



Immigration and Refugee Board of Canada

Part III – Report on Plans and Priorities

**2012–13
Estimates**

The original version was signed by

**The Honourable Jason Kenney
Minister of Citizenship, Immigration
and Multiculturalism**

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MESSAGE FROM THE CHAIRPERSON



I am pleased to present the *2012–13 Report on Plans and Priorities* for the Immigration and Refugee Board of Canada (IRB).

The IRB is an independent administrative tribunal established by Parliament to resolve immigration and refugee cases efficiently, fairly and in accordance with the law. Through the work of its three divisions, namely the Refugee Protection Division (RPD), the Immigration Division (ID) and the Immigration Appeal Division (IAD), the Board contributes directly to Canada's humanitarian traditions, the security of Canada and the quality of life of Canadians. A new division, the Refugee Appeal Division (RAD), will be added to the IRB when the *Balanced Refugee Reform Act* (BRRRA) comes into force, as explained below.

OUR OPERATING ENVIRONMENT

The IRB carries out its work in a complex environment in which refugee movements and shifting migration patterns, among other factors, influence the number and type of cases received. While both the ID and the IAD have experienced high intake over the past several years, the number of cases referred to the RPD has been more variable, with a significant decrease in referrals beginning in 2009 followed more recently with a growth in intake in 2011–12. The decrease in refugee claims is partly explained by the Government's decision in July 2009 to impose a visa requirement on citizens of Mexico and the Czech Republic.

These periods of elevated intake in the RPD and the IAD have contributed to the growth of substantial backlogs in both divisions. With additional backlog funding provided by the Government and improved operational efficiency, the IRB has substantially reduced the RPD inventory over the past two years, although the resources received will not be sufficient to eliminate it prior to the coming into force of the BRRRA.

ADAPTABILITY IN A TIME OF CHANGE

The IRB has demonstrated a strong commitment over the past several years to a transformation agenda that seeks to enhance adjudicative and operational efficiency without compromising fairness. This has involved such initiatives as the backlog reduction program in which additional members and adjudicative support staff were appointed; the promotion of cross-divisional integration; the reinforcement of accountabilities and performance expectations for both managers and decision-makers; the strengthening of human resources practices and quality assurance mechanisms; and the application of business process improvement techniques to optimize tribunal performance. These measures, and others like them, have been key to the IRB's success in becoming a more flexible, adaptable and productive organization. At the same time, high-quality decision-making continues to be a priority at the IRB, as demonstrated by the fact

that the proportion of decisions set aside by the Federal Court and sent back to the Board to be reheard has remained at less than one percent over the past several years.

KEY PRIORITIES FOR 2012–13

Given our ongoing preparations for the implementation of the changes introduced under the BRRA, our strategic priorities for 2012–13 remain the same as those for the previous fiscal year:

- Prepare for and implement the BRRA
- Continue to maximize case resolutions while ensuring quality and fairness
- Continue to promote an adaptive, integrated and flexible organization that values its people

REFUGEE DETERMINATION REFORM

As a result of the changes to Canada’s refugee determination system set out in the BRRA, the IRB is in transition as it plans and prepares for implementation. In addition to establishing the RAD, which will resolve appeals from first-level refugee protection decisions, in 2012–13 the IRB will put into place an RPD whose decision-makers will be public service employees rather than Governor-in-Council (GIC) appointees, and which will be required to process claims more quickly than today.

Successful implementation of these changes is the IRB’s key strategic priority in 2012–13. In February 2012 the Government introduced in Parliament the *Protecting Canada’s Immigration System Act* (PCISA), which proposes further changes to the refugee determination system as well as measures to address human smuggling. Should this bill receive Royal Assent, the IRB stands ready to adjust its plans and preparations as necessary to ensure a smooth transition to the new system while maintaining the quality and fairness of Board proceedings.

LOOKING AHEAD

The year ahead will bring far-reaching changes to the IRB, and it will be important for us to work effectively with our portfolio partners and stakeholders. I have every confidence that we will be successful in achieving our commitments, thanks to our dedicated personnel composed of both public service employees and GIC appointees. I wish to thank them for their unwavering professionalism, dedication and hard work. I know I can count on them to meet the coming challenges.

The original version was signed by

Brian Goodman
Chairperson

SECTION I ORGANIZATIONAL OVERVIEW

RAISON D'ÊTRE AND RESPONSIBILITIES

MISSION

Our mission, on behalf of Canadians, is to resolve immigration and refugee cases efficiently, fairly and in accordance with the law.

The Immigration and Refugee Board of Canada (IRB) is an independent administrative tribunal that was created on January 1, 1989, by an amendment to the *Immigration Act*. In 2002, the *Immigration Act* was replaced by the *Immigration and Refugee Protection Act* (IRPA), which will be amended by the *Balanced Refugee Reform Act* (BRRRA). On February 16, 2012, the Government introduced Bill C-31, *Protecting Canada's Immigration System Act* (PCISA), which proposes to amend, among other legislation, the BRRRA once it receives Royal Assent. As currently legislated, the IRB's mandate under the IRPA will expand as provisions of the BRRRA come into force in 2012–13 and in 2013–14.

IRB Division Mandates¹

Refugee Protection Division (RPD)

- Decides claims for refugee protection
- Decides applications for vacation of refugee protection
- Decides applications for cessation of refugee protection
- Decides pre-removal risk assessments (PRRA)²

Refugee Appeal Division (RAD)³

- Hears appeals from decisions of the RPD allowing or rejecting claims for refugee protection
- Hears appeals from decisions of the RPD rejecting applications by the Minister for a determination that refugee protection has ceased
- Hears appeals from decisions of the RPD rejecting applications by the Minister to vacate a decision to allow a claim for refugee protection

Immigration Division (ID)

- Conducts admissibility hearings for foreign nationals or permanent residents who seek entry into Canada, or who are already in Canada and are alleged to be inadmissible
- Conducts detention reviews for foreign nationals or permanent residents who are detained for immigration reasons

Immigration Appeal Division (IAD)

- Hears appeals of family sponsorship applications refused by Citizenship and Immigration Canada (CIC)
- Hears appeals from certain removal orders made against permanent residents, Convention refugees and other protected persons, and holders of permanent resident visas
- Hears appeals by permanent residents against whom a CIC officer outside Canada has decided that they have not fulfilled their residency obligation
- Hears appeals by the Minister of Public Safety of ID decisions at admissibility hearings

¹ An overview of the IRB is available at www.irb-cisr.gc.ca/eng/brdcom/publications/oveape/Pages/index.aspx.

² When transferred from CIC on June 29, 2013, or on any earlier day that may be fixed by order of the Governor in Council (GIC), or as will be amended by the PCISA once it receives Royal Assent; see page 15 for more details.

³ When relevant sections of the BRRRA come into force on June 29, 2012, or as will be amended by the PCISA once it receives Royal Assent; see page 18 for more details.

REGIONAL OPERATIONS

The IRB carries out its work in three regional offices located in Toronto, Montréal and Vancouver. The Central Region is responsible for Ontario, except for Ottawa; the Eastern Region for Quebec, Ottawa and the Atlantic provinces; and the Western Region for the Western provinces and the Northern territories. All three divisions hold hearings in these regions, assisted by adjudicative and corporate support. The IRB also has offices in Calgary and Ottawa in which hearings are held. Internal and support services are managed at IRB National Headquarters, located in Ottawa.

ADMINISTRATIVE JUSTICE

Through the work of each division, the IRB strives to deliver a simpler, more accessible and expeditious form of justice than that provided by the courts, but with no less attentiveness to procedural fairness and to the application of the law to the particular facts of each case. The IRB applies the principles of administrative law, including those of natural justice, in its proceedings and resolutions, and its decisions are rendered in accordance with the law, including the *Canadian Charter of Rights and Freedoms*.

The IRB is committed to fairness in all aspects of its work. The Board respects the dignity and diversity of the individuals who appear before it and their unique and sometimes extremely traumatic experiences.

