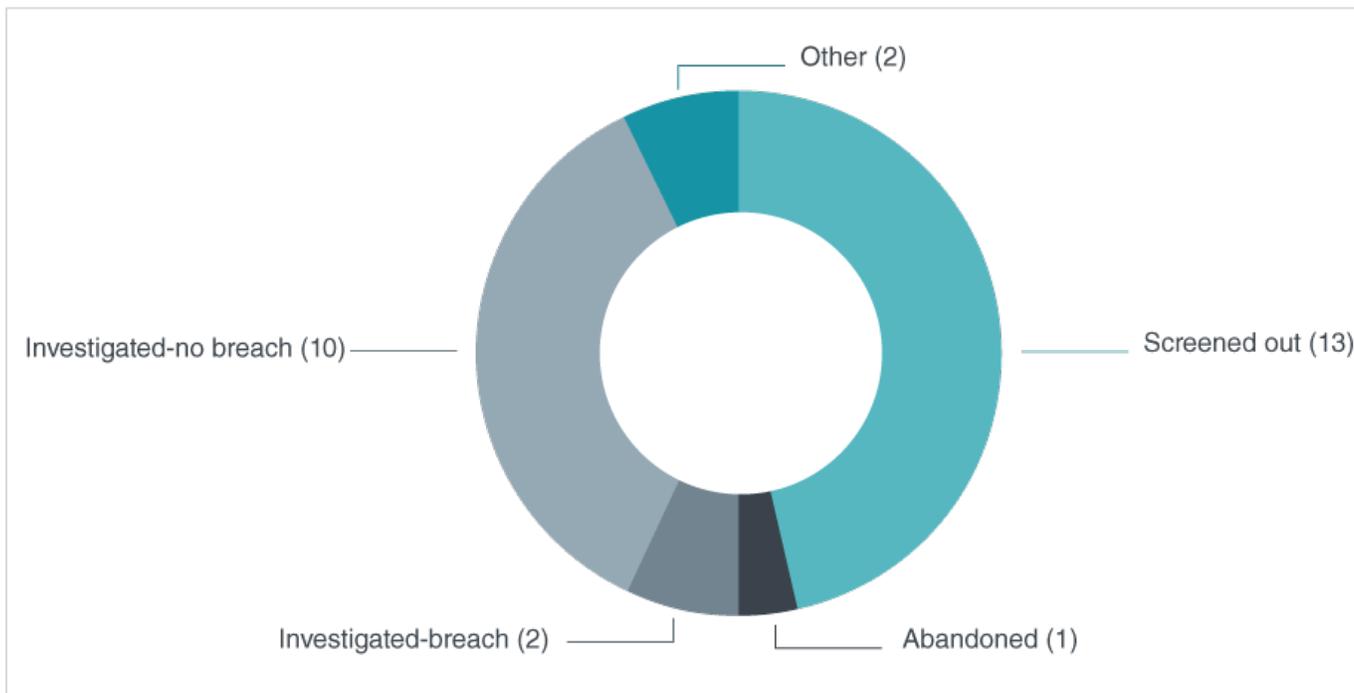
### Screened out – Relates to adjudicative independence (2024-25)

Reason *	Number of references
Member's decision	9
Hearing management	9
Breaks given (or lack thereof)	3
Interrupting testimony	3
Language interpretation issues	3

\* An allegation is usually screened out for one reason, but most complaints have more than one allegation.

This year included the first 2 complaints that were deemed frivolous, vexatious, or otherwise an abuse of process (files [24-003](#) and [24-020](#)). This provision was included in the Procedures in 2022 to be responsive to allegations that, while related to conduct, were dismissed because they lacked legal merit, seriousness, or reasonable purpose.

**Figure 1: Finalized complaints by outcome in 2024-25:**



**Complaints by outcome 2024-25**

Outcome	Number of decisions	Description of the outcome
Screened out	13	The allegations were not about conduct. Most of these allegations were about a member's decision, hearing management, or the way the Member questioned parties. Two allegations were screened out for being frivolous and vexatious.
Investigated – No breach	10	Investigations found that either the alleged conduct did not occur, or that there was not enough evidence to support a finding of a breach of the Code.
Investigated - Breach	2	One member was found to have breached sections 11 and 12 outside of a hearing room. One member was found to have breached section 9 during a hearing.
Abandoned	1	Complainant did not respond to further emails.
Other	2	Not enough information was received to form the basis of a complaint.

