



Immigration and Refugee Board of Canada

# Quality Performance in the Refugee Appeal Division 2025

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## Table of contents

Overview.....	4
Assessment methodology .....	4
Limitations .....	5
Results.....	5
Summary of results .....	5
Reasons are complete .....	6
Reasons are transparent and intelligible .....	10
Recommendations.....	12
Management Response and Action Plan.....	12
Appendix A: RAD Performance Indicators.....	14

## Overview

This report describes the results of the measurement of quality in decision-making in the RAD. This report aims to provide a perspective to improve the Division's overall performance<sup>1</sup>.

To ensure neutrality, quality, and consistency in the assessment, an independent assessor, Anne Levesque, conducted the review. Anne Levesque is an associate professor in the French Common Law Program at the Faculty of Law at the University of Ottawa. Her research and publications focus on human rights, public interest litigation and access to justice. She currently holds the Gordon F. Henderson Chair in Human Rights at the Human Rights Research and Education Centre of the University of Ottawa. In the past, she served as the first Academic Director of Experiential Learning at the Faculty of Law. Professor Levesque is also the founding Director of the Legal Practice Program at the University of Ottawa.

The Audit and Evaluation Team provided the statistics found in the table accompanying each result section as well as the information in 1.0 "Context" and collaborated with the assessor for the content of 2.0 "Summary of results". However, the findings in this report, including all strengths, areas for improvement and recommendations are solely those of the third-party reviewer.

## Assessment methodology

The study reviewed 70 randomly selected appeals that were finalized by a single member and were decided on their merits (e.g. final decision of allowed or dismissed) between April 1, 2024, and March 31, 2025. The cases were representative of the RAD's caseload by language and outcome, and balanced in proportion to members, and the appellants' countries of origin in the sample.

The reviewer examined all evidentiary and administrative materials on file, reviewed the written decision, and assessed these against qualitative indicators in an assessment tool developed by the Strategic Planning, Accountability and Reporting (SPAR) Directorate and approved by the Deputy Chairperson of the RAD (see [Annex A](#)). The assessment tool assesses 17 indicators across two performance categories.

1. Reasons are complete
2. Reasons are transparent and intelligible

Fourteen of the indicators are mandatory for assessment, and three are assessed only when applicable. However, in certain appeals, universal indicators could not be assessed, because the appeal was related to procedural issues.

Each indicator is assessed on a 1-to-3 rating scale. The 1-to-3 rating scale is as follows:

1 = Does not meet expectations: The quality requirement was not met. The evidence showed one or more key instances where the proceeding or reasons would have markedly benefited had this requirement been met. There may have been an effort to apply the requirement, but the level of achievement fell short of expectations.

2 = Meets expectations: This is a level of acceptable achievement. On balance, the member satisfied this quality requirement though there is margin for minor improvement.

3 = Exceeds expectations: This is a level of consistent, above-average achievement. The evidence shows a grasp of the quality requirement and an understanding of its importance to a quality proceeding or decision, as the case may be.

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<sup>1</sup> The performance of participants to hearings other than members is out of scope of the review.

Results are also expressed as a percentage of cases that meet expectations. A case is considered to meet the quality standard when 80% or more of the indicators for that case score a 2 or higher.

In support of Gender Based Analysis Plus (GBA+), the assessment tool includes items which address aspects of the [Chairperson's Guidelines](#).

## Limitations

The goal of the study was not to generate statistics but to identify areas of strength, areas for improvement, and patterns in decision-making quality. To mitigate the inherent limitations of qualitative research, detailed performance indicators and guidance were provided to the assessor to help focus the assessment. Moreover, the assessor was provided with orientation by the Division, and data was checked for quality by the Audit and Evaluation Team.

A small sample size limits the inferences that may be made about the broader caseload. Where sample sizes are too small for 'if applicable' indicators, observations or recommendations may still have been provided but these are not based on representative findings. Observations do not lend themselves to firm conclusions on legal matters such as the correct application of the law, the weighing of the evidence, or the fairness of the proceedings from a natural justice perspective. Only a court reviewing the case can arrive at such conclusions.

## Results

### Summary of results

The primary performance target for this assessment is for 80% of cases to meet the quality standard. The quality standard is that the case achieves a score of 2.0 or higher in at least 80% of all standard indicators assessed within that case. This target was achieved with 66 out of 70 cases meeting the expectations. In other words, 94% of appeals reviewed either met or exceeded the quality standard.

Where an indicator had many cases that did not meet the target, it is addressed in the reviewer's observations following the table ("What we can improve").



