Evaluation of the In-Canada Asylum System Reforms

Evaluation Division

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Acronyms

ASR	Automatic Stay of Removal
BOC	Basis of Claim Form
CBSA	Canada Border Services Agency
DCO	Designated Country of Origin
FESS	Front-End Security Screening
FTE	Full-Time Equivalent
H&C	Humanitarian and Compassionate Considerations
ICAS	In-Canada Asylum System
IRB	Immigration and Refugee Board
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
MACAD	Monitoring, Analysis, and Country Assessment Division (IRCC)
OMC	Operational Management and Coordination Branch (IRCC)
OPMB	Operations Performance Management Branch (IRCC)
POE	Port of Entry
PRRA	Pre-Removal Risk Assessment
RAB	Refugee Affairs Branch (IRCC)
RAD	Refugee Appeal Division (IRB)
RCC	Refugee Claimant Continuum
RCMP	Royal Canadian Mounted Police
RPD	Refugee Protection Division (IRB)
RRPMO	Refugee Reform Project Management Office (IRCC)

Executive summary

The evaluation of the in-Canada asylum system (ICAS) was conducted in fulfilment of the Treasury Board commitment to conduct a horizontal evaluation of the reforms three years following implementation. The evaluation covered the period from December 2012 to December 2014.

The reforms were put in place in December 2012 to address pressures related the growing number of applications and long decision timelines. The objectives of the reforms were to achieve faster decisions, faster removals and protect the integrity of the system against those who may abuse it, while continuing to meet Canada's domestic and international legal obligations to protect those in need. The reforms included legislated and regulatory timelines for certain steps in the system, modifications to the Refugee Protection Division (RPD), the creation of the Refugee Appeal Division (RAD), a bar on pre-removal risk assessment (PRRA) and humanitarian and compassionate (H&C) applications, and the implementation of a designated country of origin (DCO) policy.

Evaluation Findings

Relevance

Finding #1: There was a need to reform the in-Canada asylum system due to the increasing number of claims, growing backlogs/inventories, and lengthy processing times. As a result, the system had come to be viewed as inefficient, costly, slow, subject to abuse, and unable to provide timely protection to those in genuine need.

Finding #2: The reforms are aligned with Canada's international and legislative obligations with respect to refugee protection and the principle of *non-refoulement*. Some opposing views were raised by external stakeholders.

Finding #3: The reforms are aligned with federal government priorities to ensure the timely protection of those in need of protection, while maintaining the integrity of the in-Canada asylum system.

Performance – Achievement of Expected Outcomes

Finding #4: Processing targets for many steps in the system were achieved. However targets related to certain components, such as those for RPD hearings and the removal of failed refugee claimants, were not achieved.

Finding #5: Failed claimants are not being removed in a timely manner, as defined by the administrative target for removals. Early results show that failed claimants are being removed more quickly than prior to the reforms. The CBSA faces a number of ongoing challenges to removing failed claimants in a timely manner, some of which were beyond its control and not addressed by the reforms.

Finding #6: As a result of the in-Canada asylum system reforms, new system claimants who were found to merit protection received an RPD decision approximately five to six times faster than old system claimants.

Finding #7: The reforms were successful in addressing many of the pressures that existed in the pre-reform years, particularly with respect to overall processing time, claimant intake, and RPD backlog.

Finding #8: Many of the ICAS changes contributed to the initial success of the reforms in terms of overall processing times and intake; however, some ICAS changes did not have the intended results. In particular, DCO claimants were not processed faster than non-DCO claimants and these claimants now have access to the RAD; and the one-year PRRA and H&C bars expired for many failed claimants before they could be removed.

Performance – Management and Coordination

Finding #9: The changes introduced through the reforms were largely implemented as intended, although the implementation of the reforms was delayed by one year and fewer resources were expended than planned.

Finding #10: The evaluation identified a number of implementation challenges, which varied by organization. Challenges that were found to have the biggest impact on implementation were those related to a lack of a common understanding with respect to certain timelines and targets, an increase in administrative work related to the intake process and the heavy reliance on paper-based processes; and data integrity issues.

Finding #11: The governance structure for overseeing the implementation of the reforms was viewed as effective, though there is a need to revisit the structure given that the reforms have reached the end of the third year of implementation.

Finding #12: IRCC, in collaboration with participating organizations, was successful in designing and implementing a monitoring and reporting system to measure the performance of the in-Canada asylum system reforms. However, challenges related to the production and use of data and a lack of governance and project management structures for the Refugee Claimant Continuum reduced the efficiency and effectiveness of the monitoring and reporting process.

Performance – Resource Utilization

Finding #13: The cost of support services per claimant has been significantly reduced as a result of the shorter time spent in the system for both accepted and rejected claimants.

Conclusions and Recommendations

The evaluation found that new system claimants received a positive or negative decision about five times faster than old system claimants and removals are taking place faster under the new system so far. Interdepartmental practices regarding ICAS horizontal management, governance, and performance monitoring were generally effective with some opportunities for strengthening and improvement. The evaluation identified some performance and design issues affecting the effective delivery of the ICAS and emerging risks that may have an impact on the achievement of the expected longer-term outcome of the reforms, and as a results developed six recommendations. The department has agreed with these recommendations and has developed a management response action plan to address them.

Recommendation #1: With respect to the ongoing operation of the in-Canada asylum system, IRCC, in collaboration with relevant organizations, should:

a) Review assumptions around intake, productivity, and resourcing to inform future costing exercises;
b) Further analyze existing challenges with respect to the current timelines and targets, and implement measures to address these challenges, or adjust the timelines and targets, as needed. This should include in particular, targets for RPD decisions and removals; and
c) Further analyze the policy objectives for the reforms and key stages of the ICAS that are not entirely achieving intended results and make the necessary policy revisions.

Recommendation #2: IRCC, in collaboration with relevant organizations, should put in place the appropriate governance needed to ensure effective decision-making and to oversee and monitor the implementation of any further in-Canada asylum system changes and ongoing delivery, and to address the results of the evaluation.

Recommendation #3: With respect to the ongoing monitoring and reporting on the performance of the in-Canada asylum system, IRCC, in collaboration with relevant organizations, should:

a) Determine what components of the in-Canada asylum system will be monitored and reported upon and reach agreement with respect to targets and definitions; and
b) Address existing data and reporting gaps. This should include ensuring that the required data are being captured by participating organizations and fully integrated into the Refugee Claimant Continuum.

Recommendation #4: IRCC should formalize data governance and project management for the Refugee Claimant Continuum.

Recommendation #5: IRCC, in collaboration with relevant organizations, should reduce the administrative inefficiencies within the refugee intake process, where feasible.

Recommendation #6: IRCC, the CBSA, and the IRB should implement processes to allow for the electronic sharing of information between organizations, where feasible.

Evaluation of the in-Canada Asylum System Reforms — Management Response Action Plan

Recommendation	Response	Action	Accountability	Completion Date
Recommendation #1: With respect to the ongoing operation of the in-Canada asylum system, Immigration, Refugees and Citizenship Canada (IRCC), in collaboration with relevant organizations should: A. Review assumptions around intake, productivity and resourcing to inform future costing exercises	IRCC agrees with the recommendation. While IRCC is the steward of the asylum system, its delivery involves multiple government departments and agencies. Successful delivery of a decentralized asylum system requires close cooperation between independent organizations, while remaining mindful that each organization is independent in delivering on specific decision-making targets. Despite efforts to ensure the smooth management of the asylum system, there are factors that are beyond the control of IRCC and other organizations, such as unpredictable intake and challenges in obtaining travel documents from recalcitrant countries. All organizations involved in the delivery of the in-Canada asylum system recognize the importance of ensuring that the in-Canada asylum system is adequately resourced, reflective of periodic variation in asylum intake volumes. IRCC monitors the performance of the asylum system through asylum intake analysis, the Metrics of Success, and a cost per claimant review exercise that includes information from all organizations. IRCC recognizes that a variety of factors, such as visa lifts or impositions, increases to asylum intake, longer processing timelines, and increases to the length of time that claimants remain in the asylum system, may have an impact on both processing costs and costs related to providing social services to asylum seekers. The Metrics of Success is being used to monitor and report on the asylum system, with a renewed focus on the interdependencies of various processes. Work is also continuing on asylum intake forecasting and other projects that will provide an improved evidence-base for resourcing decisions.	IRCC will review assumptions around asylum intake and resourcing for the asylum system, and will develop a strategy for costing that will consider trends in asylum intake, program efficiencies, policy changes, as well as risks and pressures on the in-Canada asylum system. A simulation model will be developed to provide an improved evidence base for resourcing decisions, examining interdependencies of the stages of the asylum system.	IRCC (Refugee Affairs Branch (RAB)) Support: Immigration and Refugee Board (IRB), Canada Border Services Agency (CBSA) (Enforcement and Intelligence (E&I) Programs/ Travellers Programs)	Q1: 2016-2017 Q2: 2016-2017

Recommendation	Response	Action	Accountability	Completion Date
B. Further analyze existing challenges with respect to the current timelines and targets, and implement measures to address these challenges, or adjust the timelines and targets, as needed. This should include in particular: (i) The timelines and targets for RPD decisions; and	IRCC agrees with the recommendation. IRCC recognizes the importance of timely processing of asylum claims at every stage of the asylum system. Ongoing monitoring and analysis related to the Refugee Protection Division (RPD) and the Refugee Appeal Division (RAD) timelines will continue through the Metrics of Success. In addition, organizations have agreed to establish a working group to improve coordination and inform development of options. Any legislative or regulatory changes would be contingent on Cabinet and Parliamentary approval, Governor-in-Council approval, appropriations and timing.	IRCC, with the support of the CBSA, and information provided by the IRB with respect to performance and challenges relating to the current timelines and targets for the RPD and RAD, will examine possible efficiencies to assist in meeting timelines and targets and whether adjustments to the current timelines or targets are required, and if so, whether there is a resource impact. Results of the examination and options will be presented to senior management. Policy changes will be implemented, as required.	IRCC (RAB) Support: IRB, CBSA (E&I Programs/Travellers Programs)	Q1: 2016-2017 Q1: 2016-2017 Q1: 2017-2018
(ii) Removals.	IRCC agrees with the recommendation. CBSA will support the implementation of the action items. Recognizing the importance of timely removal of failed asylum claimants on the integrity of the asylum system, IRCC and CBSA are examining existing challenges. Analysis, supported by the Metrics of Success, will be conducted to consider additional administrative efficiencies to improve results, and whether current targets and timelines are feasible. A key impediment to removal is the difficulty in obtaining travel documents for failed asylum claimants. To address this long-standing challenge, an Assistant Deputy Minister-level working group (WG) was established to address removal impediments, such as lack of travel documents, and has continued to meet regularly. The WG brings the CBSA, IRCC and Global Affairs Canada (GAC) together to discuss current issues and prioritize engagement of countries using a whole-of-government approach. The ADM-level working group continues with its efforts to develop strategies to engage priority countries, including diplomatic liaison with embassies and missions abroad to obtain travel documents. Current efforts to develop a whole-of-government approach to address removal impediments, such as	Analysis of existing challenges in meeting the removals targets will be completed. Results of the analysis and options will be presented for senior management consideration and review. This will include options to implement measures to meet the target or make adjustments, as required. Policy and program changes will be implemented, as required.	CBSA (E&I Programs/ E&I Operations/ Travellers Programs) Support: IRCC (RAB), GAC	Q1: 2016-2017 Q1: 2016-2017 Q1: 2017-2018

Recommendation	Response	Action	Accountability	Completion Date
	travel documents and readmission arrangements will continue. CBSA also participates in a Five Country Conference (FCC) Returns and Repatriation Network (RRN) that examines removal challenges, discusses recalcitrant country engagement, and shares best practices to mitigate removal impediments. Other impediments to removals, (e.g., individuals who abscond or do not provide information to establish their true identity; inability to use commercial airlines for transport in medical and security cases; and inability to obtain approval from transit countries to effect removals, etc,.), are also being analyzed carefully, as are potential strategies to maximize administrative efficiencies in removals. Any legislative or regulatory changes would be contingent on Cabinet and Parliamentary approval, Governor-in-Council approval, appropriations and timing.			
C. Further analyze the policy objectives for the reforms, and key stages of the in-Canada Asylum System (ICAS) that are not entirely achieving intended results and make the necessary policy revisions.	IRCC agrees with the recommendation. IRCC is reviewing key changes made through refugee reform, and analyzing emerging issues and any unintended impacts of the reforms, including the results of litigation. Any legislative or regulatory changes would be contingent on Cabinet and Parliamentary approval, Governor-in-Council approval, appropriations and timing.	Analysis of policy and program design issues pertaining to refugee reform will be finalized. Options and recommendations for future enhancements will be presented to senior management. Policy changes will be implemented, as needed.	IRCC (RAB) Support: IRB, CBSA (E&I Programs/ E&I Operations/ Travellers Programs); Department of Justice (DOJ), Courts Administration Service (CAS)	Q1: 2016-2017 Q1: 2016-2017 Q1: 2017-2018
Recommendation #2 IRCC, in collaboration with relevant organizations, should put in place the appropriate governance needed to ensure effective decision-making and to oversee and monitor the implementation of any further in-Canada asylum system changes and ongoing delivery, and to address the results of the evaluation.	IRCC agrees with the recommendation. While IRCC is the steward of the asylum system, its delivery involves multiple government departments and agencies. IRCC recognizes the continuing need for streamlined and effective horizontal governance over the delivery of the asylum system and any further legislative, regulatory, or administrative adjustments made to the system. IRCC concurs with the recognized need for a governance framework, which allows for robust participation, ensures appropriate accountabilities and facilitates coordination across participating organizations, as well as, timely decision making.	A review of the current governance structure will be completed, resulting in options for adjusting or reforming the governance structure, which will be presented to senior management. IRCC will implement an adjusted in-Canada asylum system governance structure, as required.	IRCC (RAB) Support: IRB and CBSA (E&I Programs), Canadian Security Intelligence Service, DOJ, Public Safety Canada	Q2: 2016-2017 Q4: 2016-2017