BENEFITS FOR CANADIANS

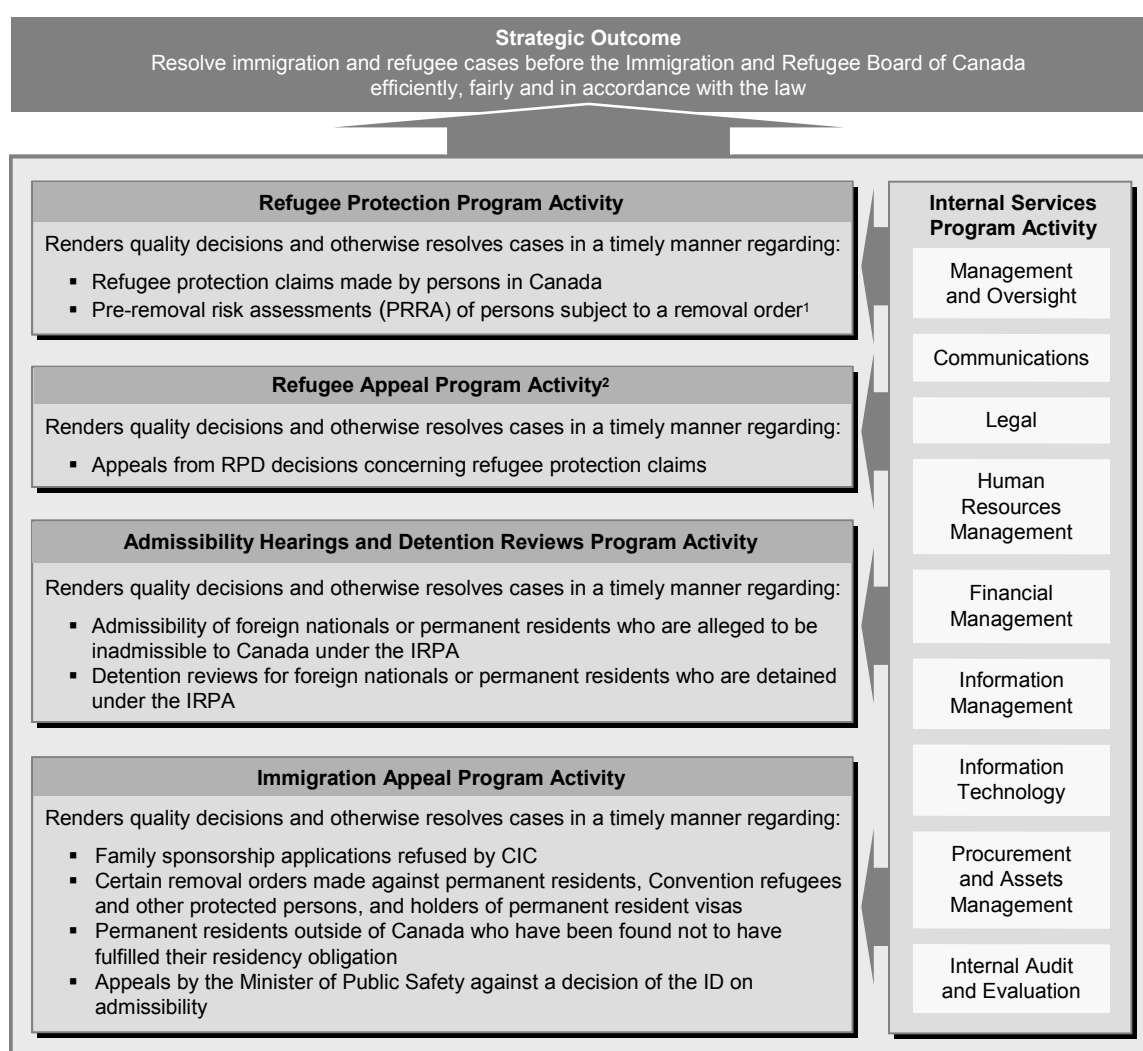
Immigrants and refugees have always contributed significantly to Canada's growth and development. The IRB ensures continued benefits to Canadians in three important ways:

- In the hearing of refugee protection claims and the resolution of refugee protection appeals, it ensures that Canada accepts those in need of protection in accordance with international obligations and Canadian law.
- Through admissibility hearings and detention reviews, it contributes to the integrity of our immigration system, ensures the maintenance of the balance between individual rights and the safety and security of Canadians, and upholds Canada's reputation for justice and fairness.
- As an independent tribunal responsible for resolving sponsorship, removal order and residency obligation appeals, it helps to promote family reunification, helps to ensure Canadians' safety and security, and safeguards the integrity of Canada's immigration system.

The IRB also contributes more broadly to the quality of life of Canada's communities by strengthening our country's social fabric and by reflecting and reinforcing the core values that are important to Canadians. These include respect for human rights, peace, security and the rule of law.

STRATEGIC OUTCOME AND PROGRAM ACTIVITY ARCHITECTURE

The IRB Program Activity Architecture (PAA) was amended in the second half of the 2010–11 reporting period in anticipation of the coming into force of the BRRRA, currently scheduled for June 29, 2012. The BRRRA will be further amended by the PCISA once it receives Royal Assent. However, as directed by the Treasury Board Secretariat (TBS), the *2012–13 Report on Plans and Priorities* (RPP) is based on the IRB’s mandate as currently legislated and on its approved PAA. The IRB has a single strategic outcome and four program activities that include responsibility for all tribunal decisions and resolutions. The fifth program activity, Internal Services, supports the first four, as illustrated in the diagram below.



¹ When transferred from CIC on June 29, 2013, or on any earlier day that may be fixed by order of the GIC, or as may be amended by the PCISA once it receives Royal Assent; see page 15 for more details.

² When relevant sections of the BRRRA come into force on June 29, 2012, or as may be amended by the PCISA once it receives Royal Assent; see page 18 for more details.

ORGANIZATIONAL PRIORITIES

The IRB's strategic priorities have remained the same since the BRRRA received Royal Assent on June 29, 2010. They are expected to remain the same throughout the planning and implementation of the reform of the refugee determination system. The strategic priorities all contribute to the single strategic outcome and are summarized in the following table.

2012–13 Strategic Priorities		
STRATEGIC OUTCOME		
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law		
Priorities	Type	Status (Contribution and Plan)
Prepare for and implement the BRRRA	Previously committed to	The IRB will take all the necessary steps to implement the new legislation by June 29, 2012. These preparations and the required implementation activities will greatly influence the IRB's operating environment during 2012–13. The IRB will introduce major changes to the processes in the Refugee Protection program activity. It will operate under the current system during the first quarter of 2012–13 and subsequently transition to the new system. New processes will also be developed and implemented for the new Refugee Appeal program activity. The PCISA may also amend the BRRRA and its implementation timelines once it receives Royal Assent. The IRB Reform Office will continue to coordinate reform implementation activities.
Continue to maximize case resolutions while ensuring quality and fairness	Ongoing	The number of available decision-makers remains the key element needed to maximize case resolutions. The IRB will continue to assess and recommend qualified candidates to the Minister for appointment in order to maintain a full complement of GIC decision-makers. As part of the new refugee determination system, public service employee decision-makers will also be selected in accordance with the <i>Public Service Employment Act</i> (PSEA). A recent initiative that measures the quality of proceedings and decisions will also be integrated into the new system. The Board will continue to develop options to address the pending case inventory.
Continue to promote an adaptive, integrated and flexible organization that values its people	Ongoing	The IRB will continue to ensure the consistent delivery of high-quality administrative justice within a changing environment. In 2012–13, the IRB will adapt to the changes brought about by the reform of the refugee determination system. Emphasis will also be placed on human resources (HR) management practices.

RISK ANALYSIS

OPERATING ENVIRONMENT

The IRB carries out its mandate within a complex and ever-changing environment. Both international and domestic factors influence the IRB's operating environment. Conflicts and country conditions abroad can result in refugee movements that affect the number of refugee protection claims made in Canada. Similarly, shifts in international migration patterns and changes to domestic policies by other receiving countries can affect the number of people seeking admission to Canada.