### General observations

The performance evaluation process underscored the complexity and sensitivity of the issues addressed by RAD members. This work requires not only sound legal reasoning but also an attentive evaluation of difficult and high-stakes situations. The level of rigour and care demonstrated in assessing the evidentiary record, engaging with the written submissions and rendering independent decisions reflects a consistently high standard of adjudicative work. While matters such as rising caseloads or budget constraints fall outside the scope of this review, the evaluation reveals that it is essential to continue to foster conditions that are conducive to the high-quality decision-making that was observed.

It is also important to emphasize that many members frequently exceeded expectations in the indicators assessed. This points to a complement of highly skilled, diligent and conscientious adjudicators who

demonstrate a remarkable proficiency across a full range of administrative decision-making competencies particularly in the clarity and accessibility of the writing and thoroughness of the reasons.

### **What we did well**

The RAD showed notable proficiency in producing reasons for decisions that are justifiable, intelligible and transparent. The RAD performed particularly well in:

- Applying legal frameworks (Indicators #1, #3, #4, #12, #17).
- Conducting clear and comprehensive factual analysis (Indicators #6, #7, #8).
- Implementing best practices in administrative decisions writing such as plain, clear, concise and accessible language, point first writing, and logical structure and organisation of reasons (Indicators #2, #5, #11, #14, #15, #16).

### **What we can improve**

The performance of members occasionally varied in the following areas:

- Demonstrably and meaningfully applying relevant Guidelines in their analysis when relevant to a case or issue (Indicators #10).
- Adopting trauma-informed writing practices that align with existing standards and requirements, such as meaningfully and respectfully addressing evidence that contradicts the member's conclusion, considering social/cultural factors when assessing credibility and exercising care when describing events or information that could be triggering for individuals affected by trauma (Indicators #9, #10).
- Organising their reasons in a manner that shows that they have conducted an independent assessment of whether the subject of the appeal is a Convention Refugee or a person in need of protection (Indicators #12, #13).

Although some cases highlighted areas for potential improvement, the vast majority showcased members' strong performance, setting a high benchmark in decision-making and drafting. The recommendations made herein aim to promote greater consistency in meeting and exceeding expectations across all indicators by building on the demonstrated expertise and excellence of the many members who showed outstanding capability in these areas.

## **Reasons are complete**

### **Why measure this**

The Supreme Court of Canada has affirmed that justifiability, intelligibility, and transparency are important hallmarks of a reasonable administrative tribunal decision. Indicators 1 to 12 of this study apply these principles to the context of IRB decision-making.

What was measured :	Number of cases assessed	Percent of cases scoring at least 2
1. The member applies the correct RAD standard of review.	70	100%
2. The member succinctly summarizes the main issues.	70	99%
3. The member applies the appropriate tests for the admission of new evidence.	29	100%
4. The member applies the appropriate tests for considering when a hearing is required.	11	100%
5. *The member identifies the determinative issue(s) and, where appropriate, writes only on the determinative issue(s).	70	96%
6. The member makes clear, unambiguous findings of fact.	69	93%
7. The member supports findings of fact with clear examples of evidence shown to be probative of these findings.	68	93%
8. The member bases findings on evidence considered credible or trustworthy.	69	97%
9. The member addresses parties' evidence that runs contrary to the member's decision, and why certain evidence was preferred.	69	81%
10. Where relevant in determining the credibility of the claimant, social and cultural, or personal factors are reasonably identified and taken into account.	65	86%
11. The reasons contain only those personal details that are necessary to make the reasons clear.	70	97%
12. The member conducted an independent assessment of the claim rather than a review of errors made by the RPD.	65	86%

## Considerations

Indicators 3 and 4 were assessed if applicable. The other indicators were mandatory for all cases, but may not have been assessed in appeals on procedural issues.

## Overall result



Nearly all cases reviewed met or exceed expectations in relation to the completeness of the reasons. Members consistently applied the correct legal tests, including those for reviewing decisions and admitting new evidence. Most produced clear and well-structured reasons, focusing on key issues, making clear findings of fact, and supporting those findings with credible evidence, showing strong overall performance across multiple indicators. The findings reflect a very high overall standard of decision-making, with most members demonstrating strong legal reasoning, fact-finding, attention to detail and rigour.

Most decisions showed an appropriate reference and adherence to the Chairperson's Guidelines. Some were truly exemplary in how they addressed issues related to minors, persons with disabilities, gender, and SOGIESC in accordance with relevant Guidelines. However, others mentioned the Guidelines only briefly or not at all. A few decisions reviewed did not follow best practices for trauma-informed writing, suggesting there is room to improve consistency and care in decision writing.