Recommendation	Response	Action	Accountability	Completion Date
Recommendation #3 With respect to the ongoing monitoring and reporting on the performance of the in-Canada asylum system, IRCC, in collaboration with relevant organizations, should: A. Determine what components of the in-Canada asylum system will be monitored and reported upon and reach agreement with respect to targets and definitions; and	IRCC agrees with the recommendation. Asylum system monitoring and reporting is conducted through the Metrics of Success. IRCC recognizes the importance of accurate and timely reporting to support effective decision-making on issues related to the in-Canada asylum system. Organizations have agreed to establish a Monitoring and Reporting working group to determine which elements of the in-Canada asylum system will require future monitoring. Membership will include officials from IRCC, IRB, DOJ, CAS and the CBSA. Future reporting through the Metrics of Success will reflect updated targets and definitions identified in the revised Performance Management Strategy (PMS).	IRCC will create an Interdepartmental Monitoring and Reporting Working Group. A revised PMS for continued monitoring of the in-Canada asylum system will be developed. The revised PMS will be implemented. Begin to document and report (through the updated governance structure) on decisions made based on the performance measurement information available through the implementation of the PMS.	IRCC (RAB) Support: Research and Evaluation (R&E)/ Operations Performance Management Branch (OPMB), IRB, CBSA (E&I Programs/E&I Operations/ Travellers Programs/ Global Border Management and Data Analytics), DOJ and CAS	Q1: 2016-2017 Q4: 2016-2017 Q1: 2017-2018 Q1: 2017-2018
B. Address existing data and reporting gaps. This should include ensuring that the required data are being captured by participating organizations and fully integrated into the Refugee Claimant Continuum.	IRCC agrees with the recommendation. Similar to the Recommendation 3a, IRCC recognizes the importance of timely reporting to support decision-making processes. Any reporting must be supported by comprehensive data collection. Work is underway within IRCC to begin identifying existing data and reporting gaps; a list of data issues has been jointly developed by R&E and RAB. This work will be connected to the Monitoring and Reporting group and development of the new PMS. Implementation of the new reporting requirements, informed by the development of the PMS.	IRCC will identify and begin to address existing data and reporting gaps through the departmental data governance process and consultations with the IRB, DOJ, CAS, and the CBSA.	IRCC (RAB) Support: R&E/OPMB, Operational Management and Coordination (OMC), IRB, CBSA (E&I Programs/ Global Border Management and Data Analytics), DOJ and CAS	Q1: 2016-2017
Recommendation #4 IRCC should formalize data governance and project management for the Refugee Claimant Continuum (RCC).	IRCC agrees with the recommendation. A formal data governance and project management structure is required for the RCC. This structure will need to be aligned with departmental data governance goals.	IRCC will identify issues and requirements for the RCC data governance. IRCC will develop and begin to implement an RCC data management strategy.	IRCC (R&E/OPMB) Support: RAB, OMC	Q1: 2016-2017 Q2: 2016-2017

Recommendation	Response	Action	Accountability	Completion Date
Recommendation #5 IRCC, in collaboration with relevant organizations, should reduce the administrative inefficiencies within the refugee intake process, where feasible.	IRCC agrees with the recommendation. All organizations acknowledge the need for efficient processes to reduce duplication and improve productivity. Participating organizations are reviewing the work of other related committees and past working groups in order to identify best practices and avoid duplication.	IRCC, in collaboration with CBSA and IRB, will build on work undertaken by CBSA in reviewing Port of Entry (POE) operations, and examine processes at both POEs and inland offices to identify processing efficiencies, present solutions to senior management. Implement necessary changes, as required.	IRCC (OMC) Support: RAB, IRB, (OMC-Global Case Management System Group), Solutions and Information Management Branch (SIMB), CBSA (E&I Programs/ E&I Operations/ Travelers Programs/ ISTB Branch)	Q4: 2016-2017 Q1: 2017-2018
Recommendation #6 IRCC, the CBSA, and the IRB should implement processes to allow for the electronic sharing of information between organizations, where feasible.	IRCC agrees with the recommendation. Participating organization recognize the importance of timely information sharing to ensure effective processing of asylum claims and decision-making. Participating organizations are reviewing past and planned work related to electronic transfer and system connectivity to facilitate the transfer of documents and other information in a secure manner.	IRCC, CBSA and the IRB will identify any technological and policy challenges to information sharing and develop a five-year plan to address information sharing gaps, including implementation of early solutions. The plan will be presented to senior management for approval. The plan will set deliverables and timelines for implementation.	IRCC (OMC) Support: RAB, OMC-Global Case Management System Group, IRB and CBSA (E&I Programs/ E&I Operations/ Travellers Program/ ISTB Branch)	Q1: 2017-2018

1. Introduction

This Executive Evaluation Report presents the results of the horizontal evaluation of the in-Canada Asylum System Reforms. The evaluation was conducted in fulfilment of the Treasury Board commitment to conduct a horizontal evaluation of the reforms three years following implementation. The evaluation examined program relevance and performance in accordance with the Treasury Board Secretariat *Directive on the Evaluation Function.*[1]

This Executive Evaluation Report provides a summary of the key findings from the evaluation as well as the conclusions and recommendations. Detailed evidence to support the findings is provided in the *Evaluation of the in-Canada Asylum System Reforms: Extended Evaluation Report*.

1.1. Brief Description of the Current in-Canada Asylum System

The Government of Canada's objectives with respect to refugee protection are established in paragraphs 3(2)(a)-(h) of the *Immigration and Refugee Protection Act* (IRPA).[2] Foreign nationals can seek protection from within Canada through the in-Canada Asylum System (ICAS). The ICAS, from point of claim, to removal, is a complex and interconnected process that requires the collaboration of a number of different federal organizations. A brief description of the ICAS follows.

An individual can make a claim for protection to either the Canada Border Services Agency (CBSA) at a port of entry (POE) or to an inland office operated by Immigration, Refugees and Citizenship Canada (IRCC) or the CBSA. IRCC and CBSA officers assess the eligibility of the claim and if eligible, it is referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB). The RPD conducts a refugee hearing to determine whether the claimant is a Convention refugee or a person in need of protection. If there are concerns with the claim, IRCC or the CBSA may participate at the RPD or the Refugee Appeal Division (RAD) hearing to present evidence and arguments on the merit of claim or on the exclusion of the claimant from the refugee determination process. If the refugee claim is accepted by the RPD, the individual can remain in Canada and may apply for permanent residence. If the claim is rejected (i.e., a negative decision)[3] or if the individual withdrew or abandoned the claim, the individual must leave Canada or the CBSA will enforce removal.

Rejected claimants can appeal the RPD decision to the RAD of the IRB, if they have access to the RAD.[4] The Minister can also appeal an accepted claim at the RAD. The RAD can confirm the RPD decision, set aside the RPD decision and substitute[5] its own decision, or refer it back to the RPD for redetermination.

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[1] Canada, Treasury Board Secretariat (2009) *Directive on the Evaluation Function*. www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15681

[2] See http://laws.justice.gc.ca/eng/acts/i-2.5/

[3] A rejected claimant is an individual that receives a negative RPD decision. These two terms are used interchangeably throughout the report.

[4] Section 110(2) of IRPA lists restrictions on appealing to the RAD (e.g., for withdrawn/abandoned claims, manifestly unfounded claims). Nationals of a designated country of origin previously did not have access to the RAD, however, following a 2015 Federal Court decision, they now have access [*Y.Z. v. Canada (Citizenship and Immigration)*, 2015 Federal Court 892].

[5] In this case, the RAD allows the refugee claim and it is not returned to the RPD for a redetermination.

Failed claimants[6] can file an application for leave and for judicial review of the RAD decision or the RPD decision (if they do not have access to the RAD) with the Federal Court. Certain individuals receive an automatic stay of removal[7] upon applying for leave and for judicial review. The Federal Court first determines whether a review of the decision is warranted (leave stage), and, if so, grants leave and considers the application for judicial review. The Federal Court may grant or dismiss judicial review. If judicial review is dismissed, the claimant is subject to removal. If judicial review is granted, the claim is returned to the RAD or the RPD, as the case may be.

When preparing to remove a failed claimant, the CBSA considers whether the individual may apply to IRCC for a pre-removal risk assessment[8] (PRRA). On their own initiative, failed claimants may apply for permanent residence on humanitarian and compassionate[9] (H&C) grounds.

1.2. Reforms to the in-Canada Asylum System

By 2008, the increasing number of unresolved in-Canada claims challenged the system's ability to process them in a timely, efficient, and effective manner. In response, the Government of Canada introduced reforms through the *Balanced Refugee Reform Act*, and the *Protecting Canada's Immigration System Act*.[10] The objectives of the reforms were to achieve faster decisions, faster removals and protect the integrity of the system against those who may abuse it, while continuing to meet Canada's domestic and international legal obligations to protect those in need.

The passage of the two Bills put in place a number of changes to the ICAS, including modifications to the RPD, the creation of the RAD[11], the bar on PRRA and H&C applications, and the designated country of origin (DCO) policy[12]. The reforms introduced legislated or regulatory timelines for certain steps in the system, including for information gathering, RPD hearings, and RAD decisions. Where timelines were not legislated or regulated, administrative targets were established.[13] Some elements of the reforms came into force upon the Royal Assent of each of the two Bills, with the remaining coming-into-force on December 15, 2012 (see Annex A for a summary of the reforms to the ICAS).

The reforms also introduced three pilot projects. The Assisted Voluntary Return and Reintegration (AVRR) pilot was led by the CBSA and aimed to increase the number of failed refugee claimants who voluntarily leave Canada. The Ministerial Reviews and Interventions pilot

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[6] Failed claimants include those who have received a negative RPD decision and those who have withdrawn or abandoned their claim.

[7] This means that the removal order is not in force until the Federal Court decision is rendered.

[8] A PRRA assesses an applicant's risk of return in accordance with IRPA (which includes the principle of *non-refoulement*). Failed claimants may not apply for a PRRA for one year (non-designated countries of origin) or three years (designated countries of origin) following their final IRB decision.

[9] IRPA gives the Minister the authority to grant permanent resident status to individuals and families who would not otherwise qualify in any class in cases where there are compelling H&C considerations. Failed refugee claimants may not apply for H&C for one year following their final IRB decision or once their claim referred to the RPD (exceptions for medical issues or best interests of the child).

[10] Bill C-11 received Royal Assent on June 29, 2010. Bill C-31 received Royal Assent on June 28, 2012.

[11] IRPA (2002) included provisions for an appeal mechanism for failed refugee claimants; however, it was not previously implemented.

[12] The reforms introduced a new Authority for the Minister to designate countries of origin, which are countries that offer state protection and respect human rights. Claimants from DCOs are subject to different timelines and did not originally have access the RAD. However, following a 2015 Federal Court decision, they now have access.

[13] This was done, in part, via the Performance Measurement Strategy developed for the reforms, and via discussions between organizations involved in the ICAS.

was led by IRCC and provided additional resources for IRCC to intervene in cases at the IRB with credibility or program integrity issues. The pilot complemented the already existing interventions program at the CBSA. The Enhanced Security Screening pilot was led by the RCMP and aimed to further strengthen the screening of refugee claimants.[14]

IRCC was the lead department responsible for the implementation of the reforms, in collaboration with a number of other federal organizations: the IRB, the CBSA, the RCMP, the Courts Administration Service, the Department of Justice, and Public Safety Canada. A total of $324M over five years (2010/11-2014/15) was initially allocated for the implementation of the reforms, with $61M in ongoing funding. Total expenditures on the reforms over the five-year period were $258.7 million.

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[14] The pilot projects were evaluated separately from the ICAS reforms; the results have been incorporated into this report, where relevant.