REFUGEE POPULATIONS. According to *Asylum Levels and Trends in Industrialized Countries, First Half 2011*¹, a report published by the Office of the United Nations High Commissioner for Refugees (UNHCR) on October 18, 2011, the 44 main industrialized countries received 198,300 refugee claims during the first six months of 2011, representing a 17 percent increase over the total number of claims lodged in the same period in 2010 (169,300). After the United States, France, Germany, Sweden, the United Kingdom and Belgium, Canada was the seventh largest recipient of claims, with 11,510 claims referred during the first half of 2011. Following a significant decrease in the number of refugee claims referred to the IRB in 2009–10 and 2010–11, intake again began to rise in 2011–12. The 19,000 claims received between April and December 2011 represent a 15 percent increase over the same period the year before. This growth in intake can be attributed largely to the increase in refugee claims from Hungary (3,700, up 140 percent from the previous year).

IMMIGRATION APPEALS. The Government of Canada continues to place a priority on family reunification, as expressed in the IRPA and CIC’s *Annual Report to Parliament on Immigration, 2011*.² Regulatory changes to strengthen CIC’s capacity to refuse cases of suspected marriage fraud were brought into force on September 30, 2010. Accordingly, the IRB anticipates that family sponsorship appeals will remain at the high levels seen over the past five years and that the IAD sponsorship appeal inventory will remain high during 2012–13.

CHALLENGES

REFORM TO CANADA’S REFUGEE SYSTEM. The BRRRA received Royal Assent on June 29, 2010. Since then, the IRB has been working diligently with its portfolio partners, stakeholders and other organizations on reform implementation planning activities. As described in the previous report, the BRRRA provides for significant changes to the structure and the manner in which the IRB processes refugee protection claims. On February 16, 2012, the Government introduced Bill C-31, the PCISA. Once it receives Royal Assent, the PCISA is expected to further amend the current legislation and to require changes to processes to be implemented by the IRB. Bill C-31 will also amend the coming into force date of the BRRRA, currently scheduled for June 29, 2012. Information contained in this report is based on the IRPA, the BRRRA and the PAA currently approved for the IRB. Nevertheless, the Board anticipates continuing to dedicate an appropriate portion of its resources to planning activities for refugee reform during 2012–13.

APPOINTMENT OF DECISION-MAKERS. Currently, the RPD and the IAD depend on decision-makers who are appointed by the GIC following a rigorous merit-based selection process. With the implementation of the BRRRA, RPD decision-makers will be appointed in accordance with the PSEA. Decision-makers in the newly created RAD will be GIC appointees. In 2011–12, the IRB initiated recruitment campaigns to ensure that a sufficient number of qualified candidates are available for consideration by the GIC for appointment.

¹ Report available on the UNHCR Web site: www.unhcr.org

² Report available at www.cic.gc.ca/english/pdf/pub/annual-report-2011.pdf

PENDING CASE INVENTORY. At the end of March 2012, there were approximately 40,300 refugee protection claims and 11,800 immigration appeals pending. The backlog had accumulated in past years because of shortfalls in the number of GIC decision-maker appointments and reappointments as well as an intake of new cases that was well above the IRB's funded capacity. In an effort to facilitate the implementation of the refugee determination system under the BRRRA, the IRB received additional funding in the previous reporting period for a special backlog reduction initiative that will continue until the coming into force of the BRRRA on June 29, 2012. Additional decision-makers were appointed by the GIC to the RPD for the purpose of backlog reduction. While this initiative is expected to result in a reduction of the backlog, the IRB anticipates that approximately 40,000 "legacy" cases will remain in the inventory when the BRRRA comes into force. The Government is currently exploring options to deal with these cases under the new system.

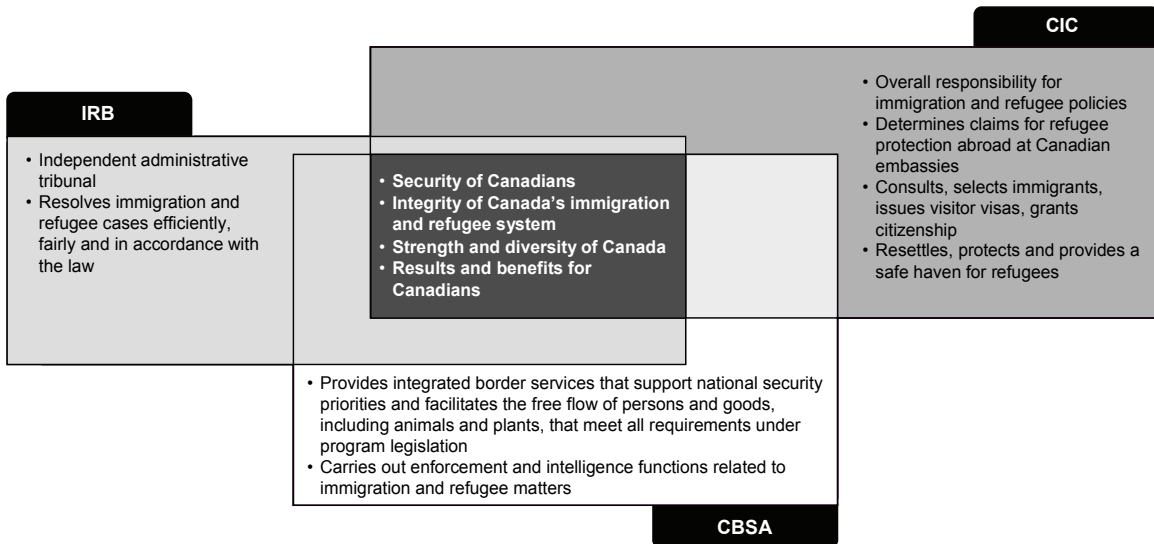
REPLACEMENT OF STAR BY NOVA. Prior to 2011–12, the IRB relied on a legacy case tracking system known as STAR, which had inherent risks related to the integrity of the system's data and security controls. During 2011–12, the IRB worked with the TBS to modernize this system and replace it with a modern case tracking and reporting system called NOVA. During 2012–13, development of NOVA will continue in order to support the business models and requirements of the new refugee determination system.

BUDGET 2010. As part of the Government's plan to return to a balanced budget, Budget 2010 announced several significant spending control measures for departments and agencies. The IRB will continue to absorb within its existing budget the impact of wage increases in 2011–12 and 2012–13 as well as inflationary increases to operating expenses through attrition and efficiency measures.

SHARED SERVICES. On August 4, 2011, Shared Services Canada (SSC) was established by order in council to lead the transformation and streamlining of email, data centre and network services across the Government. The IRB is one of 44 departments and agencies from which information technology (IT) assets, support personnel and financial resources were transferred to the SSC to improve the efficiency of IT services. As a result, the IRB budget will be reduced by \$2.1 million in 2012–13 and subsequent years. A business continuity framework defined a transition period between August 2011 and March 31, 2012. This transition and related changes in functions, processes and personnel have had an impact on IRB operations since the third quarter of 2011–12.

OPPORTUNITIES

PORTFOLIO MANAGEMENT. As immigration and refugee portfolio organizations, the IRB, CIC and the Canada Border Services Agency (CBSA) collaborate on operational matters while respecting each other's distinct mandates and the IRB's institutional and adjudicative independence. Portfolio organizations are party to a trilateral memorandum of understanding that provides a framework under which organizational priorities are discussed and information is shared as appropriate. This collaborative approach provides for improved communication and operational coordination. The diagram below outlines the distinct functions and roles of the portfolio organizations as well as the overarching goals they share. During 2012–13, this institutional coordination will remain invaluable as the IRB continues to work to prepare for the implementation of the new legislation.