### What we did well

Without exception, members applied the correct standard of review (Indicator #1).

The appropriate test for admitting new evidence and holding a hearing was almost always articulated and applied (Indicator #3, #4). Likewise, members sent a claim for redetermination only when appropriate and provided clear, appropriate and constructive direction when doing so (Indicator #17).

Nearly all members excel in writing comprehensive reasons including succinctly summarizing the main issues (Indicator #2), identifying and writing only on determinative issues (Indicator #5), making clear findings of fact (Indicator #6), and supporting their factual findings with credible evidence (Indicator #7, #8).

### What we can improve

Members are not necessarily expected to mention or demonstrate they have applied guidelines in positive decisions. However, members ought to show that they have considered social/cultural factors and any relevant Guidelines of the Chairperson when rejecting a claim.

There was some inconsistency in how the Chairperson's Guidelines were referenced and applied. A large number of cases, both accepting and denying claims, stand out as model examples of the Guidelines in practice, with reasons that clearly demonstrate members' meaningful engagement with the Guidelines and the ways in which they informed their analysis. In other cases, in which claims were denied, the Guidelines were mentioned only in passing without any explanation of why or how they were relevant. In a few limited cases, the Guidelines were not mentioned at all even where they were directly relevant to the issues at hand and did not appear to have been considered in the analysis leading to the denial of a claim (Indicator #10).

There is also some room for improvement in certain decision-writing practices that can be grouped under the broader framework of trauma-informed decision writing. To be clear, this is not meant to introduce new requirements, but rather to organize existing indicators, standards, and expectations under a

thematic category. Trauma-informed decision writing includes existing best practices such as using a respectful and neutral tone (*Code of Conduct* for Members of the Immigration and Refugee Board of Canada) and writing for the losing side by demonstrating through the reasons that the testimony and submissions of the claimant were genuinely heard and meaningfully considered (Indicator #9). It also encompasses considering social/cultural factors when assessing credibility (Indicator # 10). These are areas where some reasons did not consistently meet the expected standard, indicating opportunities for improvement.

## Recommendations

1. Recommendation: Explore different ways to leverage the expertise of members who excel in applying the Guidelines.

This recommendation aims to build on the expertise and practical knowledge of members who demonstrate excellence in applying the guidelines.

Possible measures could include:

- Consulting members who consistently apply the guidelines effectively and inviting their ideas on how to best promote their understanding and use.
- Circulating decisions in which Guidelines were meaningfully applied to illustrate best practices.
- Integrating these examples into training materials for new members and refresher training.
- Identifying members who excel in applying specific guidelines and recognize them as champions to serve as mentors or peer learning resources, promoting consistent understanding and application.
- Creating a group of decision-makers who demonstrate excellence in applying specific Guidelines to adjudicating claims, and assign them to appeals in which those Guidelines are engaged.

Rationale: The Guidelines enshrine the IRB's best practices in light of evolving jurisprudence in order to provide members with clear and consistent guidance on certain matters. They also help members navigate the complexity of challenging cases, support fair, transparent and consistent decision-making and inform the public, and claimants in particular, about what to expect. The recommendation aims to promote their consistent use and application in order to reduce uncertainty, encouraging best practices informed by jurisprudence and building public trust while still allowing flexibility and discretion.

2. Recommendation: Consider different ways to help members draft reasons that are sensitive to the experiences of individuals affected by trauma.

This recommendation aims to encourage the development of useful and actionable supports to help members adhere to best practices in trauma-informed decision writing that relate to existing standards and expectations. Potential supports could include developing a checklist or guide, offering targeted training, sharing of existing resources, or providing access to a subject matter expert or advisor. Team leaders and members could be consulted to identify which resources or forms of support would be most helpful and practical in their work.

Rationale: The Chairperson's Guidelines on Gender, Accessibility and cases involving Minors and SOGIESC call upon members to apply trauma-informed principles in cases where trauma may impact a person's ability to participate in a proceeding. This applies not only to how cases are adjudicated but also how reasons are drafted.

Developing and providing members with resources, information or support on how to draft reasons in a manner that is sensitive to the experiences of individuals affected by trauma would favour a more

consistent application of existing standards relating to trauma-informed principles. For example, encouraging members to show in their reasons that they have meaningfully engaged with a claimant's evidence, and to explain why certain evidence was preferred over other perspectives, while maintaining a neutral and respectful tone, reflects trauma-informed principles. It is also in keeping with sound adjudicative reasoning and the best practice of writing for the losing side. Similarly, taking into account a claimant's social, cultural, or personal factors when assessing credibility, and demonstrating sensitivity when writing about potentially sensitive or personal information, aligns with existing Guidelines and trauma-informed principles. In sum, applying trauma-informed principles contribute to decisions that are not only fair and transparent, but also sensitive to the lived experiences of those affected by trauma as required by certain Guidelines, and other best practices in administrative decision-making.