2.   Evaluation Methodology

2.1. Evaluation Approach and Scope

The approach and scope for the evaluation were established during a planning phase, which included consultation with IRCC program and policy representatives and evaluation representatives of the organizations that participated in the evaluation.[15] For the purposes of this evaluation, these organizations are herein referred to as 'participating organizations'. The terms of reference for the evaluation were approved by IRCC's Departmental Evaluation Committee in October 2014.[16] The horizontal evaluation was led by IRCC and was conducted in collaboration with participating organizations. A governance structure for the evaluation was put in place to ensure coordination with all participating organizations, which included engagement with Heads of Evaluation and the establishment of a Refugee Reform Interdepartmental Evaluation Working Group.

The evaluation assessed the issues of relevance and performance of the ICAS reforms and was guided by the logic model (Annex B), which outlined the expected outcomes for the reforms, as well as the evaluation questions (Table 2.1). The scope of the evaluation focussed on the reforms that were made to the ICAS through the 2010 and 2012 legislative changes and examined the period from the full coming-into-force of the reforms on December 15, 2012, through to December 31, 2014.

Table 2.1:   Evaluation Questions for the Evaluation of the in-Canada Asylum System Reforms

Core Issue: Relevance (Need, Alignment and Role)
What pressures led to the need to reform the in-Canada Asylum System (ICAS) and to what extent were the reforms designed to address those pressures?
Are the ICAS reforms consistent with government priorities and international obligations and is it being delivered in alignment with IRCC responsibilities of participating organizations?[17]
Core Issue: Performance (Achievement of Expected Outcomes)
Were the ICAS reforms implemented as intended?
Have the ICAS reforms been effectively managed and coordinated?
Has the analysis of potential gender impacts been included in the ongoing monitoring of the reforms?[18]
To what extent are refugee claims being processed within the legislated, regulated, and/or anticipated timelines?
To what extent are claimants who do not merit refugee or protected status in Canada removed in a timely manner?

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[15] The Courts Administration Service and the Federal Court did not participate in the evaluation.

[16] The terms of reference were also approved by the Heads of Evaluation in each participating organization.

[17] The evaluation reviewed the legislative mandates and responsibilities of the organizations involved in the ICAS. Based on a review of documentation, the pilot evaluation reports, and information from interviews, the evaluation did not identify any major areas of misalignment between organizational mandates or responsibilities and the roles assigned through the reforms. This is not further discussed in this report, however, more detail is provided in the Extended Evaluation Report.

[18] The evaluation found that IRCC has conducted a gender-based analysis since the coming-into-force of the reforms. This analysis concluded that the reforms have not had any significant impact on gender, with males and females exhibiting the same results as prior to the reforms. This is not further discussed in the report, however, more detail is provided in the Extended Evaluation Report.

To what extent are claimants who merit refugee or protected status in Canada receiving timely protection?
Are there any early signs that the reforms made to the ICAS will result in the achievement of the longer-term outcomes?
Have there been any unintended outcomes as a result of the ICAS reforms?[19]
Core Issue: Performance (Demonstration of Efficiency and Economy)
Have the reforms to the ICAS resulted in a more efficient asylum process?

The following were out of the scope of the evaluation: an assessment of the quality or effectiveness of the individual activities or processes of the organizations that are involved in the ICAS; an assessment of the relevance of the legislative and policy changes; and the activities funded via the backlog reduction strategy[20] and refugee resettlement[21].

2.2. Data Collection Methods

Data collection for this evaluation took place between January 2015 and August 2015, and included the lines of evidence briefly described in Table 2.2.[22]

Table 2.2: Summary of the Lines of Evidence Used in the Evaluation

Line of Evidence	Description
Document review	The evaluation included a review of relevant documentation, which was focussed primarily on assessing the implementation of the reforms and the governance structure put in place (e.g., foundational, corporate, project management, and operational reports).
Site visits	Site visits were conducted in: Montreal, Toronto/Niagara Falls, and Vancouver and included a walk-through of the refugee in-take process in selected CBSA POEs and IRCC inland offices; observation of two eligibility interviews; observation of two RPD hearings; and interviews.
Interviews	Seventy-three (73) interviews were conducted with representatives of participating organizations and external stakeholder organizations with mandates related to refugee protection, or the provision of support or representation to refugee claimants.
Administrative data analysis	IRCC's Refugee Claimant Continuum (RCC) served as the primary source of data for the evaluation. The evaluation also drew upon other data sources within participating organizations when the required data were not available in the RCC.
Financial data analysis	Planned versus actual spending was reviewed to determine variances in resource levels. The overall cost of a refugee claim pre- and post-reform (i.e., cost per claimant) was assessed to determine whether the reforms resulted in cost savings. This was done using two costing models developed by IRCC's Refugee Affairs Branch, which calculated the cost of the ICAS pre-reforms (2010) and post-reforms (2013-2014).

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[19] The evaluation did not identify any significant unintended outcomes of the reforms and this is not further discussed in the report.

[20] The objective of the backlog reduction strategy was to reduce current backlogs in the ICAS as much as possible before the reforms came into force. A total of $136.2 million over 5 years, with $3.4 million in ongoing funding, was allocated for backlog reduction.

[21] A total of $90.1 million over 5 years, with $21 million in ongoing funding, was allocated for resettlement.

[22] Detailed information on these lines of evidence is provided in the Extended Evaluation Report.

2.3. Limitations and Considerations

The evaluation contained a balance of qualitative and quantitative lines of evidence and allowed the triangulation of data; however, there are a few limitations that should be noted:

- Financial data were not available to support a full comparison of the cost of a refugee claims, pre- and post-reform; a partial cost analysis was completed based on available data.

- Administrative data were not available for certain steps in the system;

- Given the independence of the IRB and the Federal Court, the evaluation was limited in the information that it was able to gather from those organizations; and

- The evaluation was limited in assessing certain steps in the system (e.g., PRRA, H&C, removals), as not enough time has passed since the coming-into-force of the reforms.

Recommendations contained in this report respect the role of the IRB as an independent administrative tribunal. Therefore, any recommendation should not be interpreted in a manner that infringes, or could be reasonably seen to infringe, on the institutional independence of the IRB or the independence of the IRB's decision-makers in individual cases.

3. Relevance

3.1. Need for the Reforms to the in-Canada Asylum System

Finding: There was a need to reform the in-Canada asylum system due to the increasing number of claims, growing backlogs/inventories, and lengthy processing times. As a result, the system had come to be viewed as inefficient, costly, slow, subject to abuse, and unable to provide timely protection to those in genuine need.

In the years leading up to the reforms, the ICAS faced a number of pressures, with an increasing number of claims, growing backlogs, and lengthy processing times. While a number of factors can influence the number of claims received, including global events or crises, legislative amendments, and visa impositions and exemptions, there was a steady increase in the number of asylum claims received between 2005 and 2008 (from 19,660 to 36,759) (Figure 3.1). The decrease in the number of claims received in 2010 coincides with the imposition of visa for nationals of Mexico and the Czech Republic mid-way through 2009.

Figure 3.1: Number of in-Canada Asylum Claims Received (2005-2012)
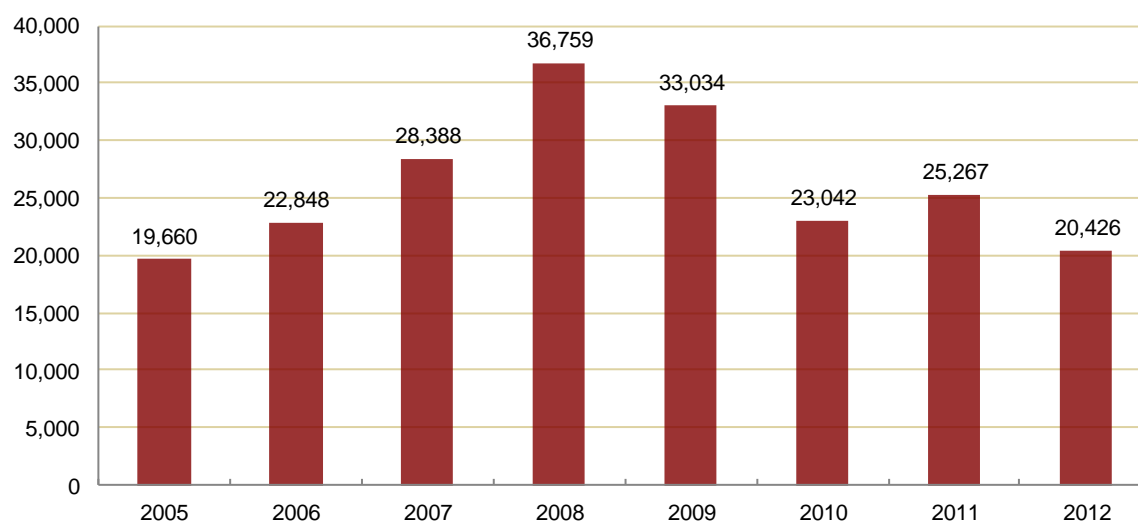
Source: Refugee Claimant Continuum.

In addition to the growing number of claims received, backlogs and inventories were growing throughout the system (Table 3.1). By 2009, there was a backlog of 62,000 claims waiting to be decided at the RPD, which can be mostly attributed to the high number of claims received and a high number of member vacancies at the IRB (35% vacancy rate in 2008).[23] There was a significant decrease in the number of pending RPD decisions between 2010 and 2012 (from

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[23] This vacancy rate was due to the fact that reappointments were not made for a large number of members whose terms had expired, and that the government did not appoint a sufficient number of new members to fill vacant positions [Office of the Auditor General. *Status Report of the Auditor General of Canada to the House of Commons: Chapter 2 Governor in Council Appointments Process (Section 2.122), 2009*].

51,031 to 32,643) due to the backlog reduction strategy (2010-2012) implemented by the IRB and a decrease in the number of claims received between those years.[24]

In addition, there were 5,099 applications for leave and for judicial review awaiting a Federal Court decision in 2012 (an increase from 3,388 in 2011) and 1,034 pending decisions for judicial review in 2012 (an increase from 636 in 2011).[25] During these years (2011-2012), while there was a decrease in the number of claims received, there was an increase in the number of individuals filing applications for leave and for judicial review.[26] This is likely due to the effects of backlog reduction strategy at the IRB, which resulted in a higher number of claims being decided at the RPD than the number of claims received, thus increasing the potential number of failed claimants that could apply for leave and for judicial review.

Removals inventories were also high, with 45,619 cases in inventory at the end of 2012.[27] This is a result of the CBSA not concluding enough removals relative to the high number of refugee claims made in the preceding years and subsequent failed RPD decisions.[28]

Table 3.1: Number of Cases in Backlog/Inventory, by Step in the System (2010-2012)

Backlog / Inventory Type	Year-Ending 2010	Year-Ending 2011	Year-Ending 2012
Pending IRB Decisions	51,031	41,852	32,643
Federal Court: (leave)*	N/A	3,388	5,099
Federal Court: (Judicial Review)	N/A	636	1,034
Removals**	N/A	N/A	45,619

*Data on number of leave and judicial review cases in inventory at the Federal Court were not available for 2010.

**Prior to 2012, the removal inventory was sub-divided differently and thus not comparable to 2012. Therefore, the inventory levels prior to 2012 were not included.

Source: IRB country reports, Operations Performance Management Branch (OPMB) data, and CBSA data.

The growing number of asylum claims and increasing inventories in key steps of the asylum process prior to the implementation of the backlog reduction strategy resulted in it taking longer for claimants to pass through the system. In the pre-reform years, it took between 3 to 4.5 years from the time of the claim to removal of a failed claimant. The main lags in the system were the first-level decision from the RPD and removals. Between 2010 and 2012 it took an average of 21 months (1.8 years) to receive a positive decision from the RPD and an average of 24 months (2 years) to receive a negative decision. In addition, between 2010 and 2012, it took between 18 and 20 months (1.5 and 1.6 years) on average to remove a failed claimant after the final RPD decision. Note that the removal timeframe includes any time during which an individual is awaiting a Federal Court decision or a PRRA decision.

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[24] While yearly intake data and decision data cannot be directly compared because a decision on a claim may not be made in the same year that the claim is made, between 2010 and 2012, almost 70,000 claims were received; in the same years, just over 93,000 RPD decisions were made.

[25] Note that these applications for leave and for judicial review related to RPD decisions only.

[26] Program data showed that 7,128 individuals applied for leave and judicial review in 2010; 9,867 in 2011; and 10,950 in 2012.

[27] The inventory includes wanted individuals and individuals in the working inventory. Cases in the working inventory include those who have removal impediments and those without. Cases without removal impediments are considered 'actionable' cases. These inventories exclude claimants either assigned to the monitoring inventory (for cases pending final determination from the IRB) or the stay inventory (for those with, for example, pending litigation or PRRA decisions, temporary suspension of removals, and where claimants are currently imprisoned).

[28] Prior to the reforms, the CBSA had been resourced to conclude 9,200 removals per year.