PLANNING SUMMARY

FINANCIAL AND HUMAN RESOURCES

Financial Resources (\$ Millions)		
2012–13	2013–14	2014–15
145.7	129.6	128.1

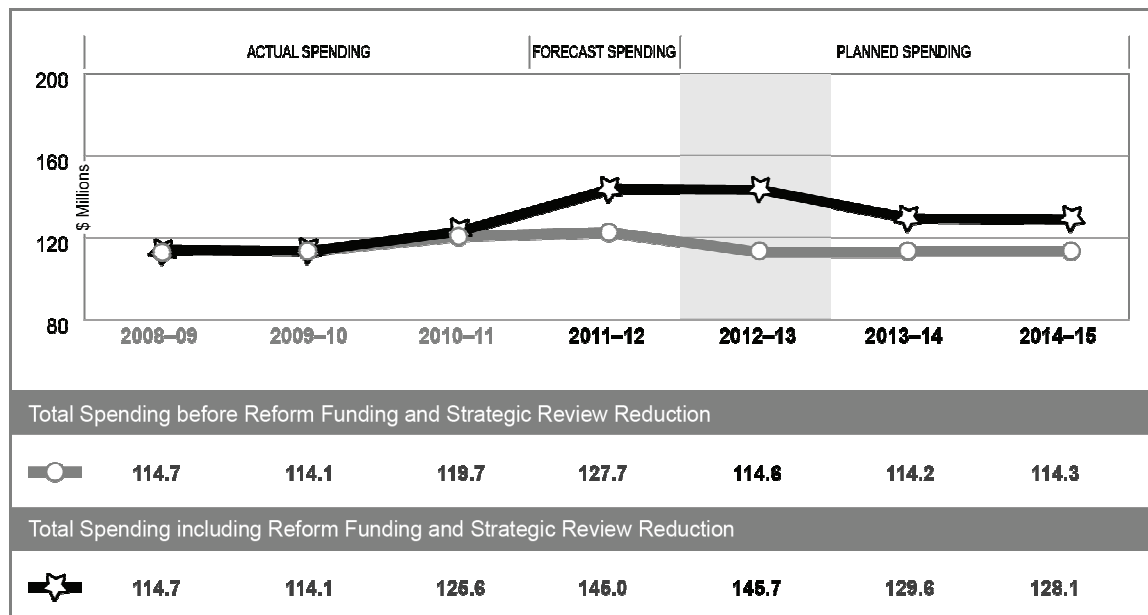
Human Resources (Full-time Equivalents [FTEs])		
2012–13	2013–14	2014–15
1,147	1,064	1,072

PLANNING SUMMARY TABLE

Planning Summary Table					
STRATEGIC OUTCOME					
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law					
PERFORMANCE INDICATOR					TARGET
<ul style="list-style-type: none"> Percentage of IRB decisions overturned by the Federal Court (This quality indicator is used in addition to the indicators described in the program activities; see Section II for more details.) 					<ul style="list-style-type: none"> Less than 1%
Program Activity	Forecast Spending (\$ Millions)	Planned Spending (\$ Millions)			Alignment to Government of Canada Outcomes
	2011–12	2012–13	2013–14	2014–15	
Refugee Protection	77.2	71.4	51.0	49.5	A safe and secure world through international engagement
Refugee Appeal	1.0	18.0	22.1	22.1	A safe and secure world through international engagement
Admissibility Hearings and Detention Reviews	12.3	8.6	8.6	8.6	A safe and secure Canada
Immigration Appeal	16.8	17.9	17.9	17.9	A safe and secure Canada
Subtotal	107.3	115.9	99.6	98.1	
Internal Services	37.7	29.8	30.0	30.0	
Total Planned Spending	145.0	145.7	129.6	128.1	

EXPENDITURE PROFILE

SPENDING TREND 2008–09 to 2014–15



For 2011–12, the forecasted spending of \$145.0M included net reform-related funding of \$17.4M (initial sunset funding of \$39.4M less \$18.0M re-profiled to 2012–13 and 2013–14) and a reduction of \$4.1M related to the Strategic Review. The planned spending figures for future years reflect the impact of incremental reform-related funding (\$22.0M in 2012–13, \$18.0M in 2013–14 and \$19.5M in 2014–15), the re-profiling of \$18.0M from 2011–12, of which \$15.0M is included in 2012–13 and \$3.0M in 2013–14. These amounts are partially offset by on-going Strategic Review reductions of \$5.7M.

ESTIMATES BY VOTE

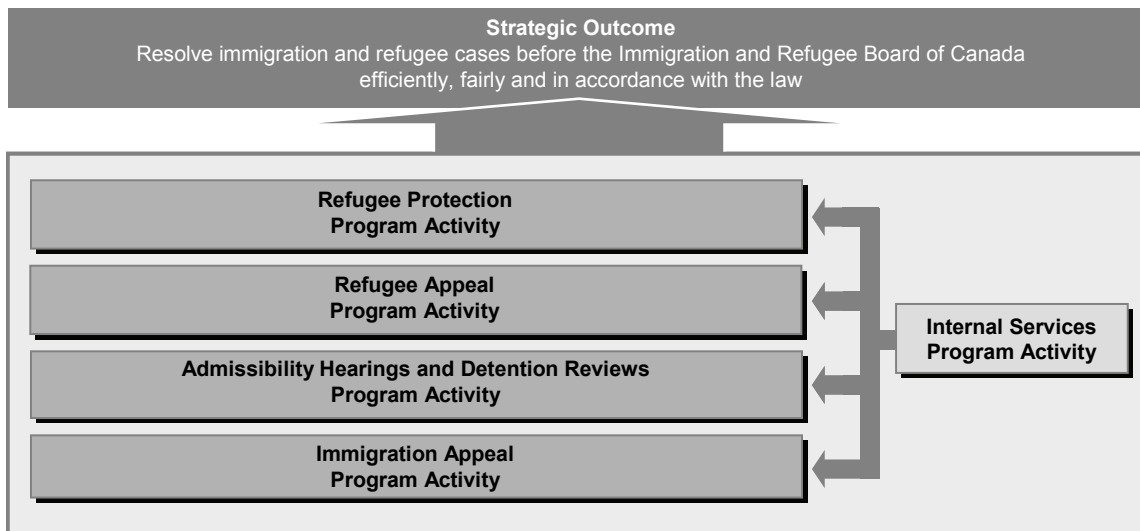
For information on our organizational appropriations, please see the 2012–13 Main Estimates publication.¹

¹ Available at www.tbs-sct.gc.ca/est-pre/20122013/me-bpd/info/info-eng.asp

SECTION II

ANALYSIS OF PROGRAM ACTIVITIES

STRATEGIC OUTCOME



As discussed in Section I, based on the IRB's legislated mandate and approved PAA, the IRB has a single strategic outcome. Each of its four core program activities are focused on the efficient and fair resolution of the different types of immigration and refugee cases. These activities, which are supported by Internal Services, are responsible for all tribunal decisions and case resolutions, and for a successful strategic outcome.

To achieve its strategic outcome, the IRB must resolve the cases before it in a timely manner while ensuring quality and fairness.

The following pages further describe the IRB's program activities, identifying expected results, performance indicators and targets, as well as outlining the resources dedicated to each of the five activities.

PROGRAM ACTIVITY 1 REFUGEE PROTECTION

DESCRIPTION

The Refugee Protection Division (RPD) delivers the IRB's **Refugee Protection program activity**. It determines claims for refugee protection made in Canada. Processing of refugee protection claims is the largest of the IRB's activities and commands the majority of its resources. Through the work of the RPD, Canada fulfills its obligations as a signatory to a number of international human rights conventions.

Additional information on the RPD is available at www.irb-cisr.gc.ca/eng/tribunal/rpdspr/pages/index.aspx.