In 2024–25, complaints were received about members from 3 of the 4 divisions of the IRB. The Refugee Protection Division (RPD) is the largest tribunal at the IRB; it was responsible for approximately 77% of decisions, 69% of members, and 79% of hearings during the reporting period. The RPD accounted for 79% of all complaints received. Members from the Immigration Division (ID) and IAD were the subject of

4 complaints per division. No complaints were received about members of the RAD, likely due to the limited volume of hearings conducted by the RAD. In 2024-25, the RAD held only 35 hearings, making it the division with the fewest proceedings at the IRB.

In 2024-25, about 54% of complaints received were from counsel and 33% from self-represented individuals. The remaining complaints were submitted by Minister's Counsel (5%) and interpreters (5%). One complaint (2%) came from a member of the public who reported the content of a video posted by a member on the Member's personal social media account.

## Timeliness

During this reporting period, complaints were (see Table 1 below):

- **acknowledged** within the established service standard **97%** of the time
- **screened** within the service standard **52%** of the time
- **final decision letters** sent within the service standard **50%** of the time

**Table 1: Service standards results for 2024-25**

Type	Description	Standard	Target %	2024-25 Result %
<b>Acknowledgment</b>	Acknowledgment letter sent to complainant following receipt of the complaint	5 calendar days from receipt of complaint	100	97 (27/28)
<b>Screening</b>	Screening decision letters sent to parties following screening	60 calendar days* from receipt of complaint	80	52 (13/25)
<b>Final decision</b>	Final decision letters sent to parties following investigation	170 calendar days* from receipt of complaint	80	50 (6/12)

\* Service standards are not counted while the related case is still before the member named in the complaint.

## Observations and trends

Complaints can be about conduct that is believed to breach sections 9 to 15 of the Code. Since the appropriate section(s) of the Code are not always identified in a complaint, allegations are triaged when they are received to confirm which ones fall under which section of the Code for the purpose of screening. Almost all complaints alleged a breach of section 9 of the Code (26 references). None of the complaints referenced sections 13, 14, or 15 of the Code.

## Sections of the Code of Conduct referenced in complaints:

Section of the Code	Full text	Number of references
9	Members shall conduct hearings in a courteous and respectful manner.	26
10	Members shall exercise their duties without discrimination. Members must take reasonable measures to accommodate all participants in a proceeding so that they may participate effectively. Members are expected to take into account social and cultural differences and to respect human rights.	18
11	Members are expected to act honestly and in good faith, in a professional and ethical manner.	26
12	Members shall conduct themselves with integrity and avoid impropriety, or the appearance of impropriety.	15

All complaints that are screened in for investigation are assessed for possible resolution through Alternative Dispute Resolution (ADR). None of the attempts at ADR in 2024-25 were successful. This was because either the complainant or the member was not interested in this method to resolve the complaint. ADR is voluntary and both parties must be willing to try it.

In 2024–25, the IRB received its first complaint from a member of the public about a member’s conduct outside of a hearing (file [24-004](#)). This highlights that IRB members are seen as public figures, and their behaviour—both inside and outside the hearing room—must follow the IRB’s Code of Conduct. The Code requires members to remain neutral, impartial, and avoid any behaviour that could appear improper.

In addition to the IRB’s Code of Conduct for Members, all IRB staff—including public servants and Governor in Council appointees—are also bound by the [Values and Ethics Code for the Public Sector](#) and the *IRB’s Code of Conduct for Public Servants*.

## Conclusion and looking forward

The types of complaints we received in 2024-25 helped shape updates to the ongoing revision to the *Code of Conduct for Members of the IRB* and the *Procedures for Making a Complaint about a Member*. The revised Code will be more succinct and reflective of members’ obligations and expectations. The updated Procedures will guide both members and complainants through the process.