Given these issues, the integrity and effectiveness of Canada's asylum system was at risk–limited ability to process claims in a timely, efficient, and effective manner and was unfair to those in genuine need of protection and subject to abuse by others. The 2009 Report of the Office of the Auditor General[29] and foundational documents for the ICAS reforms highlighted these aforementioned issues related to the integrity of the ICAS. Foundational documents also cited RPD rejection rates as a program integrity issue, noting that approximately 58% of claimants were found not to be in need of protection, which indicates possible abuse of the system through unwarranted claims. The ICAS program data supported this, as between 2010 and 2012 between 62-65% of claims were rejected, abandoned, or withdrawn.

3.2. Alignment of Reforms with International and Federal Obligations and Federal Priorities

3.2.1. Alignment with International and Legislative Obligations

Finding: The reforms are aligned with Canada's international and legislative obligations with respect to refugee protection and the principle of non-refoulement. Some opposing views were raised by external stakeholders.

The ICAS reforms were put in place to ensure that individuals in need of protection would obtain it more quickly, thus upholding Canada's international obligations related to refugee protection.[30] Canada has a number of international obligations with respect to refugee protection. Canada is a signatory to the 1951 *Convention Relating to the Status of Refugees*[31], which is the centrepiece of international refugee protection. This convention endorses a single definition of the term "refugee", sets standards for the treatment and protection of refugees, and safeguards against the expulsion of refugees to their country of persecution (i.e., principle of *non-refoulement*[32]). Canada is also a signatory to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.[33] This convention further commits Canada to upholding the principal of *non-refoulement*. In addition, the *Canadian Charter of Rights and Freedoms*[34] protects the right to life, liberty and security of the person and the right not to be subjected to cruel and unusual treatment or punishment.

The evaluation observed that some external stakeholders felt that the reforms were not fully aligned with Canada's meeting of international obligations. Submissions and reports from external stakeholders noted concerns that the reforms would affect Canada's ability to meet its

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[29] Office of the Auditor General. *Status Report of the Auditor General of Canada to the House of Commons: Chapter 2 Governor in Council Appointments Process.* 2009.

[30] Citizenship and Immigration Canada. 2011 *Annual Report to Parliament on Immigration,* 2010/11 *Departmental Performance Report; 2013/14 Report on Plans and Priorities.*

[31] The Convention came into force on April 22, 1954 and was subject to one amendment in the form of the 1967 Protocol. The 1951 Convention was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The amendment removed the geographic and temporal limits of the 1951 Convention. See www.unhcr.org/3b66c2aa10.html.

[32] This principle provides that no state shall expel or return ("*refouler*") a refugee against his or her will, in any manner whatsoever, to a territory where his or her life or freedom would be threatened for the reasons set out in the Refugee Convention.

[33] This was signed in 1984 and came into force in June, 1987. See www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx.

[34] See http://laws-lois.justice.gc.ca/eng/const/page-15.html.

international obligations. For example, in a 2012 submission in response to Bill C-31, while the Canadian Bar Association was in support of efforts to streamline the ICAS, it argued that significant provisions of the Bill were unconstitutional and in violation of Canada's international obligations.[35] Similarly, while the Office of United Nations High Commissioner for Refugees also supported streamlining the ICAS and many of the proposed changes, it raised similar concerns in its 2012 submission in response to Bill C-31.[36]

There have also been a number of legal challenges filed following the coming-into-force of the reforms, which have challenged some of the policies put in place under the reforms, such as the PRRA bar, the DCO regime, standard of review for the RAD, and cessations[37]. Many of these challenges were pending decision as of January, 2016. However, with respect to the DCO regime, a Federal Court decision (July 2015) ruled that differential treatment of claimants (i.e., barring their access to the RAD) based on nationality is discriminatory. As a result, DCO claimants who receive a negative RPD decision now have access to the RAD.[38]

The federal government's legislative obligations with respect to refugees are articulated in IRPA[39] (2002) which states that the Minister of IRCC is responsible for the administration of the Act unless otherwise stated. In addition, the Minister of Public Safety is responsible for the Act as it relates to examination at POEs; enforcement, including arrest, detention, or removal; and establishing policies related to admissibility on the grounds of security, organized criminality and violation of human or international rights. In addition to the responsibilities outlined in the legislation, section 3(2)(e) of IRPA establishes the integrity of the Canadian refugee protection system as an objective. Therefore, the Government of Canada has a legislated responsibility to protect refugees, but to also ensure the integrity of the refugee system, which is aligned with the objectives of the reforms–*to achieve faster decisions, faster removals and protect the integrity of the system against those who may abuse it while continuing to meet domestic and international obligations to protect those in need.*

3.2.2. Federal Priorities

Finding: The reforms are aligned with federal government priorities to ensure the timely protection of those in need of protection, while maintaining the integrity of the in-Canada asylum system.

The objectives of the ICAS reforms are in line with the priorities of the Government of Canada. The issue of improving the integrity of the ICAS was identified as a priority in IRCC's planning and reporting documents as early as 2006/07. In subsequent years, these documents continue to note the department's desire to streamline the ICAS and achieve faster results. In 2009/10, IRCC identified a focus on reviewing refugee-oriented policies and programs to ensure program integrity, and signalled that it would address the timeliness, efficiency, and effectiveness of the in-Canada asylum system.[40] Alignment of ICAS reforms with Government of Canada priorities was

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[35] See www.cba.org/CMSPages/GetFile.aspx?guid=b4f81c7d-f3a0-43d4-a7f4-3d97544035e1.

[36] See: www.unhcr.ca/wp-content/uploads/2014/10/RPT-2012-05-08-billc31-submission-e.pdf.

[37] Under the reforms, when the IRB finds a protected person's refugee protection status has ceased, permanent resident status is lost (unless cessation is due to a change in country conditions).

[38] The Federal Court decision in *Y.Z. v. Canada (Citizenship and Immigration),* 2015 Federal Court 892.

[39] The objectives with respect to refugees are outlined in section 3(2)(a) to (h) of the Act.

[40] These planning and reporting documents include Departmental Performance Reports, Reports on Plans and Priorities, and Annual Reports to Parliament on Immigration.

evident in Parliament's passing of the *Balanced Refugee Reform Act* in 2010 and the *Protecting Canada's Immigration System Act* in 2012.

A review of participating organizations' corporate planning and reporting documents[41] also showed the objectives of the ICAS reforms to be aligned with the strategic outcomes of the organizations involved in the reforms. This was also confirmed in the evaluation of the three pilot projects, all of which concluded that their objectives were aligned with priorities of Government of Canada with respect to streamlining the ICAS and improving program integrity.

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[41] This includes Departmental Performance Reports and Reports on Plans and Priorities for 2011/12 to 2013/14.

4. Evaluation Findings – Performance: Achievement of Expected Outcomes

The performance of the ICAS reforms was assessed by examining:

- the extent to which immediate and intermediate outcomes were achieved (Section 4.1-4.3);
- whether there are indications that the reforms will contribute to the ultimate expected outcome of the reforms (Section 4.4);
- whether the reforms were implemented as intended (Section 4.5); and
- the effectiveness of management and coordination (Section 4.6).

4.1. Processing of Claims within Administrative Targets

The expected immediate outcome of the ICAS reforms was "Canada's refugee system allows for the processing of refugee claims within the legislated, regulatory, and/or anticipated timelines". The evaluation assessed whether claims were processed within the targets as originally conceived prior to the implementation of the reforms[42] (see Table 4.1 for a summary).

> **Finding:** Processing targets for many steps in the system were achieved. However targets related to certain components, such as those for RPD hearings and the removal of failed refugee claimants, were not achieved.

Front-End Processes

As per IRPA, eligibility determinations are to be made within three working days of an officer receiving a claim. No associated administrative targets were established for the percentage of decisions to be made within this timeline. In 2013 and 2014, IRCC and CBSA officers made 93% and 94% of eligibility decisions within three days, respectively. Despite the high number of cases being processed within three days, the evaluation noted some challenges related to the operational efficiency of the refugee intake process [e.g., increased paperwork, implementation issues with IRCC's Global Case Management System (GCMS), paper-based processes], which has led to increased effort required to make the eligibility determination[43]; and challenges in meeting the timeline for certain claimants (i.e., those in detention).

The targets established for front-end security screening (FESS) were not initially met for DCO claimants in 2013; however targets were exceeded for all claimant streams in 2014 (over 80% of cases were completed five days prior to the scheduled RPD hearing). Information from the CBSA interviews and documents indicated that when targets were not met, it was related to challenges experienced at the outset of the implementation of FESS[44]; or related to issues outside of the CBSA's control, including the caseload type or complexity of a file, systems interface issues, or delays in receiving screening results from some service delivery partners. Results from

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[42] This was as per the intent outlined in the foundational documents for the ICAS reforms and the targets included in the Performance Measurement Strategy that was developed.

[43] While CBSA and IRCC officers reported that more effort is required to make an eligibility determination, timelines are still being met due to the lower number of claims received.

[44] Challenges were experienced primarily at the outset of implementation when the screening unit and processes for the FESS were initially being established.

Public Safety Canada indicated that it surpassed the screening targets outlined in its service level agreement with the CBSA, both for 2013 and 2014.

IRB Processes

Once found eligible to make a refugee claim, claimants are referred to the RPD (IRB) for a decision on their claim. The regulatory timeline for RPD hearings introduced through the reforms has been the subject of different interpretations. The regulations state that the date for the RPD hearing must be fixed within certain timelines, depending on claimant stream. This has been interpreted by IRCC to mean that the hearing would be held within that time. The IRB interprets this to mean that the hearing be initially scheduled within that time. Based on a review of the foundational documents for the ICAS reforms, the intent of the reforms was to establish timelines for the holding of RPD hearings, subject to exceptions. Given this policy intent, the fact that the Metrics of Success[45] report on the timelines for the holding of RPD hearings, and the fact that the IRB has been working towards holding RPD hearings within certain timelines since the coming-into-force of the reforms, the administrative target was considered as holding hearings (90% of hearings to be held within 30 days for inland DCO claimants; 45 days for POE DCO claimants; 60 days for non-DCO claimants).

Using this approach, the evaluation found that RPD hearings were largely scheduled by IRCC and CBSA officers (at the time of eligibility determination) within the timelines outlined in the regulations; however, RPD hearings were not held within the targets for any claimant stream, although there were improvements in 2014. The evaluation found the main reasons for delays in the holding of RPD hearings were related to delays in the FESS, reasons of fairness and natural justice[46] and RPD operational limitations, the latter being the only reasons completely within the control of the RPD.[47] Interviewees also noted the different timelines for decision-making, the fact that the IRB does not have control over the initial scheduling of hearings, fluctuating intake levels, and aligning resource levels with monthly intake as challenges that had an impact on the achievement of targets. Despite the fact that RPD hearings were not held within targets, the reforms have still resulted in claimants receiving RPD decisions much faster than those in the old system.

Another significant component of the reforms was the introduction of the RAD and regulatory timelines for decision-making–decisions on appeals to be made within 90 days of the appeal being perfected[48] (except when a hearing is held). The evaluation found that an administrative target for the percentage of RAD decisions to be made within 90 days was not clearly established nor agreed upon by organizations involved in the ICAS. However, the IRB established a commitment of 80% of the RAD decisions to be made within 90 days and reported on this in its public reports.[49] In 2013, the RAD made a large majority of paper-based decisions (96%) within

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[45] The Metrics of Success, produced by IRCC's Monitoring, Analysis, and Country Assessment Division (IRCC), provides quarterly and annual reporting on whether the objectives of the system reforms are being met.

[46] Delays related to reasons of fairness and natural justice relate to circumstances where it would be "unfair" for the case to proceed due to, for example availability and readiness concerns (claimant, counsel or interpreter).

[47] The regulations state that if the hearing cannot be held within the time limit specified for any of these reasons, it must be held as soon as feasible after that time limit. These three reasons are specifically included in the regulations as exceptions to the time limits.

[48] Appellants must provide the RAD with additional documentation (the appellant's record) after notice of appeal is filed. If the appellant provides all of these documents and is eligible to appeal, the file is considered perfected.

[49] The IRB reported this target as being met in 2013 in its 2012/13 and 2103/14 Departmental Performance Report. The Metrics of Success also reported against targets for the RAD decisions; however the RAD target reported

90 days.[50] In 2014, the proportion of paper-based decisions made within 90 days dropped to 68%.[51] The main reason for the challenges to making RAD decisions within 90 days was reported by interviewees to be the result of a Federal Court ruling regarding the standard of review at the RAD.[52] Based on this ruling, IRB interviewees indicated that the RAD decisions are now taking longer to make, which has had an effect on meeting the timelines. In addition to the Federal Court ruling, the IRB cited an increase in the number of claims received without corresponding Governor-in-Council resources at the RAD as contributing to the increased processing times.