## Reasons are transparent and intelligible

### Why measure this

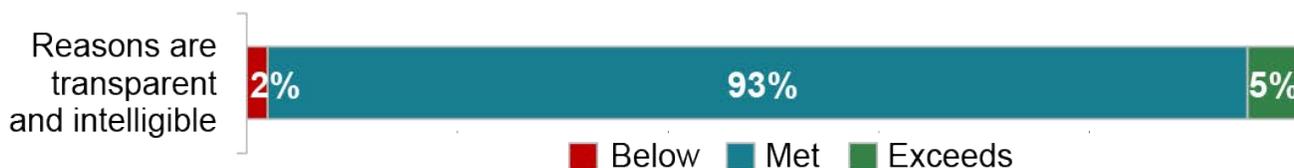
The Supreme Court of Canada set the requirement for intelligibility, and transparency in a decision of an administrative tribunal. Through indicators 13 to 17, this study applies the Court's requirement in the context of IRB decision-making.

What was measured:	Number of cases assessed	Percent of cases scoring at least 2
13. Reasons are well-organised and logically sequenced.	69	94%
14. The reasons are concise, taking into account the complexities of the appeal and volume of evidence.	69	99%
15. The reasons are likely to be understood by the general public.	70	100%
16. The reasons appear to provide useful guidance to the RPD and other readers (e.g., on CanLii)	70	99%
17. Where the member sent the claim for redetermination at the RPD, the member has explained why it could not achieve finality at the RAD.	5	80%

### Considerations

Indicator 17 was only considered when applicable. The other indicators were mandatory for all cases but may not have been assessed in appeals on procedural issues.

## Overall result



## General observations

Members clearly and consistently championed best practices in administrative decision writing. Plain language is widely used, and reasons are drafted in a manner that is accessible to the public. Although many cases involve complex factual patterns, the reasons strike an impressive balance between conciseness and thoroughness. Decisions are exceptionally well organised, following a logical sequence that makes the reasoning easy to follow. While most reasons are structured around the issues raised in the claim and thus engaging in an issues-based analysis, a small number are organised according to the arguments presented by the parties, which is less conducive to an independent assessment of the claim.

## What we did well

Reasons consistently meet or exceed in indicators relating to their transparency and intelligibility. Members generally excelled in the organisation and sequencing of their reasons (Indicator #13). Members also adhere to best practices such as appropriate use of headings and subheadings (Indicator #13).

Despite the complexity of most matters and volume of evidence, reasons were rarely overly lengthy. Rather, members excelled in concision. Members rarely used excessively long quotations and incorporated the content of the sources they relied upon by paraphrasing them in accessible language (Indicator #14).

One of the most remarkable strengths observed was the clarity and public accessibility of the reasons, which reflects a strong commitment to transparency, thoughtful communication and access to justice. Members excelled in producing reasons that can be understood by people from different backgrounds and levels of legal knowledge (Indicator #15). This is particularly important given the diverse experiences, and circumstances of the individuals involved in matters before the RAD.

Reasons were almost always written in a manner that is instructive to the legal issues that they deal with and therefore provide valuable guidance to claimants, counsel, the minister, law students, professors and members of the legal community and the public at large (indicator #16).

## What we can improve

Form shapes substance. In a small number of the cases assessed, the reasons for the decision were structured around or too focused on the alleged errors made by the RPD (Indicator # 13). In such instances, it was more difficult to determine if and how the member independently assessed whether the subject of the appeal was a Convention refugee or person in need of protection. In order to demonstrate that they have indeed conducted an independent assessment of each claim, members should engage in issues-based analysis and organise their reasons accordingly (Indicators #12, #13).

## Recommendation

3. Recommendation: Remind members to conduct issues-based analysis and structure their reasons accordingly.

Additional new training is not necessary but other supports and reminders ought to be provided to members about undertaking issues-based analysis and how to organise reasons in a manner that shows this has been done. This could include the sharing of decisions that exemplify this best practice, continuing existing training on the topic, or reminders at regional or team meetings.