To support prevention, the Office of the Ombudsperson contributed to member training throughout the year. This included sessions on social media use, the Code of Conduct, the complaints process, and the role of the Ombudsperson. Employees of the Member Complaints Directorate also continued to build their own expertise, including training on effective hearing room management.

Going forward, the Office of the Ombudsperson will focus on continuing to screen and investigate complaints efficiently, keeping in mind the changing volumes at the IRB.

In the coming year, the Office will also focus on the launch and implementation of the new Code of Conduct and Procedures. In support of the new Code and Procedures, the website and complaint form will be updated to be clearer, and information sessions will be provided to members in order to answer any questions they might have.

## Annex A – Case summaries

### 23-008

An investigation into a complaint against a member of the Immigration Appeal Division concluded that there was no breach of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, who was the appellant in the case, raised 5 allegations, 4 of which were screened out as they related to the Member's adjudicative independence - such as managing credibility, explaining procedures, and assessing evidence.

The remaining allegation, which concerned the Member's conduct, was investigated. The Complainant alleged that the Member made outrageous, racist, and degrading comments. Upon review, the Ombudsperson found no evidence to support these claims and confirmed that the Member acted respectfully and courteously throughout the hearing, in line with section 9 of the Code. The Chairperson agreed with the finding that there was no breach of the Code.

### 23-012

An investigation into a complaint against a Refugee Protection Division Member found no breach of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, who was legal counsel for the claimant, raised 3 allegations. Two of the 3 allegations were screened out, as one was related to scheduling and the other did not include enough information to be investigated.

The 3rd allegation, which concerned the Member's conduct, was investigated. The Complainant alleged that the Member refused to pause the hearing when the claimant felt unwell. The Ombudsperson found no evidence that such a request was made or denied, and the Chairperson agreed with the finding that there was no breach of the Code.

### 23-013

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, designated representative for a refugee claimant, made 13 allegations following a hearing with a Member of the Refugee Protection Division. Six were screened out as they related to adjudicative independence—such as managing testimony and questioning—and fell outside the scope of the member complaints process.

The remaining allegations, which concerned the Member's conduct, were investigated. The Complainant claimed the Member was hostile, culturally insensitive, and manipulative. Upon review, the Ombudsperson found no evidence of hostility or disrespect. While the Member's questioning was direct, it remained professional, and their comments—including a compliment—appeared genuine and respectful. The Chairperson agreed with the findings and concluded there were no breaches of the Code.

### 23-014

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, a refugee claimant, made 3 allegations following their hearing at the Refugee Protection Division. Two were screened out as they did not concern the Member's conduct; one was about the Member's choice of questions and another alleged bias against claims from a specific country.

The third allegation, which was about the Member's conduct during the hearing, was investigated. The Complainant alleged that the Member was frustrated, aggressive, and increasingly harsh. However, after reviewing the full hearing, the Ombudsperson found no evidence of such behavior. The Member was deemed courteous and respectful throughout, and the Chairperson agreed with the Ombudsperson's recommendation that there were no breaches of the Code.

### 23-017

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, who served as legal counsel for the appellants in an Immigration Appeal Division case, alleged that the Member's decision included a biased and baseless mischaracterization of their advocacy efforts.

Upon review, the Ombudsperson concluded that the allegations were not related to the Member's conduct but rather to legal analysis, which falls under adjudicative independence. As such, the Ombudsperson recommended screening out the complaint as it fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson agreed, and the file was closed.

### 23-019

An investigation into a complaint about a Member of the Refugee Protection Division found no breach of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, legal counsel for a refugee claimant, submitted 4 allegations. Two were screened out, as they concerned adjudicative matters - hearing management, credibility assessments, and evidence evaluation - which fall outside the scope of the member complaints process.

The remaining 2 allegations, which involved the Member's conduct, were investigated. The Complainant alleged that the Member made a sarcastic comment and behaved in a way that suggested bias. Upon reviewing the hearing, the Ombudsperson found it impossible to determine the tone of the comment but noted that both parties apologized after a brief misunderstanding. The hearing continued without further issue, and no evidence of bias was found. The Chairperson agreed with the Ombudsperson's recommendation that there were no breaches of the Code.