Federal Court Processes

Upon receipt of a negative RPD or RAD decision, a PRRA or H&C decision, or upon the CBSA's refusal to defer removal, failed claimants can apply to the Federal Court for leave and for judicial review and if granted, the Federal Court conducts a judicial review.[53] The administrative target for decisions on applications for leave and for judicial review was: at least 50% of denied leave decisions made within 120 days of the application for leave. The Federal Court met this target for leave decisions, with 90% and 86% of denied leave decisions returned within 120 days in 2013 and 2014, respectively. The evaluation was unable to assess the regulatory timeline associated with judicial review hearings due to the unavailability of data for this step in the system.[54]

Removals

The administrative target established for the removal of failed refugee claimants was 80% of removals to be completed within 12 months of an IRB decision. This target was not met for removals in the second year of the reforms (2014).[55] Just over half of the failed claimants that received an IRB decision in 2013 were removed within one year–52% of new system claimants and 54% of transitional claimants.[56] The evaluation found that the CBSA faced a number of challenges, some beyond its control, which impeded the attainment of the removals target, which are discussed in Section 4.2.

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upon was inconsistent in the reports and also differed from the IRB commitment reported upon in its corporate reporting.

[50] In looking at the data by quarter, the proportion of the decisions that were made within the regulatory timeline in 2013 increased from 80% in the second quarter, to 96% in the third quarter, and 97% in the fourth quarter.

[51] In looking at the data by quarter, the proportion of the decisions that were made within the regulatory timeline in 2014 decreased from 97% in the first quarter, to 88% in the second quarter, 50% in the third quarter, and 37% in the fourth quarter.

[52] The RAD must now review all aspects of the RPD's decision, and come to an independent assessment of whether the claimant is a Convention refugee or a person in need of protection. *Huruglica v. Canada (Citizenship and Immigration),* 2014 Federal Court 799.

[53] Only those failed claimants who do not have access to the RAD can apply directly to Federal Court following an RPD decision.

[54] The date the hearing was held is not provided to IRCC, thus it is not captured in the RCC.

[55] The evaluation was limited to assessing removal efforts in 2014 (for individuals who received an IRB decision in 2013) due to the amount of time it takes a claimant to receive a decision and then allowing 12 months to pass to assess the target.

[56] This includes all new system claimants who received an IRB decision in 2013, as well as old system claimants who received an IRB decision in 2013 (referred to as transitional claimants). The CBSA's definition of a transitional claimant is an individual that filed a claim prior to the coming-into-force of the reforms, but received their IRB decision (including abandoned or withdrawn claims) after the coming-into-force of the reforms.

Table 4.1:   Processing of Claims within Administrative Targets (2013-2014)

Step in the System	Year	DCO Inland	DCO POE	Non-DCO	Overall*
		Claimant Stream			
Eligibility determination Legislated timeline: decision to be made within 3 working days of an officer receiving the claim.	2013				93%
	2014				94%
Front-end security screening Administrative target: for 80% of cases, screening is completed within 25 days for inland DCO claimants; within 40 days for POE DCO claimants; within 55 days for non-DCO	2013	Not Met	Not Met	Met	Met
	2014	Met	Met	Met	Met
Refugee Protection Division hearings Administrative target: 90% of hearings to be held within 30 days for inland DCO claimants; 45 days for POE DCO claimants; 60 days for non-DCO claimants.	2013	Not Met	Not Met	Not Met	Not Met
	2014	Not Met	Not Met	Not Met	Not Met
Refugee Appeal Decision Regulatory timeline: RAD decisions on appeals to be made within 90 days of the appeal being perfected (except when a hearing is held).	2013				96%
	2014				68%
Decisions on applications for leave and for judicial review Administrative target: at least 50% of denied leave decisions made within 120 days of the application for leave.	2013				Met
	2014				Met
Decisions on judicial review Legislated timeline: the hearing shall be no sooner than 30 days and no later than 90 days after leave was granted, unless the parties agree to an earlier day.	2013				Unable to assess
	2014				Unable to assess
Removals Administrative target: removal of 80% of failed refugee claimants within 12 months of an IRB decision.	2014				Not Met

As no targets were established for the percentage of eligibility determinations and the RAD decisions to be made within the timelines, the percentage of cases processed within the legislated or regulated timeline is provided in this table.

4.2. Removal of Failed Claimants in a Timely Manner

The first expected intermediate outcome of the reforms was that refugee claimants who do not merit refugee or protected status in Canada are removed in a timely manner. The evaluation assessed this outcome by examining the extent to which failed claimants who received an IRB decision in 2013 were removed within 12 months.

> **Finding**: Failed claimants are not being removed in a timely manner, as defined by the administrative target for removals. Early results show that failed claimants are being removed more quickly than prior to the reforms. The CBSA faces a number of ongoing challenges to removing failed claimants in a timely manner, some of which were beyond its control and not addressed by the reforms.

As noted above, just over half of the failed claimants who received an IRB decision in 2013 were removed within one year. The evaluation also observed that fewer removals were concluded annually post-reform, compared to the years pre-reform, decreasing from 13,869 in 2012 to

10,743 in 2013 and 7,852 in 2014.[57] In 2013 and 2014, new system claimants represented 14% (2,674) of these removals.

Despite the removals target not being met, the evaluation found that the time to remove a failed claimant decreased in the post-reform period. In the pre-reform period (2010-2012), the time taken to complete the removal of a failed claimant was an average of 550 days (1.5 years).[58] Post-reform (2013-2014), the mean time to remove a failed claimant was significantly shorter (204 days on average for those that received an IRB decision in 2013).[59] While the data showed a shorter mean time to remove failed asylum claimants, a significant number of failed claimants who received an IRB decision in 2013 had not yet been removed (in part for reasons beyond the control of the CBSA) and therefore were not considered in the removal average. As these removals are concluded, the average removal time will lengthen.

The CBSA identified a number of challenges in removing failed claimants in a timely manner, including: lack of documentation to prove nationality and citizenship, inability to locate foreign nationals, foreign nationals who are medically unfit to travel, failure of countries to be able to identify persons and issue travel documents to their citizens, and failure of some countries to accept the repatriation of their nationals. The data support these challenges, which showed that approximately 20-30% of the CBSA's working inventory had such impediments to removal in 2013 and 2014.[60] Of this 20-30%, the chief impediment to removal was in obtaining travel documents, due to lack of co-operation by the home country, accounting for approximately 76% of all impediments identified. The evaluation observed that the number of removals concluded in 2013 and 2014 was lower than the number of individuals identified in the working inventory as having no impediments to removal. The reasons why these individuals with no stated impediments were not removed were not examined as part of this evaluation.

CBSA interviewees also noted that dependence on other steps in the process had an impact on removals, particularly related to the time involved for the Federal Court to deal with recourses provided to claimants in the legislation, such as stays and deferral of removals requests, which reduced the amount of time the CBSA has to remove an individual. In addition, the CBSA had a significant variance in the number of planned versus actual FTEs in fiscal years 2011/12 and 2012/13, due primarily to challenges with staffing during the government-wide Deficit Reduction Action Plan[61] and the end of temporary funding for backlog reduction. This meant that fewer resources were in place than were deemed necessary to fully implement the reforms, including targets related to removals.

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[57] The CBSA received backlog reduction funding for removals which ended in March 2013, which accounted for the higher number of removals concluded in 2012. Post-2012, there were fewer asylum claims received and therefore fewer failed new system claimants to remove. However, the removals inventory (includes wanted and working inventories) remained at similar levels between 2012 (45,619) and 2014 (44,089).

[58] This is from the final IRB decision to removal and includes Federal Court processes and time for PRRA decisions, where applicable.

[59] There are a number of factors that can account for the difference in removal times, pre- and post-reforms, such as the lower number of claims received and the imposition of the PRRA bar. The extent to which these factors affected the removals timelines is not known.

[60] This includes impediments such as: waiting for travel documents, failed claimant is medically unfit to travel, travel documents cannot be obtained. The CBSA estimates that the number of cases that have impediments to removal are underreported.

[61] This was a strategic operating review conducted during 2011 that sought at least $4 billion in reductions to ongoing annual spending across the Government of Canada by 2014/15.

4.3. Granting of Protection in a Timely Manner

The second expected intermediate outcome of the reforms was refugee claimants who merit refugee or protected status in Canada receive timely protection. The evaluation assessed this by examining the average time elapsed between the referral of the claim to the RPD and the rendering of a positive RPD decision.

> **Finding**: As a result of the in-Canada asylum system reforms, new system claimants who were found to merit protection received an RPD decision approximately five to six times faster than old system claimants.

Positive RPD decisions were made five to six times faster in 2013 and 2014 than in the years prior to the reforms. As shown in Figure 4.1, between 2010 and 2012, the average number of days from claim referral to positive RPD decision ranged from 547 to 683 days (18 to 23 months). For new system cases, the average number of days ranged from 103 to 117 days (3 to 4 months). Therefore, claimants who made a claim under the new system received protection more quickly than those who made a claim in the old system.

Figure 4.1: Average Number of Days between Claim Referral to Positive RPD Decision (2010-2014)
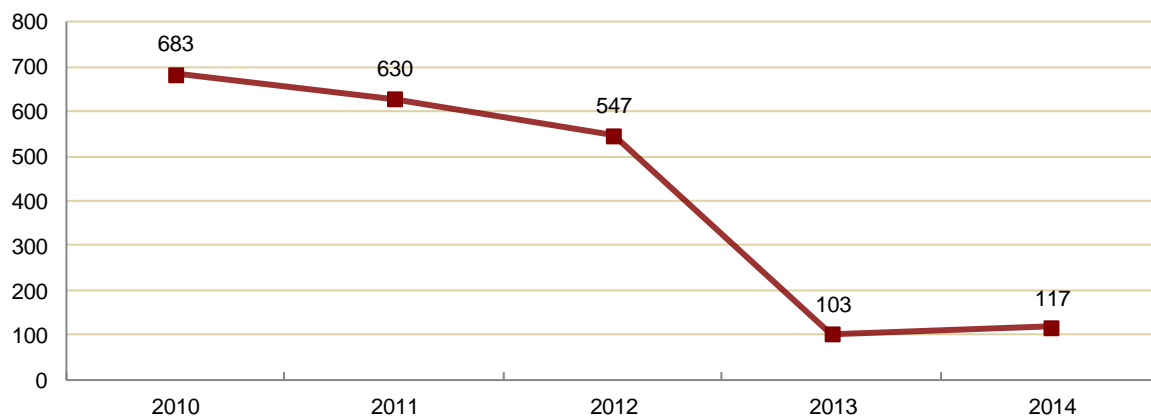
Source: Refugee Claimant Continuum.

4.4. Progress towards the Achievement of the Longer-term Outcome

The longer-term expected outcome of the reforms is: underlying principles of Canada's asylum system (ensuring fairness, protecting genuine refugees, upholding Canada's humanitarian tradition, and reducing system abuse) are supported while ensuring the safety and security of Canadians. It is too early to conclude whether the reforms have achieved this outcome; however an assessment of progress toward it was completed by examining the impact of the reforms on the key pressures that had existed prior to the reforms (i.e., overall processing time, number of claims received, and RPD backlog); and the effectiveness of certain legislative and policy changes.[62]

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[62] The evaluation was not able to assess the full impact of all changes due to data availability and also due to the fact that not enough time had passed to assess later steps in the system (e.g., three-year PRRA bar).

4.4.1. Processing Time, Intake, and RPD Backlog

Finding: The reforms were successful in addressing many of the pressures that existed in the pre-reform years, particularly with respect to overall processing time, claimant intake, and RPD backlog.

As discussed above, while not all targets have been met, the reforms have resulted in an overall reduction in the amount of time a claimant spends in the ICAS (whether the decision is positive or negative). The reduction in processing time is, in part, due to the significant decrease in the number of claims received–from 20,427 claims in 2012 to 10,322 claims in 2013 (Figure 4.2). This was approximately half of the 22,500 claims anticipated as part of the funding request for the reforms. This decrease had an impact on the other steps in the asylum continuum, with each step receiving fewer cases than planned.

Despite being funded for twice the number of claims than was actually received, certain targets were not achieved. In addition, 2014 data showed a 30% increase in claims between 2013 and 2014 (from 10,322 to 13,410). Should claim intake continue to increase[63], there is a risk that system backlogs may grow again and the overall average time for a claimant in the system may increase. Additional years of data will be needed to determine whether this increase will continue.