Rationale: Encouraging members to conduct issues-based analysis and to structure their reasons accordingly was a recommendation made in the last review and continues to be an area in need of improvement. This best practice contributes to more concise and accessible decisions and is conducive to independent assessments of each claim. It also promotes access to justice and, as noted by a previous reviewer, reinforces the RAD's mission and strengthens public trust in its decision-making.

## Recommendations

The RAD's overall performance relating to most indicators was excellent. The following measures, which have been listed in order of suggested priority, are recommended to sustain this high standard and ensure greater consistency of high results across all areas.

1. Application of Guidelines: Explore different ways to leverage the expertise of members who excel in applying the Guidelines, in order to foster greater consistency in their interpretation and implementation.
2. Trauma-informed adjudication: Consider different ways to help members draft reasons that are sensitive to the experiences of individuals affected by trauma.
3. Issues-based analysis: Remind members to conduct issues-based analysis and structure their reasons accordingly.

## Management Response and Action Plan

### Recommendation 1

Explore different ways to leverage the expertise of members who excel in applying the Guidelines, in order to foster greater consistency in their interpretation and implementation.

### Management Response

The IRB accepts this recommendation.

The recommendation aims to promote the Guidelines' consistent use and application to reduce uncertainty, encouraging best practices informed by jurisprudence and building public trust while still allowing flexibility and discretion.

### Management Action Plan

- a. The RAD will establish a peer coaching group of experienced RAD members able to support fellow members in the application of Guidelines 4, 8, and 9.
- b. The RAD will circulate identified decisions in which Guidelines were meaningfully applied to illustrate best practices.

- c. The RAD will integrate identified decisions into training materials for new members and refresher training.
- d. The RAD will identify decisions for RAD [Reasons of interest \(RROI\)](#).

Lead responsible: RAD

Completion Date: Q4 2026-2027

## Recommendation 2

Consider different ways to help members draft reasons that are sensitive to the experiences of individuals affected by trauma.

## Management Response

The IRB accepts this recommendation.

The Chairperson's Guidelines on Gender, Accessibility and cases involving Minors and SOGIESC individuals call upon Members to apply trauma-informed principles in cases where trauma may impact a person's ability to participate in a proceeding. This applies not only to how cases are adjudicated but also how reasons are drafted.

## Management Action Plan

- a. The RAD will organize and deliver refresher training on trauma-informed adjudication for all members.
- b. The RAD will provide training or support on trauma-informed decision-writing.

Lead responsible: RAD

Completion date: Q4 2026-2027

## Recommendation 3

Remind members to conduct issues-based analysis and structure their reasons accordingly.

## Management response

The IRB accepts this recommendation.

Encouraging members to conduct issues-based analysis and to structure their reasons accordingly was a recommendation made in the last review and continues to be an area in need of improvement. This best practice contributes to more concise and accessible decisions and is conducive to independent assessments of each claim. It also promotes access to justice and, as noted by a previous reviewer, reinforces the RAD's mission and strengthens public trust in its decision-making.

## Management Action Plan

- a. Integrate issues-based analysis practices in RAD's writing workshop for members.
- b. Leverage members with Federal Court litigation experience to provide best practices and tips on how to structure reasons.

Lead responsible: RAD

Completion date: Q4 2026-2027

## Appendix A: RAD Performance Indicators

<b>Reasons are complete</b>
1. The member applies the correct RAD standard of review.
2. The member succinctly summarizes the main issues.
3. The member applies the appropriate tests for the admission of new evidence (if applicable).
4. The member applies the appropriate tests for considering when a hearing is required (if applicable).
5. The member identifies the determinative issue(s) and, where appropriate, writes only on the determinative issue(s).
6. The member makes clear, unambiguous findings of fact.
7. The member supports findings of fact with clear examples of evidence shown to be probative of these findings.
8. The member bases findings on evidence considered credible or trustworthy.
9. The member addresses parties' evidence that runs contrary to the member's decision, and why certain evidence was preferred.
10. Where relevant in determining the credibility of the claimant, social and cultural, or personal factors are reasonably identified and taken into account (if applicable).
11. The reasons contain only those personal details that are necessary to make the reasons clear.
12. The member conducted an independent assessment of the claim rather than a review of errors made by the RPD.
<b>Reasons are transparent and intelligible</b>
13. Reasons are well-organised and logically sequenced.
14. The reasons are concise, taking into account the complexities of the appeal and volume of evidence.
15. The reasons are likely to be understood by the general public.

16. The reasons appear to provide useful guidance to the RPD and other readers (e.g., on CanLii).

17. Where the member sent the claim for redetermination at the RPD, the member has explained why it could not achieve finality at the RAD (if applicable).