Program Activity: REFUGEE PROTECTION

Financial (\$ Millions) and Human (FTEs) Resources

2012–13		2013–14		2014–15	
Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	FTEs
71.4	556	51.0	437	49.5	445

Expected Result:

Quality decisions rendered and cases resolved in a timely manner regarding refugee protection claims made in Canada

Performance Indicators	Targets
Clarity, completeness, conciseness and timeliness of decisions	Target is "Meet Expectations" on a scale of 1 to 3 where 2 represents "Meet Expectations." Measurements of decision quality for this program activity will be validated in the third quarter. Reporting will begin in 2013–14.
Percentage of designated country of origin (DCO) cases finalized within 150 days	90%
Percentage of non-DCO cases finalized within 180 days	90%
Average cost per case finalized	\$2,900
Number of finalized cases	21,500

NOTES: At the time this report was finalized, this program activity was based on the coming into force of the BRRRA on June 29, 2012. During the first quarter of 2012–13, this program activity will continue to operate under the current system and will then transition to the new system. Performance indicators presented above refer to the new system as set out in the BRRRA. Targets are for a complete year of operation and are projected to be met by the end of 2013–14.

However, on February 16, 2012, the Government introduced the PCISA which, at coming into force, may further amend the BRRRA and the IRPA. Following Royal Assent of the PCISA, the IRB will adjust the performance indicators and targets identified above as appropriate.

2012–13 PLANNING HIGHLIGHTS

NEW REFUGEE DETERMINATION SYSTEM. As a result of the BRRRA, the determination of refugee protection claims will go through a major transition during 2012–13. Cases will continue to be heard under the current system until June 29, 2012, when the new refugee determination system will come into force. The PCISA may amend the BRRRA and its implementation timelines once it receives Royal Assent. The new legislation will bring significant changes to the way in-Canada protection claims are processed. Among other changes, short timelines will be imposed for the scheduling of hearings and RPD decision-makers will be public service employees rather than GIC appointees.

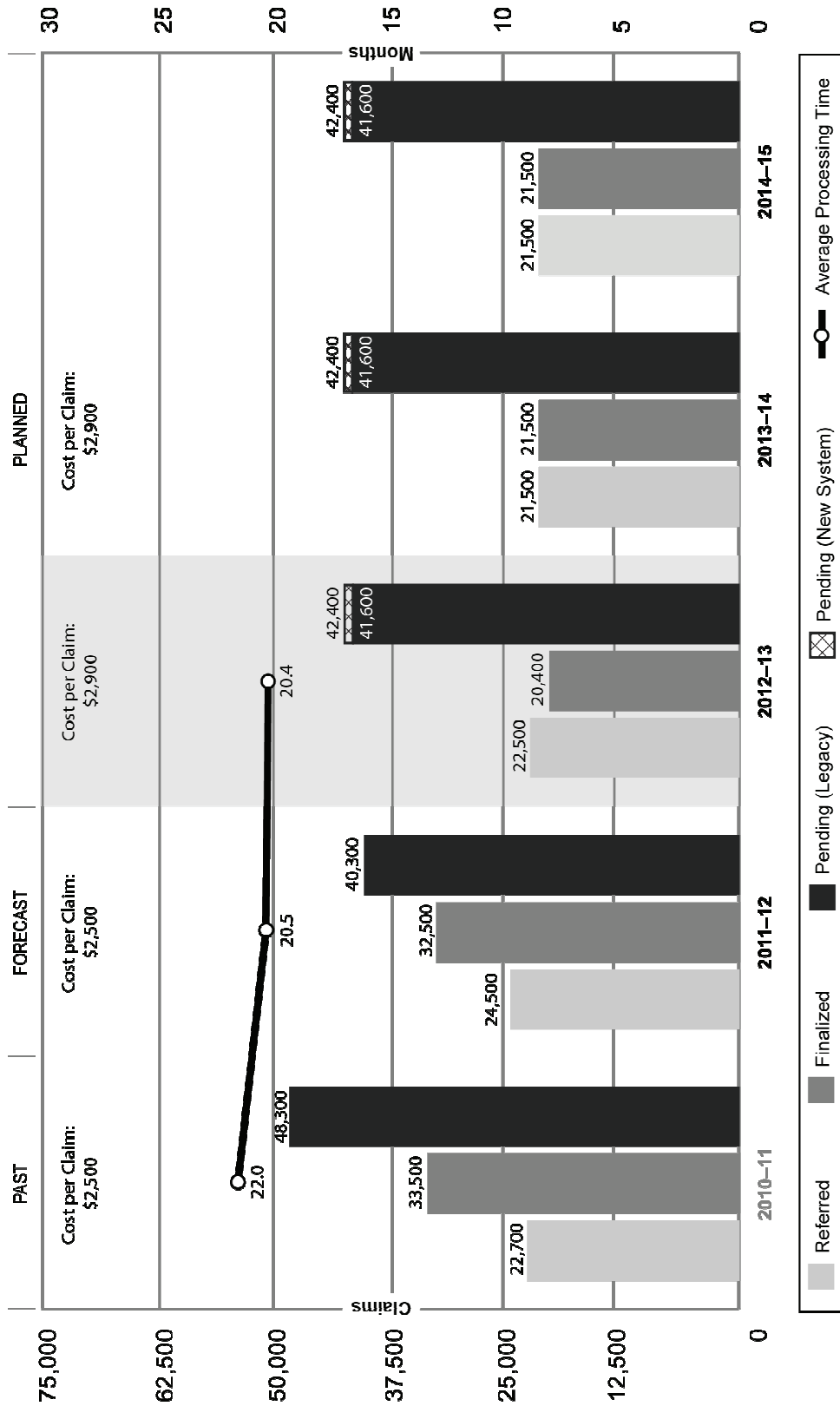
THE NEW RPD. The introduction of processing timelines for refugee protection claims will require changes to the way RPD decision-makers and support staff carry out their work. The new RPD will be an oral reasons tribunal, in that all decisions and associated reasons will be rendered from the bench—at the conclusion of the hearing—unless it is not practicable to do so. The quality of RPD decisions will continue to be underpinned by up-to-date country-of-origin information, high quality legal advice and jurisprudential updates, ongoing member performance monitoring, and targeted training interventions when required.

PREPARATION FOR REFORM IMPLEMENTATION. During the first quarter of fiscal year 2012–13, claims will be adjudicated under the current system while Board-wide reform planning and implementation efforts continue. Transition efforts will include a significant investment in training across the organization for everyone who will work on RPD cases in the new system, including registry staff, decision-makers and their managers.

CASE INVENTORY. There will be approximately 40,300 refugee protection claims waiting to be heard at the beginning of 2012–13, which is well above the Division’s capacity to address with existing resource levels. Further, overall finalizations in the RPD are expected to decrease in 2012–13 due to the transition to the new system, changes in personnel and some uncertainty with regard to decision-maker mandates, appointments and reappointments. While the IRB will continue to strive to reduce the number of pending claims, following the coming into force of the new system IRB resources will be focused on rendering quality and fair decisions within legislated timelines. The finalisation of legacy cases after the coming into force of the BRRRA remained unfunded at the time this report was prepared.

PRE-REMOVAL RISK ASSESSMENT. The transfer of the PRRA function from CIC to the IRB (except those cases requiring a balancing of Canada’s security and protection interests) will take place no later than one year following the coming into force of the BRRRA. Although decision-making on PRRA applications will not begin until 2013–14, planning for the transfer already started in 2011–12 and will continue throughout 2012–13. At the time the current report was produced, the Government was also reviewing the timeline for the transfer of the PRRA function; it is expected to change once the PCISA receives Royal Assent.

Refugee Protection



Note: The graph does not include PRRRA applications and finalizations for 2013-14 and thereafter. A legacy inventory of approximately 40,000 claims from the current system is anticipated and remains unfunded at this time. Average case processing time predicted for legacy cases (current system) only. The numbers of claims have been rounded to the nearest hundred.

PROGRAM ACTIVITY 2 REFUGEE APPEAL

DESCRIPTION

The Refugee Appeal Division (RAD) will deliver the IRB's **Refugee Appeal program activity**. It will hear appeals from decisions of the Refugee Protection Division (RPD). The claimant or the Minister can appeal on a question of law, of fact or of mixed law and fact. The RAD will normally proceed without an oral hearing on the basis of the RPD record. The RAD may accept documentary evidence and written submissions from the Minister and the person who is the subject of the appeal, as well as written submissions from a representative of the UNHCR and any other person provided for in the RAD Rules. Under narrowly defined circumstances, the RAD may hold an oral hearing.