Figure 4.2: Trend in the Number of Asylum Claims Received (2005-2014)
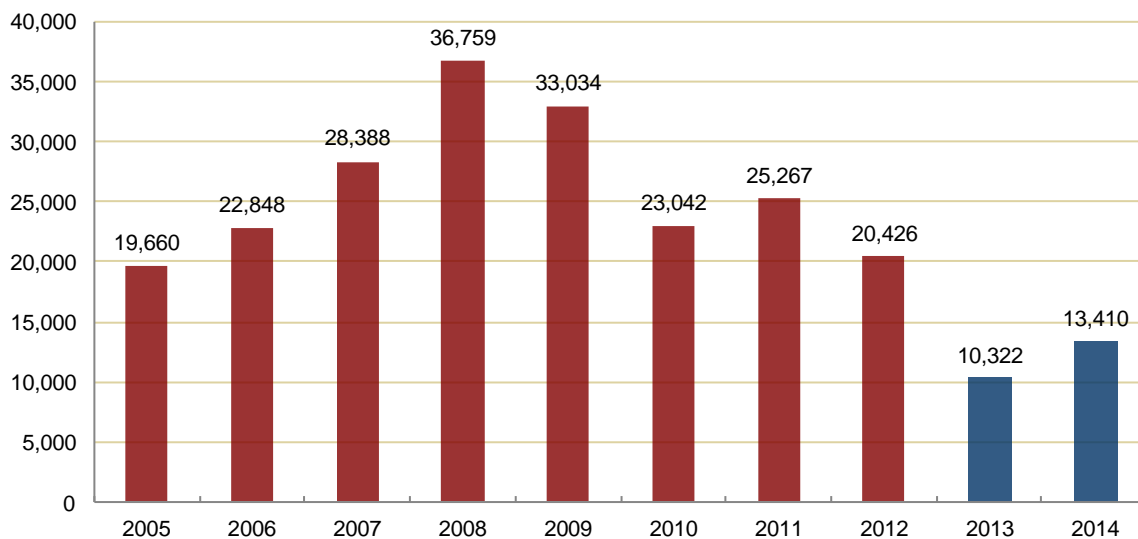
Source: Refugee Claimant Continuum.

The ICAS data also showed that there has been a 69% decrease in the backlog at the RPD–from 51,031 cases pending a decision in 2010 to 15,807[64] cases in 2014. This decrease can be attributed to the large decrease in the number of claims received; the backlog reduction strategy, which provided funding to the IRB in 2010 and 2011 for the appointment of temporary decision-makers; and internal reallocation of resources to enhance efficiency.

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[63] Note that asylum intake has continued to increase with over 16,000 claims received in 2015, a 19% increase compared to 2014. IRCC forecasts further increases in the next two years.

[64] This includes a backlog of old system cases and new system inventory.

4.4.2. Legislative and Policy Changes Under the Reforms

Finding: Many of the ICAS changes contributed to the initial success of the reforms in terms of overall processing times and intake; however, some ICAS changes did not have the intended results. In particular, DCO claimants were not processed faster than non-DCO claimants and these claimants now have access to the RAD; and the one-year PRRA and H&C bars expired for many failed claimants before they could be removed.

DCO Regime

The implementation of the DCO regime had a large impact on the number of claims received from DCO countries, with a decrease from 5,170 DCO claims in 2012 to 1,625 claims in 2014–a decrease of 69% (Figure 4.3).[65] In addition, the proportion DCO claimants received to non-DCO claims received decreased post-reform, from approximately 28% pre-reforms to approximately 10% post-reform. This indicates that the DCO regime had an immediate effect on the number of claims being received. Interviewees noted that the change in the number and proportion of claims may be related to a potential deterrence effect as a result of the quicker legislated and regulatory processing times for claims and restricted access to certain steps in the system.

Figure 4.3: Number of Asylum Claims Received, by DCO and non-DCO (2010-2014)
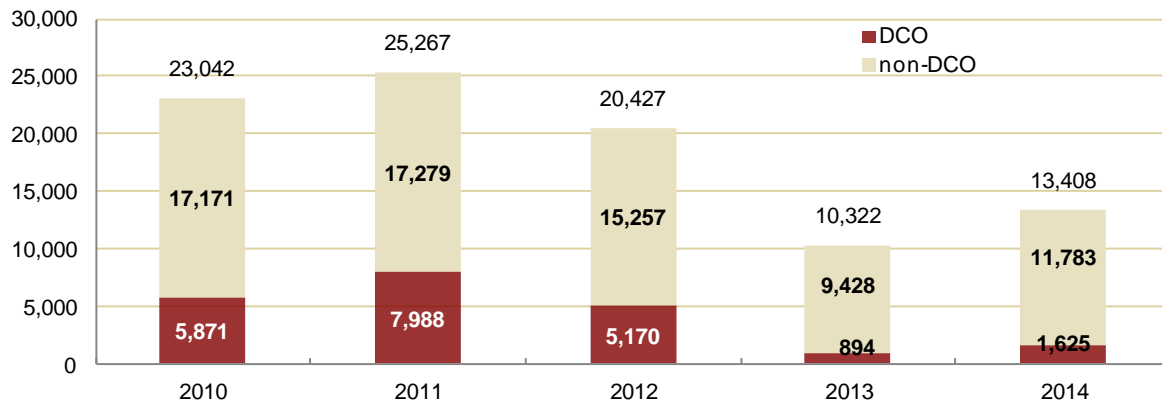
Source: Refugee Claimant Continuum.

Interviewees also noted that the implementation of the DCO regime had an impact on other elements of the system. In particular, CBSA interviewees indicated fewer claims from DCOs resulted in a greater proportion of non-DCOs requiring removal, which are harder to remove (i.e., difficulty obtaining travel docs). In addition, IRB interviewees noted that the differentiated timelines add complexity to scheduling hearings and can result in some operational inefficiency. Furthermore, IRB interviewees noted that the change in proportion of DCO versus non-DCO created operational challenges, as resourcing and planning had been done based on a higher predicted number of DCO claims. While the IRB and the CBSA noted challenges with the change in proportion of DCO versus non-DCO claims, the actual numbers of both DCO and non-DCO claims received since the reforms were introduced were lower than the original forecasted number.[66]

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[65] The DCO regime did not exist prior to the reforms. As part of the data analysis, a DCO flag had to be applied to pre-reform data to understand the impact on claimants from certain countries (considered DCOs in the new system).

[66] Based on a projected number of 22,500 claims, 70%, or 17,500 were anticipated to be from non-DCO claimants.

Under the DCO regime, individuals from DCOs were to have faster timelines for their RPD hearing. The evaluation found that targets for DCO claimants were met less often (55% heard within the targets) than non-DCO (70% heard within the targets). This is due to the fact that DCO claimants are subject to shorter timelines than non-DCO claimants and therefore are more likely to be rescheduled as a result of FESS results not being ready in time for the scheduled hearing, reasons of fairness and natural justice, and RPD operational limitations. Furthermore, DCO claimants did not receive a negative decision (from claim referral to RPD decision) more quickly than non-DCOs. In 2014, DCO inland and DCO POE claimants received their negative RPD decision in 148 and 171 days on average, respectively, compared to 156 days for non-DCO claimants. Finally, the reforms barred DCO claimants from accessing the RAD. However, as previously noted, DCO claimants now have access to the RAD, which has nullified this aspect of the reforms.

Pre-Removal Risk Assessment Bar

The purpose of the PRRA bar[67] was to reduce the number of applications from individuals who would apply as a means to delay removal and thus facilitate the removal of those individuals in a timely manner.[68] The evaluation found that the imposition of the bar, combined with the low number of claims received under the new system, resulted in a reduction in the number and percentage of failed refugee claimants who applied for a PRRA, from 5,100 applications in 2012 to 1,875 in 2014. However, the majority (74% or 739) of individuals from non-DCOs who received a negative IRB decision in 2013 were not removed within 12 months[69]; 26% (or 266 individuals) were removed before the bar expired (challenges to removals were discussed in Section 4.2).[70] As a result, individuals who were initially ineligible to apply for a PRRA became eligible to apply. The evaluation was unable to assess the full extent to which DCO claimants were removed before the three-year bar expired, as the three-year bar had not yet expired at the time of analysis. However, of the individuals from DCOs who received a negative IRB decision 2013, 67% (or 210 of 313 individuals) were removed.

Humanitarian and Compassionate Bar

The purpose of the H&C bar[71] was to reduce the number of applications for H&C consideration while a refugee claim is pending, or following a failed claim. Similar to the PRRA bar, the evaluation found that the imposition of the H&C bar combined with the low claim intake under the new system resulted in a decrease in the number and percentage of failed refugee claimants who made an H&C application, from 3,095 applications in 2012 to 994 in 2014. However, the majority (62% or 1,125) of failed new system claimants (DCOs and non-DCOs) who received an

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[67] Failed claimants from non-DCOs have a 1-year bar on PRRA applications after their last IRB decision or last PRRA; DCOs have a 3-year bar.

[68] According to program documentation, since a person's risk of return would have been assessed recently by the RPD and RAD (for many rejected claims), a further risk assessment is not necessary.

[69] Due to how the business rules are applied to this variable in the RCC, this excludes a number of cases that were, for example withdrawn or abandoned or status unknown.

[70] Some failed claimants may be eligible for an exemption to the bar on applying for a PRRA. It is important to note that exemptions to the PRRA bar are not currently tracked electronically for monitoring and reporting purposes. As a result, the analysis conducted did not include failed claimants that are exempt from the PRRA bar. However, an initial assessment of the PRRA exemption list suggests the overall number of exemptions is not significant for the purpose of this analysis.

[71] As noted, there is bar on access to humanitarian and compassionate consideration for 12 months following an IRB decision and bar on access to concurrent H&C applications starting when the claim is referred to the RPD (exceptions for medical issues or best interests of the child).

IRB decision in 2013 were not removed within 12 months (challenges to removals were discussed in Section 4.2).[72] As a result, individuals who were initially ineligible to apply for H&C became eligible to apply.

No Automatic Stay of Removal

As a part of the ICAS reforms, regulatory amendments ended the automatic stay of removal (ASR) for persons filing an application for judicial review to the Federal Court against a decision by the RPD. This means that unsuccessful claimants without access to the RAD do not benefit from an ASR should they seek judicial review with respect to the ultimate decision on their claim. The no-ASR policy was intended to allow the CBSA to initiate the removal of these claimants several months earlier than claimants who are granted an ASR.[73]

The initial success of the no-ASR policy was assessed through an internal case study conducted by IRCC's Refugee Affairs Branch in collaboration with the CBSA. The study examined a sample of claimants (312) who did not benefit from an ASR. The study found that the CBSA attempted to remove more than half (57%) of these claimants while litigation was pending. In addition, the majority of these removals were completed within six months. The study also demonstrated that the no-ASR policy did not result in significant increases in the amount of requests for deferrals of removal or motions for a stay of a removal. Further monitoring is required to determine policy's long-term effectiveness.[74]

4.4.3. Other Issues Identified

The evaluation identified some program and policy gaps that may result in pressures on overall asylum system timelines.

Assumptions / intake: as previously discussed, the number of claims received was significantly lower than what was planned. Despite being funded for twice the number of claims than were actually received, certain targets were not achieved. If claim intake continues to increase, there is a risk that there may be further challenges meeting targets, that backlogs may grow, and the overall average claimant time in the system may increase.

Policy gaps with respect to current timelines: 1) The CBSA's 12-month removal target includes any actions before the Federal Court, which can delay removal, and then failed claimants have access to another decision based on risk upon return (pre-removal risk assessment) once the 12 months have passed. The Court currently takes an average of 3.5 months to dismiss unsuccessful leave applications; for cases that proceed, there is an additional average of 4 months from the leave decision to the judicial review decision. 2) Certain steps in the system do not have any associated timelines. For example, while there are regulatory timelines related to RPD hearings, there are no regulatory timelines for finalizing the RPD decision. There are also no timelines for making redeterminations at the IRB.

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[72] A minority of claimants apply for an exemption to the bar on H&C applications; the above analysis does not reflect exemptions. Precise information on the number of exemption applications and their outcomes is not presently integrated into departmental reporting and monitoring frameworks. Departmental reporting on H&C is still being optimized.

[73] Although these failed claimants are not afforded an ASR, they have a right to request a stay of removal when filing an application for judicial review at the Federal Court.

[74] This need is underscored by the fact that, beginning in 2015, a number of cases of judicial review of the RPD decision were allowed after applicants had been removed, in accordance with the no-ASR policy. The jurisdiction of the RPD to hear cases of claimants who are no longer in Canada as a result of the no-ASR policy is an issue that could have an impact on IRB, CBSA and IRCC programs.

Removal pressures: Although early results suggest that average removals timelines have shortened, the reforms did not address existing barriers (discussed in section 4.2) that the CBSA faced and which have had an impact on the ability to achieve removals targets. While adjustments were made to limit recourses available to failed claimants (e.g., PRRA and H&C bars), the reforms did not address existing barriers such as the inability to obtain a travel document from the home country for certain individuals.

Legal challenges: the Federal Government has received legal challenges on certain fundamental aspects of the reforms (the PRRA bar, access to the RAD for DCOs, standard of review for the RAD, and cessations). The outcome of these challenges can have a significant impact on the longer-term success of the reforms. For example, the fact that DCO claimants now have access to the RAD has resulted in DCOs submitting appeals to the RAD in the last six months of 2015, which could place further pressure on the decision-making timeline of 90 days.