### 23-020

An investigation into a complaint about a Member of the Refugee Protection Division found no breach of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, legal counsel for a refugee claimant, alleged that the Member questioned their competence and mocked the claimant's responses during the hearing. Both allegations were investigated as they concerned the Member's conduct.

The Ombudsperson found the Member's comments to be a reasonable assessment of counsel's performance. The Member's reaction appeared to stem from issues with language interpretation rather than the claimant's testimony. Although the timing coincided with sensitive disclosures, this alone did not support the allegation. The Chairperson agreed with Ombudsperson's recommendation that there were no breaches of the Code.

### 24-001

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, legal counsel for a refugee claimant, raised 2 allegations about a member of the Refugee Protection Division's conduct during a hearing. They alleged that the Member interrupted the interpreter and claimants, rebuked them for

answering simultaneously, misunderstood testimony, and failed to provide adequate breaks or instructions. Both allegations were investigated as they concerned the Member's conduct.

The Ombudsperson found that the Member's actions were consistent with routine hearing management and were not disrespectful. A possible misunderstanding may have stemmed from interpretation issues and the Member asking a question to both parties at the same time. The Member clarified questions when needed, responded promptly to break requests, and provided clear instructions. The Chairperson agreed with the Ombudsperson's recommendation that there were no breaches of the Code.

### 24-003

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, an interpreter at a Refugee Protection Division hearing, filed a complaint alleging that the Member made a tasteless joke, along with other allegations related to adjudicative matters outside the scope of the member complaints process.

Upon review, 1 allegation was deemed frivolous and vexatious, while the others were found to be related to hearing management. Although a tasteless joke could warrant investigation if it concerns member conduct, the Ombudsperson determined that a reasonable person would not consider the Member's lighthearted comment - intended to put the claimant at ease - as meeting the standard for investigation. The Ombudsperson therefore concluded that this allegation was frivolous and vexatious. As the remaining allegation was about hearing management, it fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson accepted the Ombudsperson's recommendation to screen out the allegations, and the file was closed.

### 24-004

An investigation found that the Member breached sections 11 and 12 of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). A member of the public filed a complaint after viewing a publicly accessible TikTok video posted by a member of the Refugee Protection Division. In the video, the Member identified their role and job title and then engaged in behavior deemed unprofessional.

The Ombudsperson's investigation found that the Member exercised poor judgment and failed to meet the high standards of professionalism expected in their role. By making light of their position to attract public attention, the Member's behaviour suggested a potential lack of respect for refugee claimants and, through the use of hashtags, increased the likelihood of drawing media or public scrutiny. This posed a reputational risk to the IRB and could erode public trust in the impartiality and professionalism of its members. The Chairperson agreed with the Ombudsperson's findings and referred the matter to the Division for action.

### 24-005

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division acted in a hostile and aggressive manner when explaining their decision on an application to reschedule the hearing. As the allegation concerned the Member's conduct, it was investigated.

The Ombudsperson found that the Member's critical remarks fell within their adjudicative discretion and that the hearing review showed no evidence of hostility or intimidation. The Chairperson agreed with the findings and concluded there were no breaches of the Code.

### 24-006

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, legal counsel for the refugee claimants, alleged that a member of the Refugee Protection Division unfairly excluded French-language documents while accepting similar English ones, suggesting unequal treatment of Canada's official languages. The Member, who did not understand French, relied on counsel's input and noted in their decision that they would have recused themselves for a bilingual Member had the relevance of the French documents been indicated. The decision also stated that certain testimony was unsupported, despite it being submitted in French.

The Ombudsperson concluded that the allegations related to adjudicative independence—such as evidence assessment and hearing management—and therefore fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson accepted the recommendation to screen out the complaint, and the file was closed.

### 24-007

An investigation found that the Member breached section 9 of the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division shouted at them during the hearing, showed insensitivity toward trauma-affected individuals, and demonstrated bias through their treatment of both counsel and claimant. As these allegations concerned the Member's conduct, they were investigated.

The Ombudsperson found that the Member raised their voice in a way that could be perceived as jarring, though not intended to humiliate. The tone was deemed discourteous, breaching section 9 of the Code, but no further instances of disrespect or bias were identified. The Member acknowledged the objection, rephrased the question, and allowed a response, thereby addressing the complainant's objection. No evidence of bias was found. The Chairperson agreed with the finding of a breach and referred the matter to the Division for action.