Note: This program activity is currently scheduled to begin on June 29, 2012. The program activity or its implementation timelines could be amended as a result of the PCISA.

Program Activity: REFUGEE APPEAL

Financial (\$ Millions) and Human (FTEs) Resources

2012-13		2013-14		2014-15	
Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	FTEs
18.0	143	22.1	179	22.1	179

Expected Result:

Quality decisions rendered and cases resolved in a timely manner regarding refugee protection appeals

Performance Indicators	Targets
Clarity, completeness, conciseness and timeliness of decisions	Target is "Meet Expectations" on a scale of 1 to 3 where 2 represents "Meet Expectations." Measurements of decision quality for this program activity will be validated in the last quarter. Reporting will begin in 2013-14.
Percentage of (no-hearing) designated country of origin (DCO) cases finalized within 30 days	90%
Percentage of (no-hearing) non-DCO cases finalized within 120 days	90%
Average cost per case finalized	\$3,100
Number of finalized appeals	9,800

NOTES: At the time this report was finalized, this program activity was to be implemented with the coming into force of the BRRRA on June 29, 2012. See next page for more details. Targets are for a complete year of operation and are projected to be met by the end of 2013-14.

On February 16, 2012, the Government introduced the PCISA to further amend the BRRRA and the IRPA. Following Royal Assent, the IRB will adjust the performance indicators and targets identified above as appropriate.

2012–13 PLANNING HIGHLIGHTS

REFORM TIMELINES. Cases will only begin to be processed in the Refugee Appeal program activity after refugee protection claims are decided in the new system, which is currently scheduled to come into force on June 29, 2012. This program activity and its implementation timelines may be amended by the PCISA once it receives Royal Assent.

PREPARATION FOR IMPLEMENTATION. During the first quarter of 2012–13, the majority of activities will be focused on the development and implementation of the new RAD. These include the following:

- Newly established positions will be staffed. This will include the staffing of decision-makers appointed by the GIC and public service employees in adjudicative support roles. The Chairperson may assign to the RAD decision-makers appointed by the GIC who are on strength when the new legislation comes into force. In the event that the number of GIC appointees on strength is insufficient to fill the anticipated number of positions in the RAD, the IRB will ask the Minister of Citizenship, Immigration and Multiculturalism to consider additional qualified candidates for recommendation to the GIC for appointment. In addition, the IRB will develop selection criteria, recruit and select personnel in accordance with the PSEA for public service positions providing support to the RAD.
- Following consultations with stakeholders, rules for the conduct of refugee appeals will be finalized.
- Policies, procedures and processes for the conduct of refugee appeals will be developed and implemented following consultations with stakeholders.
- A training program will be developed and delivered to decision-makers and support personnel.
- Program requirements will be established and addressed.

PROGRAM ACTIVITY 3

ADMISSIBILITY HEARINGS AND DETENTION REVIEWS

DESCRIPTION

The Immigration Division (ID) delivers the **Admissibility Hearings and Detention Reviews program activity**. It holds hearings for foreign nationals or permanent residents who, under the provisions of the IRPA, are alleged to be inadmissible to Canada or are detained. Detainees must be seen by the ID within 48 hours after their detention or without delay thereafter, and subsequent reviews must be conducted within specific statutory time frames. Decision-makers must balance the right to individual liberty with the security interests of Canadians.

Additional information on the ID is available at www.irb-cisr.gc.ca/eng/tribunal/idsi/pages/index.aspx.

Program Activity: ADMISSIBILITY HEARINGS AND DETENTION REVIEWS

Financial (\$ Millions) and Human (FTEs) Resources

2012–13		2013–14		2014–15	
Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	FTEs
8.6	65	8.6	65	8.6	65

Expected Result:

Quality decisions rendered and cases resolved in a timely manner regarding admissibility hearings and detention reviews

Performance Indicators	Targets
Clarity, completeness, conciseness and timeliness of decisions	Target is "Meet Expectations" on a scale of 1 to 3 where 2 represents "Meet Expectations." Measurements of decision quality for this program activity began in 2011–12. Reporting will begin in 2012–13.
Percentage of detention review cases concluded within statutory time frame	96% ¹
Percentage of admissibility hearings concluded within six months of referral	86% ²
Average cost per detention review case	\$800
Average cost per admissibility hearing case	\$1,000
Number of finalized detention review cases	16,500
Number of finalized admissibility hearing cases	2,700 ²

¹ Factors outside the IRB's control, such as prison lockdowns, impede the achievement of 100 percent compliance.

² Detention reviews take priority over admissibility hearings due to legislative time requirements. The average processing time is also affected by the number of referrals from the CBSA.

2012–13 PLANNING HIGHLIGHTS

SUSTAINED AND MORE COMPLEX WORKLOAD. The number of cases concluded by the ID depends largely on the number of cases referred by the CBSA. In its daily activities, the Division must deal with significant fluctuations in the number of detention reviews it is called upon to conduct. Through ongoing efforts to maintain efficiencies, the ID continues to match its output with its intake and to respect the legislated time frames for detention reviews.

During 2012–13, it is anticipated that the ID will experience a moderate increase in referrals for admissibility hearings. The number of detention reviews is expected to remain high, although it will likely be lower than in 2010–11, when the Division was faced with a large influx of marine arrivals which contributed to the high number of detention reviews conducted. The ID will continue to prioritize detention reviews to ensure that legislative requirements and fundamental rights are respected.

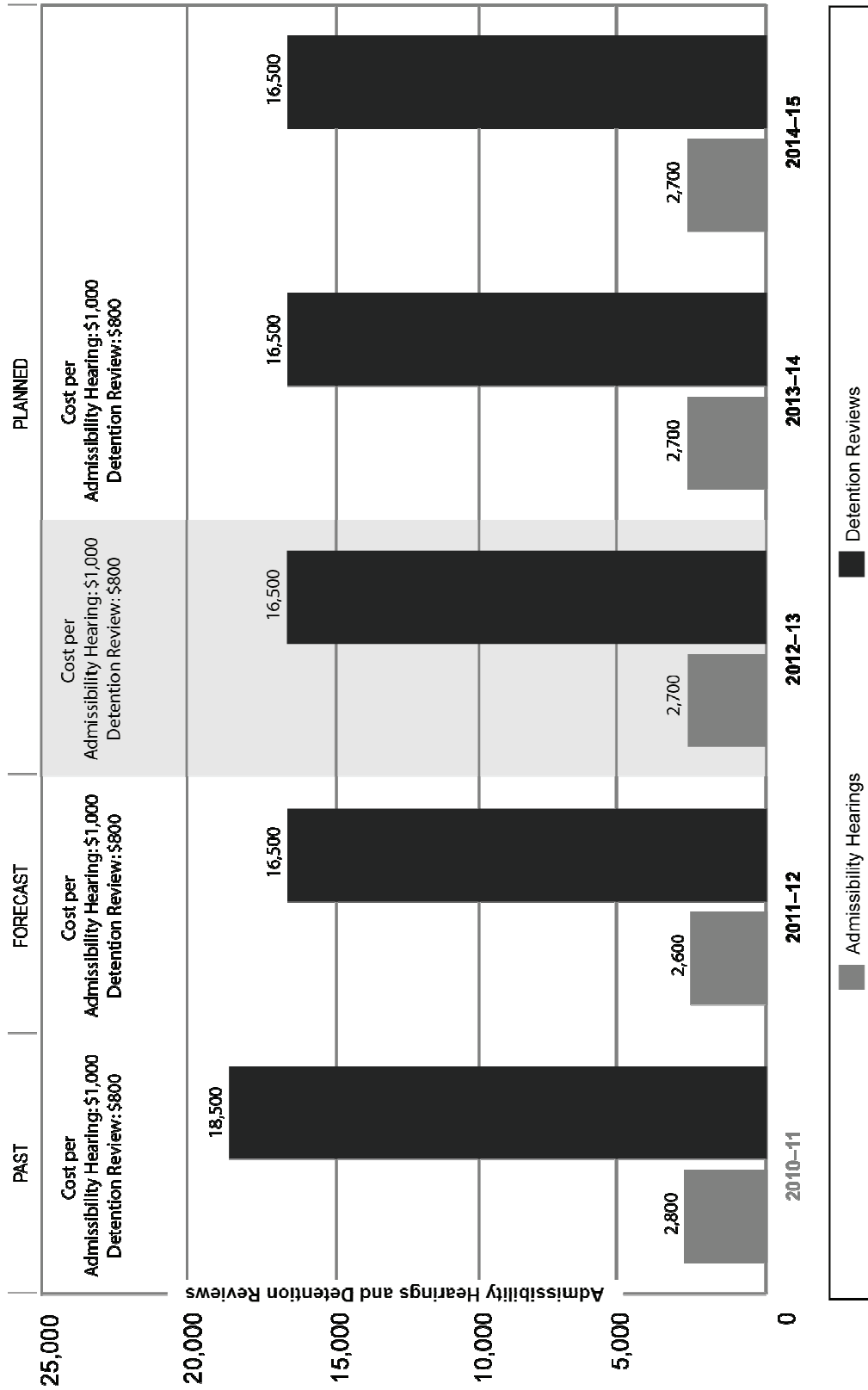
The Division will likely have to process more highly complex cases. These cases involve numerous legal applications, including applications for non-disclosure of information, as they normally refer to classified information related to national security or criminal intelligence. These cases require a disproportionate level of coordination and effort from decision-makers and from registry, security and legal staff as inadvertent disclosure of classified information could jeopardize national security and the lives of individuals.