4.4.4. Outcomes of the Pilots Funded as Part of the Reforms

As noted, the ICAS reforms included three pilot projects, which were evaluated separately from the ICAS reforms evaluation. A summary of the conclusions with respect to the performance of each of the pilots is provided below.[75]

Assisted Voluntary Return and Reintegration (CBSA)

The objective of the AVRR pilot was to facilitate the timely removal of low-risk, failed refugee claimants through voluntary returns and thereby enable the CBSA to focus on higher-risk removals. The evaluation of the pilot found that, while, the pilot was designed to meet its objectives and was implemented according to plan, some of the underlying assumptions, particularly regarding the level of removals, proved not to be accurate. In addition, the evaluation concluded that: for refugee claims that were submitted and decided after the reforms came into effect, the removals under the pilot program were less timely and cost more compared to other removals; and that the pilot program per-removal cost, including reintegration assistance, was almost double the cost of a low-risk removal that was not eligible for reintegration assistance. As a result, the pilot concluded in March, 2015, as per the planned end date.

Enhanced Security Screening (RCMP)

The objectives of the Enhanced Security Screening pilot were to enhance the security screening for inadmissibility criteria under IRPA by conducting enhanced law enforcement records checks on a portion of asylum claimants to ensure that persons who are inadmissible because of membership in criminal organizations do not remain in Canada to threaten the safety and security of Canadians; and to maintain the integrity of the refugee determination system. The evaluation of the pilot found that the screenings conducted by the RCMP did not have a significant impact on admissibility recommendations made by the CBSA, largely due to the fact that the information provided was either already available through other sources, was not related to the FESS mandate, or was not needed as a result of the claim being withdrawn prior to the completion of the assessment under the new system. In addition, given the short period between the time an individual makes an asylum claim and their hearing at the IRB (which varies between 30, 45, and

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[75] For more detail on the performance of the pilots, see the evaluation reports. For the evaluation of Assisted Voluntary Return and Reintegration, see: www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2014/avrrpp-pparvr-eng.html. For the evaluation of the Enhanced Security Screening Pilot Project, see: www.rcmp-grc.gc.ca/aud-ver/reports-rapports/index-eng.htm. For the evaluation of Ministerial Reviews and Interventions, see: www.cic.gc.ca/english/resources/evaluation/ripp/2015/index.asp.

60 days), it is uncertain that applicants would have been in Canada long enough for RCMP databases to contain information that could be used when formulating admissibility recommendations. As a result, the pilot concluded in March, 2015, as per the planned end date.

Reviews and Interventions (IRCC)

The objectives of the Reviews and Interventions pilot project were to: ensure that persons representing serious criminality or security threats do not benefit from Canada's protection; maintain the integrity of the in-Canada asylum system; and ensure that the Immigration and Refugee Board (IRB) has comprehensive information for refugee determination. The evaluation of the pilot found that interventions added value as they ensured that comprehensive information for the claim has been brought forward for the IRB decision-making process. While the pilot was found to have value, it was limited to a very small percentage of total cases and there may be opportunities to improve the application of the interventions methodology through the development of a policy framework, which would outline the authorities for the reviews and interventions function. Options for the future of the reviews and interviews function at IRCC are currently under review.

4.5. Extent to Which the Reforms were Implemented as Intended

4.5.1. Implementation of the Reforms

Finding: The changes introduced through the reforms were largely implemented as intended, although the implementation of the reforms was delayed by one year and fewer resources were expended than planned.

To oversee, coordinate, monitor and report on the implementation of the reforms, IRCC implemented a project management approach and established a dedicated Refugee Reform Project Management Office (RRPMO).[76] Each participating organization had a delivery team and an implementation plan identifying key activities, deliverables and timelines captured in a work breakdown structure that the RRPMO used to develop an integrated schedule.

With respect to the project schedule, the implementation of the reforms was delayed for one year (to December 15, 2012) due to the introduction of additional legislation (*Protecting Canada's Immigration System Act*). Consequently, most milestones, including two of the three pilot projects, were also delayed for a similar period. The critical IRB rules, regulations, and information technology changes were completed in time for the coming-into-force of the reforms. In addition, with respect to project scope, despite some policy and legislative changes and schedule challenges, the project was delivered as set out in project inception documents, with the major milestones for IRCC, the CBSA and the IRB that were identified in the Project Charter being achieved.

As shown in Table 4.2, a total of $324M over five years (2010/11-2014/15) was initially allocated for the reforms, which was revised to $292M due to budget adjustments as a result of DRAP (a reduction of 9.8%). The actual expenditures for the reforms were $259M (79.8% of the originally funded levels or 88.5% of the revised funding levels). Thus, the reforms were put in place for

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[76] The RRPMO used the principles, framework, governance, best practices and tools outlined by Treasury Board *Policy on the Management of Projects* to manage implementation, scope, schedule, risk and cost (www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=18229).

lower cost than expected. Similarly, the actual number of FTEs was lower than originally planned. As shown in Table 4.2, only in the first and third years of the five-year funding period was the actual number of FTEs higher than planned (43.3 planned versus 48.9 actual). Fiscal year 2011/12, in particular, had a large variance in FTEs (317.6 planned versus 179.1 actual), which coincides with the delay of the coming-into-force of the reforms.

Table 4.2: **Planned Versus Actual Expenditures (in Millions) and Full-Time Equivalents for the in-Canada Asylum System Reforms (2010/11-2014/15)**

Resources	2010/11 Amount	FTEs	2011/12 Amount	FTEs	2012/13 Amount	FTEs	2013/14 Amount	FTEs	2014/15 Amount	FTEs	5-Year Total Amount	FTEs
Planned	$10.00	43.3	$78.30	317.6	$94.00	495.3	$70.60	349.6	$71.10	353.3	$324.00	--
Actual	$9.40	48.9	$33.10	179.1	$72.80	406.8	$71.60	370.1	$71.70	341.8	$258.70	--
Variance	**($0.60)**	**5.6**	**($45.20)**	**(138.5)**	**($21.20)**	**(88.5)**	**$1.00**	**20.5**	**$0.60**	**(11.5)**	**($65.3)**	**--**

Source: Foundational documents, financial data provided by respective organizations' Financial Divisions.

The evaluation reports for the three pilot projects concluded that each one was implemented as planned, although as with the delay of the coming-into-force of the reforms, the commencement of the Reviews and Interventions and Enhanced Security Screening pilots were also delayed by one year. In some cases, modifications were made to operational processes and procedures in order to address challenges identified during the early stages of implementation, but those changes did not affect the overall planned objectives of the pilots.

4.5.2. Challenges with Implementation

Finding: The evaluation identified a number of implementation challenges, which varied by organization. Challenges that were found to have the biggest impact on implementation were those related to a lack of a common understanding with respect to certain targets, an increase in administrative work related to the intake process and the heavy reliance on paper-based processes; and data integrity issues.

The thematic analysis of interview information identified a number of implementation challenges related to: operational issues (e.g., lack of training, tools, guidance; staffing delays, increased the administrative work required for eligibility determination); difficulties meeting targets or timelines (e.g., removals, RAD decisions, hearing preparation time); information technology and data issues; legislative and policy gaps and issues related to the interpretation and reporting of targets; the increased amount of litigation; and the fact that the original assumptions for certain elements of the system did not hold true. Many of these challenges were experienced at the initial stages of implementation and were largely resolved as more time elapsed. However, there are three key issues that continue to pose challenges, including:

- disagreement about certain targets, which created challenges when reporting on the ICAS reforms;
- the large administrative efforts required to complete refugee intake (including eligibility determination) and the heavy reliance on a paper-based process, which are creating inefficiencies within the refugee intake process; and
- the quality and availability of performance measurement data, which has resulted in high levels of effort for monitoring and reporting on the ICAS reforms.

4.6. Management and Coordination

4.6.1. Governance for the in-Canada Asylum System

> **Finding**: The governance structure for overseeing the implementation of the reforms was viewed as effective, though there is a need to revisit the structure given that the reforms have reached the end of the third year of implementation.

The governance structure for the ICAS reforms was well documented[77] and included four key senior governance committees[78] and a number of issue-specific sub-working groups that were established to addresses issues related to policies, processes, and operations. The governance structure was established and functioning by January 2011. The evaluation found that roles and responsibilities of all organizations involved in the ICAS reforms were clearly documented in foundational and project management documents and no issues were identified with respect to the clarity or understanding of those roles and responsibilities. In addition, the structure evolved throughout the course of implementation according to need (e.g., committees were eliminated or streamlined).

Many interviewees reported that the overall governance for the reforms was effective in supporting their implementation, noting that the committees generally functioned well. A few issues and gaps were noted:

- The committee structure was considered a bit too cumbersome and there may have been an opportunity to reduce the number of committees or the frequency of their meetings.

- There were challenges with collective decision-making and implementing mitigation measures when the system was not working as intended. IRCC interviewees noted the challenge in being the lead department responsible for the reforms with limited ability to influence the actions of other organizations.

- Key decisions were not clearly articulated in the records of decision for committee meetings and there were gaps in project documentation.

- Senior governance committee meetings largely did not continue post coming-into-force of the reforms, which was noted as being problematic, as there were issues post coming-into-force that required senior-level attention.[79]

Some interviewees noted a need to review the current governance structure to determine what committees are needed and to also reinvigorate the senior governance committees. It should be noted that, during the conduct of the evaluation, the senior committees began meeting again to discuss the upcoming completion of the third year of the implementation of the reforms and the results of the horizontal evaluation, and that this was acknowledged and supported by interviewees.

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[77] This was documented in foundational documents for the reforms, as well as in project documentation.

[78] Deputy Ministers' Steering Committee, Assistant Deputy Ministers' Steering Committee, the Senior Review Board and the Core Policy and Operations Working Group Committee. An Assistant Deputy Minister-level steering committee for an interdepartmental Litigation Task Force was also established.

[79] Information from program representatives, following the completion of data collection for the evaluation, indicated that the senior governance committees maintained a virtual presence post coming-into-force of the reforms. This included mainly for the distribution of key Metrics Reports and exchanges on key issues related to refugee reform.

4.6.2. Monitoring and Reporting on the in-Canada Asylum System

> **Finding**: IRCC, in collaboration with participating organizations, was successful in designing and implementing a monitoring and reporting system to measure the performance of the in-Canada asylum system reforms. However, challenges related to the production and use of data and a lack of governance and project management structures for the Refugee Claimant Continuum reduced the efficiency and effectiveness of the monitoring and reporting process.

The ICAS reforms funded the creation of IRCC's Monitoring, Analysis and Country Assessment Division (MACAD), which is mandated to provide detailed analysis and reporting on the performance of the reforms. As part of the monitoring and reporting on the ICAS reforms, this unit produced quarterly and annual Metrics of Success reports[80] (MoS). To support this reporting and the conduct of the horizontal evaluation, the reforms provided funding for the expansion of IRCC's Refugee Claimant Continuum (RCC) to incorporate data from multiple organizations.[81]

The evaluation found that the RCC was expanded as part of the reforms as intended, and ultimately supported the MoS reporting and was the main data source for the evaluation. Despite this, there were challenges with respect to data production and reporting throughout the implementation of the reforms.

Among participating organizations, there were challenges with respect to reaching agreement on the application of business rules to certain data elements, interpreting data, and reporting. In addition, there were issues with respect to the quality of data received from participating organizations and a lack of a quality assurance process for the RCC. As a result of these issues, data for some steps in the system were not available for the MoS reporting and for the evaluation.

Within IRCC, there were challenges in resolving these issues due to a lack of effective project management and governance structures for the RCC, changing priorities and ad hoc requests, the absence of mechanisms to address data issues with participating organizations and within IRCC, and RCC resourcing challenges.[82] Overall, this led to issues with respect to clarity around roles and responsibilities for obtaining data, developing and applying business rules, performing quality assurance on the data, and resolving data integrity issues.

In efforts to address data and project management issues, additional funding was allocated within IRCC in 2014 to redesign the RCC. This resulted in some data issues being addressed and efforts to put in place project management structures for the RCC. However, documentation on RCC priorities and progress on those priorities showed that not all issues have yet been resolved, thus the redesign has not yet been completed.

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[80] These reports were shared with organizations involved in the ICAS for validation and approval before being finalized.

[81] The RCC is a database, developed and administered by IRCC's Research and Evaluation Branch, which pulls together information from multiple delivery organizations and data sources. This allows the RCC to follow claimants through the entire asylum system, from the date a claim is made to the date protection is granted or departure is confirmed.

[82] Although resources for the RCC were provided to IRCC as part of the reforms, the RCC was not sufficiently resourced to manage the scope of the work required.