### 24-008

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, counsel for an appellant in an Immigration Appeal Division case, alleged that a member acted disrespectfully by attributing a party's absence after a break to professional neglect. As the allegation concerned the Member's conduct, it was investigated.

The Ombudsperson found no evidence that the Member accused the Complainant of neglect or behaved in a disrespectful manner. The Member's tone throughout the hearing was professional and composed. The Chairperson agreed with the findings and concluded there were no breaches of the Code.

### 24-009

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, a refugee claimant, alleged that a member of the Refugee Protection Division made offensive suggestions during the hearing, including

asking them to return to the country where they faced persecution. They also alleged that the Member's decision showed bias through discrepancies and false assumptions, and that the No Credible Basis finding was intended to block an appeal.

The Ombudsperson determined that the allegations related to adjudicative independence—such as evidence assessment and legal reasoning—and therefore fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson accepted the recommendation to screen out the complaint, and the file was closed.

## 24-010

An investigation found that the Member did not breach the [Code of Conduct for Members of the Immigration and Refugee Board of Canada](#) (the Code). The Complainant, an appellant in an Immigration Appeal Division case, raised 4 allegations. Two allegations were screened out as they related to adjudicative independence - such as time management and questioning decisions - and fell outside the scope of the member complaints process.

The remaining 2 allegations, which concerned the Member's conduct, were investigated. The Complainant alleged that the Member was aggressive when reprimanding and giving instructions. The Ombudsperson found that while the Member did issue instructions and reminders during the hearing, they did so in a professional and courteous manner. There was no evidence to support claims of aggressive conduct. The Chairperson agreed with the findings and concluded that there were no breaches of the Code.

## 24-014

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division acted improperly by repeatedly questioning whether the claimant was reading from a document and later referencing this in the decision without acknowledging counsel's efforts to clarify.

The Ombudsperson determined that the allegations fell under adjudicative independence - specifically, how evidence is assessed and interpreted - and therefore fell outside the scope of the [Procedures for Making a Complaint about a Member of the IRB](#). The Chairperson accepted the recommendation to screen out the complaint, and the file was closed.

## 24-016

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, a refugee claimant, alleged that a member of the Refugee Protection Division (RPD) used an aggressive and intimidating tone, pressured counsel to withdraw a rescheduling request, failed to review a late disclosure, and invoked Rule 27 of the *RPD Rules* without clear justification. As the complaint referenced conduct without giving examples, the recording of the hearing was reviewed.

The Ombudsperson found no evidence of aggressive or intimidating behaviour, and the remaining concerns were related to adjudicative independence, which fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson accepted the recommendation to screen out the complaint, and the file was closed.

**24-017**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the Member complaints process. The Complainant, a claimant in a Refugee Protection Division hearing, alleged that the Member gave limited breaks and questioned the Complainant about their religion and other distressing topics.

Upon review, the evidence confirmed that a standard 15-minute break was provided, and the Member's questioning was within their adjudicative role which fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Ombudsperson recommended screening out the complaint. The Chairperson agreed, and the file was closed.

**24-020**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division unfairly blamed them for poor-quality documents submitted by the Minister, dismissed the claimant's behaviour as irrelevant, interrupted proceedings, made inappropriate remarks about administrative procedures, and laughed at the Complainant during their closing statement.

The Ombudsperson found that most of the allegations were related to adjudicative independence – specifically hearing management - and were therefore outside the scope of the [Procedures for Making a Complaint about a Member](#). The final allegation was reviewed and determined to be vexatious, as the Member had clarified during the hearing that the laughter was due to the volume of interpretation required and not directed at the Complainant. The Ombudsperson therefore recommended to screen out the complaint. The Chairperson agreed, and the file was closed.

**24-021**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division refused a request for a private break with their client and called the Complainant “unethical” for raising an issue during submissions rather than interrupting the Member.