EFFECTIVE CASE MANAGEMENT. In order to manage its caseload, the ID will continue to monitor scheduling activities to ensure that cases are processed in a timely fashion and that postponed cases are rapidly rescheduled. In order to conduct detention reviews within the legislated time frames, the Division needs to effectively use technologies such as videoconferencing, react rapidly to changing operational requirements and establish flexible operational processes. The Division also has to maintain effective coordination with registry services to ensure that cases are processed in a timely fashion in accordance with the law and the requirements of procedural fairness.

The ongoing use of case-readiness measures such as readiness conferences and follow-up will allow the Division to continue to finalize the vast majority of new admissibility cases within six months and maintain a reduced and manageable inventory of pending cases. The Division will continue to promote consistency in decision-making by identifying emerging issues, promoting open discussion among ID decision-makers on varying interpretations of the law, developing adjudicative tools and sustaining a learning environment for its decision-makers.

To carry out its mission, the ID counts on a highly trained and dedicated workforce. The Division will continue to promote activities that support a healthy work-life balance and allow employees to realize their aspirations.

Admissibility Hearings and Detention Reviews



Note: The numbers of admissibility hearings and detention reviews have been rounded to the nearest hundred.

PROGRAM ACTIVITY 4 IMMIGRATION APPEAL

DESCRIPTION

The Immigration Appeal Division (IAD) delivers the **Immigration Appeal program activity**. It hears immigration appeals from Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused. Other key functions include hearing appeals from permanent residents, foreign nationals with a permanent resident visa, protected persons who have been ordered removed from Canada, and permanent residents outside Canada who are alleged to have not fulfilled their residency obligation.

Additional information on the IAD is available at www.irb-cisr.gc.ca/eng/tribunal/iadsai/pages/index.aspx.

Program Activity: IMMIGRATION APPEAL

Financial (\$ Millions) and Human (FTEs) Resources

2012-13		2013-14		2014-15	
Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	FTEs
17.9	118	17.9	118	17.9	118

Expected Result:

Quality decisions rendered and cases resolved in a timely manner regarding immigration appeals

Performance Indicators	Targets
Clarity, completeness, conciseness and timeliness of decisions	Target is "Meet Expectations" on a scale of 1 to 3 where 2 represents "Meet Expectations." Measurements of decision quality for this program activity began in 2011-12. Reporting will begin in 2012-13.
Average case processing time	11.7 months
Average cost per case	\$3,100
Number of appeals finalized	6,500

2012–13 PLANNING HIGHLIGHTS

DECISION-MAKERS. The IAD’s highly trained decision-makers conduct hearings that are varied in appeal type and process. The IAD is committed to effective management in which clear expectations and performance measures related to the quality and quantity of decisions are communicated to decision-makers and monitored.

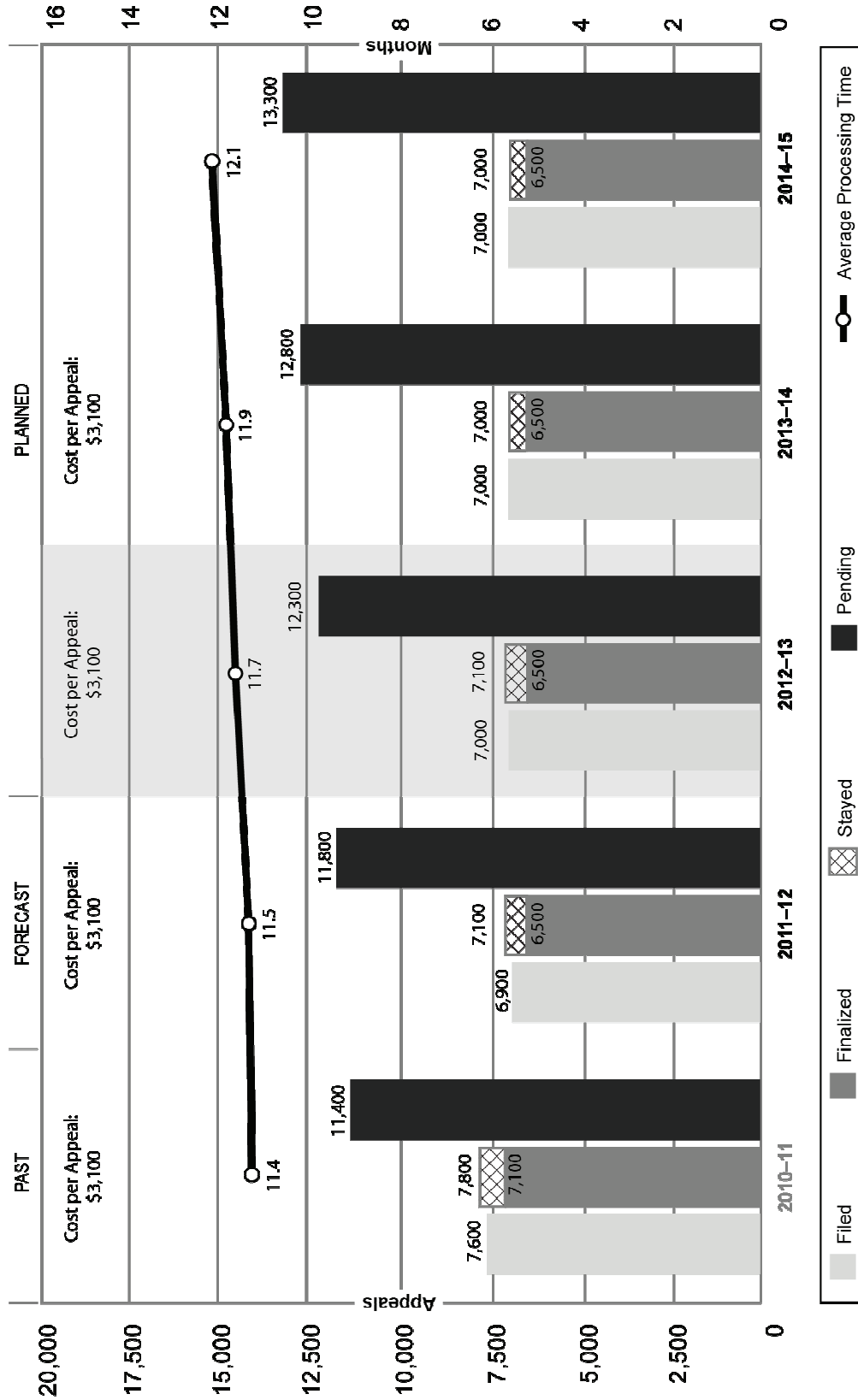
PREPARATION FOR REFORM IMPLEMENTATION. The IAD is sharing its experience and technical knowledge in relation to operating an appellate division through the participation of key personnel in RAD planning and implementation activities.

INVENTORY. The IAD is forecasting an intake of 7,000 appeals in 2012–13. The inventory of appeals awaiting finalization will increase to 12,300 by the end of 2012–13. Stayed removal order appeals, projected to be 1,900, are included in that pending inventory. A slight increase in the average processing time (from 11.5 to 11.7 months) is anticipated due, in part, to a reduction in the Alternative Dispute Resolution (ADR) program, linked to pressures on CBSA resources, resulting in fewer early finalizations without a hearing.

CASE MANAGEMENT. The IAD will continue to respond in a flexible manner to match resources with regional caseloads by sharing decision-makers among regions and by conducting hearings via videoconference where appropriate. Case management strategies will focus on increasing early resolution of appeals without a hearing (pending Minister’s counsel availability for appeal hearings), enhancing hearing readiness, scheduling appeals strategically to increase efficiencies, and monitoring reasons for postponements and adjournments. The IAD remains committed to maintaining a high level of productivity and to rendering quality decisions in a timely manner.

PORTFOLIO LINKAGES. The IAD will continue to work with the CBSA to quickly finalize appeals that the CBSA has screened for early resolution and will promote the CBSA’s continued participation in the ADR program. The IAD will also continue to facilitate the hearing of appeals where the Minister’s counsel has chosen to participate through written submissions only. Work undertaken with the CBSA on case management innovations will continue, as always, to respect the adjudicative independence of IAD decision-makers.

Immigration Appeal



Note: The numbers of appeals have been rounded to the nearest hundred.

PROGRAM ACTIVITY 5 INTERNAL SERVICES

DESCRIPTION

Internal Services are groups of related activities and resources required to support the needs of all four tribunal programs and other corporate obligations of the IRB. These services are: Management and Oversight; Communications; Legal; Human Resources Management; Financial Management; Information Management; Information Technology; Procurement and Assets Management; Internal Audit and Evaluation; and other administrative services. Internal Services include only those activities and resources that apply across the organization and not those provided to a specific program.

Program Activity: INTERNAL SERVICES

Financial (\$ Millions) and Human (FTEs) Resources

2012–13		2013–14		2014–15	
Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	FTEs
29.8	265	30.0	265	30.0	265

2012–13 PLANNING HIGHLIGHTS

COMMUNICATIONS. The IRB is committed to providing accurate and timely information to its partners, stakeholders and the public through its communications program and international activities. During 2012–13, the Board’s activities will focus on supporting the implementation of the BRRRA and the PCISA, once the latter receives Royal Assent. The IRB will continue to engage its key audiences to further their understanding of the Board’s mandate and priorities, as well as of the operational changes expected to result from the new legislation.

LEGAL. Legal Services will focus its activities on the development of new rules and legal reference and training materials for the RPD, the RAD and the PRRA processes, as well as on the ongoing provision of advice, support and guidance related to the implementation of the new legislation. In addition, it will provide training and support to newly appointed decision-makers and offer advice, including risk analyses, regarding innovative adjudicative strategies. Legal Services will also continue to provide advice on all corporate matters including an expected increase in issues related to procurement and HR as a result of the implementation of the new refugee determination system. As well, it will continue to provide legal advice and support in relation to complex cases involving classified information related to national security or criminal intelligence.

HUMAN RESOURCES MANAGEMENT. The legislative and fiscal context will have significant bearing on HR management activities in 2012–13, with the focus continuing to be on preparation for the implementation of the new refugee determination system. Effective integrated human resources and business planning is crucial as the IRB manages its workforce during the transition period. Moreover, the IRB will continue to sustain the high quality of its HR practices and processes and to build further capacity with an emphasis on staffing. As part of its ongoing commitment to valuing people, IRB management will strive to maintain a healthy workplace and workforce.

INFORMATION MANAGEMENT. During 2012–13, the IRB will continue to focus on alignment of its business with the Government’s new service model for the outsourcing of document storage and retrieval services. The Board will develop business requirements and research available options for an IT solution to assist with the implementation of information management requirements.

INFORMATION TECHNOLOGY. During 2012–13, the IRB will focus a significant portion of its IT resources on the modernization of existing legacy applications. This will support the successful implementation of the new legislation by enhancing the tracking and communication of key information related to the scheduling and managing of cases. The Board will also address new and emerging business priorities as well as system and infrastructure maintenance and upgrades. In addition, as outlined on page 9 of this report, the IRB will continue to collaborate with the SSC to ensure the delivery of high quality IT services in such areas as email, data centers and network services.

SECTION III SUPPLEMENTARY INFORMATION

FINANCIAL HIGHLIGHTS

For the period ending March 31, 2013

Future-Oriented Condensed Statement of Operations			
(\$ Millions)			
	\$ Change	Future-Oriented 2012–13	Future-Oriented 2011–12
Total Expenses	-2.0	165.5	167.5
Total Revenues	0.0	0.0	0.0
NET COST OF OPERATIONS	-2.0	165.5	167.5

For the period ending March 31, 2013

Condensed Statement of Financial Position			
(\$ Millions)			
	\$ Change	Future-Oriented 2012–13	Future-Oriented 2011–12
Total Assets	-0.2	28.0	28.2
Total Liabilities	-6.9	30.4	37.3
Equity	6.7	-2.4	-9.1
TOTAL	-0.2	28.0	28.2

The decrease in projected total expenses for 2012–13 is mainly due to IRPA Division 9 funding that ended in 2011–2012 and a reduction in the actuarial rate of employee benefits.

The financial statements can be found on the IRB's Web site at:
www.irb-cisr.gc.ca/eng/brdcom/publications/peren/pages/rpp1213.aspx.

SUPPLEMENTARY INFORMATION TABLES

In accordance with TBS direction, the IRB is required to provide the following supplementary information tables in electronic format only:

- Greening Government Operations
- Upcoming Internal Audits and Evaluations over the Next Three Fiscal Years

All electronic supplementary information tables found in the 2012–13 RPP¹ can be found on the TBS Web site.

¹ Available at www.tbs-sct.gc.ca/rpp/2012-2013/info/info-eng.asp

SECTION IV

OTHER ITEMS OF INTEREST

ORGANIZATIONAL CONTACT INFORMATION

For more information, visit the IRB Web site at www.irb-cisr.gc.ca or contact the IRB's Communications Directorate at contact@irb-cisr.gc.ca or one of the IRB offices listed below.

National Headquarters

Immigration and Refugee Board of Canada
Minto Place—Canada Building
344 Slater Street, 12th Floor
Ottawa, Ontario K1A 0K1

Central Region

Immigration and Refugee Board of Canada
74 Victoria Street, Suite 400
Toronto, Ontario M5C 3C7
Tel: 416-954-1000 Fax: 416-954-1165

Eastern Region

Immigration and Refugee Board of Canada
Guy-Favreau Complex
200 René-Lévesque Boulevard West
East Tower, Room 102
Montréal, Quebec H2Z 1X4
Tel: 514-283-7733 Fax: 514-283-0164

Western Region

Immigration and Refugee Board of Canada
Library Square, Suite 1600
300 West Georgia Street
Vancouver, British Columbia V6B 6C9
Tel: 604-666-5946 Fax: 604-666-3043

ADDITIONAL INFORMATION

IRB PROCESSES

Visit these links to find out how the IRB processes its cases:

- Refugee protection claim process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/rpdspr/pages/rpdp.aspx
- Admissibility hearing process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/ahp.aspx
- Detention review process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/drps.aspx
- Sponsorship appeal process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/sah.aspx
- Removal order appeal process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/roa.aspx
- Residency obligation appeal process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/residenc.aspx