The exchange that resulted in the Member calling the Complainant “unethical” was regarding an adjudicative issue. As noted by the Complainant, the Member also retracted this statement during the hearing. An investigation into this allegation is not required as there are no additional facts to uncover. Management of a hearing is a matter of adjudicative independence which fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Ombudsperson therefore recommended to screen out the complaint. The Chairperson agreed, and the file was closed.

**24-022**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, an interpreter at a Refugee Protection Division hearing, alleged that the Member dismissed them after asking for a demonstration of mutual understanding between interpreter and claimants. The exchange that followed led to the interpreter's removal from the hearing.

Assessing interpretation quality and replacing an interpreter are part of hearing management and fall under adjudicative independence. As such, the allegations were outside the scope of the [Procedures for Making a Complaint about a Member](#). The Ombudsperson recommended to screen out the complaint. The Chairperson agreed, and the file was closed.

**24-023**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, a refugee claimant, alleged that a member of the Refugee Protection Division questioned them in a harsh and biased manner, causing mental distress, and requested evidence in a way they felt was judgmental and racist.

A review of the hearing confirmed that the Member was polite, professional, and respectful throughout, with no evidence of racism or bias. The Ombudsperson found that these matters fall under adjudicative independence and fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Chairperson accepted the recommendation to screen out the complaint, and the file was closed.

**24-025**

The complaint was screened out after a review determined that the allegations did not fall within the jurisdiction of the member complaints process. The Complainant, legal counsel for a refugee claimant, alleged that a member of the Refugee Protection Division improperly proceeded with a regular hearing despite the case being referred to a less complex process, questioned the claimant's support participant, and invited the Minister to intervene.

Upon review, the Ombudsperson determined that the allegations fell under adjudicative independence – specifically time management and deciding what questions to ask - which fell outside the scope of the [Procedures for Making a Complaint about a Member](#). The Ombudsperson therefore recommended to screen out the complaint. The Chairperson agreed, and the file was closed.

## Member complaints process: Long description

### 1. **Acknowledgment**

A written complaint is received. The Office of the Ombudsperson sends an acknowledgment of receipt to the complainant.

### 2. **Screening**

The Ombudsperson reviews the allegations in the complaint and makes a recommendation to the Chairperson about whether the allegations in a complaint relate to the conduct of a member and about the next steps in the complaints process. After considering the recommendations from the Ombudsperson and reviewing the complaint and other relevant information, the Chairperson will decide to:

- a. Refer some, or all, of the allegations for investigation to the Ombudsperson or an external investigator if the allegations are about the conduct of the member
- b. Dismiss some, or all, of the allegations if the allegations are not about the conduct of a member or are frivolous, vexatious, or otherwise an abuse of process
- c. Refer some, or all, of the allegations to a Deputy Chairperson for action
- d. Take any other action deemed required in the circumstances

The Chairperson's decision letter, which includes the reasons for the decision, is sent to the complainant, the member, and member management.\*

\* The member is not notified of the complaint until after the file related to the complaint is no longer before the member.

### 3. **Investigation**

The parties are given an opportunity to provide submissions before and after the investigator prepares a draft investigation report which is based on available evidence and contains preliminary findings of fact and analysis.

The report is then finalized and submitted to the Chairperson.

### 4. **Final decision**

The Chairperson reviews the investigation report and decides whether any allegations are founded and whether there was a breach of the Code of Conduct.

The parties and member management are informed of the Chairperson's decision. Further actions are taken, as appropriate. The file is closed.

## **Principles that are applied in the process:**

When a complaint is referred for investigation, the process will ensure that:

- the complaint is dealt with as quickly as fairness and thoroughness permit
- it is procedurally fair to the parties - i.e., the person who made the complaint and the member who is the subject of the complaint
- the identity of parties will be protected, to the extent possible, and as outlined in the *Privacy Act* and the *Access to Information Act*
- adjudicative independence of IRB members is respected while members are accountable for their conduct

**Service standards for processing member complaints:**

- 5 calendar days to acknowledge receipt of complaint
- 60 calendar days for the screening of the complaint<sup>†</sup>
- 170 calendar days for the final decision<sup>†</sup>

<sup>†</sup>This service standard does not include the time that passes if the case related to the complaint is still before the member who is the subject of the complaint.