5. Evaluation Findings – Performance: Resource Utilization

Cost of the Reforms

Resources to support the implementation of the ICAS reforms were approved by Treasury Board in 2012. Resources were provided for the backlog reduction strategy, the cost of implementing the reforms, and to increase funding for IRCC's Resettlement Assistance Program. A total of $324M over five years (2010/11-2014/15) was initially allocated for the implementation of the reforms. Actual spending on the reforms over the five-year period was $259M.[83]

Table 5.1: **Actual Expenditures for the in-Canada Asylum System Reforms, by Participating Organization (Fiscal years 2010/11-2014/15)**

Organization	2010/11		2012/13		2014/15	
IRB	$6,001,000	$17,784,000	$28,234,000	$13,482,000	$10,196,000	$75,697,000
IRCC	$2,484,000	$5,310,000	$9,620,000	$15,552,000	$17,061,000	$50,027,000
CBSA	$887,000	$8,219,000	$33,056,000	$39,163,000	$40,675,000	$122,000,000
RCMP	-	$1,800,000	$1,930,000	$2,820,000	$2,500,000	$9,050,000
CAS	-	-	-	$612,000	$1,266,000	$1,878,000
Total	**$9,372,000**	**$33,113,000**	**$72,840,000**	**$71,629,000**	**$71,698,000**	**$258,652,000**

Note: This includes costs for employee benefit plans and employee accommodations.
Source: Financial data provided by respective organizations' Financial Divisions.

Cost of Support Services and Federal Processes

To assess resource utilization, the evaluation aimed to assess the overall cost of an asylum claim pre- and post-reform (i.e., cost per claimant) to determine whether the reforms resulted in cost savings. The cost per claimant was to include the cost to process[84] an asylum claim and the cost of support services[85] provided to claimants while awaiting a decision. Due to financial data limitations, the evaluation was unable to compare pre- and post- reform costs related to processing an asylum claim.[86] However, the evaluation was able to present the average cost of a claimant post-reform (2013-2014), and was able to examine the average costs of support services provided to claimants as a function of the total time spent in the system, pre- and post-reform.[87]

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[83] Note that this does not include A-base funding that organizations may expend to support the delivery of the ICAS. It reflects only the funding received for the reforms.

[84] Costs for processing include: eligibility determination, FESS, costs at the RPD and RAD, costs related to IRCC or CBSA Ministerial reviews and/or interventions, decisions on applications for leave and for judicial review and decisions on judicial review, and costs related to PRRA applications, detention, and removals.

[85] Costs for support services include costs for interim federal health care, social assistance, legal aid, and education. Note that, with the exception of legal aid, costs for support services accrue on a monthly basis. The cost for interim federal health is based on actual unit cost using data obtained from IRCC's Migration Health Branch. The costs for social assistance and legal aid are based on actual unit cost data using data from Statistics Canada studies. The cost for legal aid is based on total expenditures for legal aid services, which are incurred on a per-claimant basis (Department of Justice data).

[86] The evaluation was not able to compare the cost per asylum claimant pre- and post- reforms because data on the ongoing departmental costs of specific processes were not readily available or systematically tracked by all organizations involved in the ICAS for the years prior to the coming-into-force of the reforms. Financial tracking for the reforms, including expenditures associated with the funding from the Refugee Reform package (B-base funding) as well as ongoing departmental costs (A-base funding) related to the asylum system, were only available for the 2013-2014 period.

[87] For accepted claimants, the time spent in the system is from claim submission to positive decision by the RPD. For rejected claimants, the time spent in the system is from claim submission to confirmed removal by the CBSA.

> **Finding**: The cost of support services per claimant has been significantly reduced as a result of the shorter time spent in the system for both accepted and rejected claimants.

The evaluation used two costing models developed by IRCC to examine the cost for services pre-reform (2010) and post-reform (2013-2014) in relation to the time spent in the asylum system for both accepted and rejected claimants. The 2010 costing model assumed (based on historical data) that accepted claimants spent 18 months in the system and rejected claimants spent 50 months in the system. The 2013-2014 costing model determined that accepted claimants spent four months in the system and rejected claimants spent ten months in the system. The reduction of time spent in the system resulted in a decrease in service costs, particularly for rejected claimants (Table 5.2). The cost of support services for an accepted claimant decreased 64%–from $15,231 pre-reforms to $5,552 post-reforms. The cost of support services for a rejected claimant decreased by 76%– from $37,632 pre-reforms to $9,093 post-reforms.

Table 5.2: Cost of Support Services per Asylum Claimant, Pre- and Post-Reform

Services	Pre-Reform Model (circa 2010)		Post-Reform Actual Model (2013-2014)	
	Accepted Claimants (18 months)	Rejected Claimants (50 months)	Accepted Claimants (4 months)	Rejected Claimants (10 months)
Total support service cost per	$15,231	$37,632	$5,552	$9,093

Note: this analysis did not include the support service costs for failed claimants who have not yet been removed.

While the evaluation was unable to compare the cost to process an asylum claim pre- and post-reform, the IRCC was able to calculate the current cost per claimant (including processing and support service costs) for the 2013-2014 period. As previously noted, the 2013-2014 costing model determined that accepted claimants spent four months in the system and rejected claimants spent ten months in the system. Based on this, it was determined that the average cost for an accepted claimant was $12,900 and $19,800 for a rejected claimant during this time period.

Organizations involved in the ICAS were allocated approximately $460M over five years to reduce backlogs and/or implement the changes to the system (as per table 5.1, $259M was spent on the ICAS reforms), in addition to existing funding levels. Given the additional funding provided for the reforms and backlog reduction, the new elements added to the system (e.g., the RAD, IRCC reviews and interventions, enhanced security screening), and the decrease in asylum intake, the cost to process an asylum claim post-reform would be higher. However, this additional funding, in part, allowed for the significant reduction in the time a claimant spends in the system and therefore contributed to the decrease in the cost of support services as noted above.

6.   Conclusions and Recommendations[88]

Relevance

The evaluation found that there was a need to reform the in-Canada asylum system due to increasing pressures as a result of an increasing number of asylum claims made, the growing backlogs and inventories across the system, and long wait times for RPD decisions and removal of failed claimants. These long processing and removal times put the system at risk of being unable to offer timely protection to those in need. In addition, the numerous recourse mechanisms and access to social benefits acted as pull factors, which subjected the system to potential abuse. The reforms were put in place to address these pressures and its objectives were in alignment with Canada's international and legislative obligations with respect to refugee protection and the principle of *non-refoulement*; and to ensure the integrity of the in-Canada asylum system.

Performance

Achievement of Expected Outcomes

As a result of the in-Canada asylum system reforms, new system claimants received a positive decision five to six times faster than old system claimants. In addition, while too early to determine the full extent, due to not enough time having passed since the coming-into-force of the reforms, removals timelines appear to be faster under the new system compared to the pre-reform years. Following the reforms, there was also a significant decrease in the number of claims received–from just over 20,000 in 2012 to approximately 10,300 in 2013, which was about half of what was forecasted. This large decrease had the subsequent impact of relieving pressure on the system overall as there were fewer claims at each step in the system.

Despite claims being processed more quickly, not all claims were processed as per the administrative targets that were established as part of the reforms, which included the targets related to the holding of the RPD hearings and removals. The evaluation identified a number of challenges associated with meeting these targets due to dependencies on other steps in the system and operational challenges.

The evaluation found that the DCO regime was initially successful at reducing the number of asylum claims from countries that are considered to respect human rights and offer state protection and limited their access to RAD and PRRA. However, DCO claimants did not receive decisions faster than non-DCOs and due to a July 2015 Federal Court decision, DCOs now have access to the RAD. In addition, the immediate impact of the one-year PRRA and H&C bars was a decrease in the number of people applying for these mechanisms. However, many failed claimants were not removed before the bars expired and they therefore ultimately had access to these recourse mechanisms.

The evaluation identified some program and policy gaps and issues (e.g., assumptions around intake, timelines/targets, removal pressures, and legal challenges) that may result in pressures with respect to the meeting of asylum system timelines.

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[88] The recommendations contained in this report respect the role of the IRB as an independent administrative tribunal. Therefore, the following recommendations should not be interpreted in a manner that infringes, or could be reasonably seen to infringe, on the institutional independence of the IRB or the independence of the IRB's decision-makers in individual cases.

Recommendation #1: With respect to the ongoing operation of the in-Canada asylum system, IRCC, in collaboration with relevant organizations, should:

a) Review assumptions around intake, productivity, and resourcing to inform future costing exercises;
b) Further analyze existing challenges with respect to the current timelines and targets, and implement measures to address these challenges, or adjust the timelines and targets, as needed. This should include in particular, targets for RPD decisions and removals; and
c) Further analyze the policy objectives for the reforms and key stages of the ICAS that are not entirely achieving intended results and make the necessary policy revisions.

Management and Coordination

The evaluation found that an effective governance structure was put in place to oversee the implementation of the reforms, which included senior-level committees, sub-working groups, and a secretariat function. The evaluation noted a few gaps with respect to governance, including a lack of documented decisions, challenges with respect to collective decision-making, and lack of regular senior governance committee meetings following the coming-into-force of the reforms.

Recommendation #2: IRCC, in collaboration with relevant organizations, should put in place the appropriate governance needed to ensure effective decision-making and to oversee and monitor the implementation of any further in-Canada asylum system changes and ongoing delivery, and to address the results of the evaluation.

IRCC, in collaboration with participating organizations was successful in designing and implementing a system to monitor and report on the performance of the asylum system despite the fact that there was a high level of complexity involved in trying to coordinate the provision of data between multiple departments and to ensure data quality and availability for all aspects of the ICAS. The evaluation identified a number of challenges with respect to monitoring and reporting, which included data quality and definition and interpretation issues, and a lack of governance and project management structures for the Refugee Claimant Continuum, the primary data source for the ICAS. This resulted in a greater effort required than anticipated to report on the performance of the reforms and certain data elements being unavailable for reporting purposes.

Recommendation #3: With respect to the ongoing monitoring and reporting on the performance of the in-Canada asylum system, IRCC, in collaboration with relevant organizations, should:

a) Determine what components of the in-Canada asylum system will be monitored and reported upon and reach agreement with respect to targets and definitions; and
b) Address existing data and reporting gaps. This should include ensuring that the required data are being captured by participating organizations and fully integrated into the Refugee Claimant Continuum.

Recommendation #4: IRCC should formalize data governance and project management for the Refugee Claimant Continuum.

The evaluation did not identify any issues with respect to the overall management of the project or coordination with participating organizations and the reforms were implemented as planned, with the key exception of the delay of coming-into-force of the reforms.

Numerous challenges were noted by interviewees throughout the implementation of the reforms, most of which were experienced at the initial stages of implementation and were largely resolved as more time elapsed. Two existing issues affecting the efficiency of the ICAS relate to the large amount of effort that is required for IRCC and the CBSA to complete the refugee intake process and the largely paper-based process used for many steps of the asylum process. These issues contribute to the amount of time and effort it takes to complete the refugee intake process and to transfer information between IRCC, the CBSA, and the IRB.

> **Recommendation #5:** IRCC, in collaboration with relevant organizations, should reduce the administrative inefficiencies within the refugee intake process, where feasible.

> **Recommendation #6:** IRCC, the CBSA, and the IRB should implement processes to allow for the electronic sharing of information between organizations, where feasible.

Resource Utilization

While the evaluation was unable to examine the federal cost to process claims in the pre-reform period (2010-2012), the additional funding for the reforms and backlog reduction, the decrease in asylum intake, and the decrease in the number of claims received, would result in higher processing costs post-reform. However, this additional funding, in part, allowed for the significant reduction in the time a claimant spends in the system. As a result, the cost of support services per claimant has been significantly reduced for both accepted and rejected claimants.

Although support services cost per claimant decreased, pressures identified in the evaluation such as increasing intake, could lead to backlogs and an increase in time claimants spend in the system, which would further increase costs for support services, such as interim federal health.

Appendix A: Summary of the Reforms to the In-Canada Asylum System

Summary of Key Reforms

Key Step in the System	Change Made Under Reform
Information gathering	The basis of claim form (BOC) replaced the personal information form, which had to be submitted to the IRB within 28 days of making a claim.
Scheduling of the hearing	IRCC or CBSA officers schedule the hearing at the IRB at the time of eligibility determination (the IRB previously scheduled the hearing).
Front-end security screening (FESS)	Security screening is to be conducted on all refugee claimants 18 years of age and older, for concerns related to sections 34, 35, and 37 of IRPA.
Refugee Protection Division	Hearing conducted by public servant decision-makers instead of Governor-in-Council appointees.
Refugee Appeal Division	Creation of a Refugee Appeal Division[89]; access to the RAD barred for certain claimants.
Designated countries of origin	New authority for the Minister to designate countries of origin (DCO); claimants from these countries are subject to different timelines and were not initially eligible to appeal RPD decisions to the RAD.
Cessation and loss of permanent resident status	When the IRB finds a protected person's refugee protection status has ceased, permanent resident status is lost (unless cessation is due to a change in country conditions).
Humanitarian and compassionate claims	Bar on access to humanitarian and compassionate consideration for 12 months following an IRB decision and bar on access to concurrent H&C applications starting when the claim is referred to the RPD (exceptions for medical issues or best interests of the child).
Pre-removal risk assessment	One-year bar on PRRA applications after last decision at the IRB or last PRRA for non-DCOs; three-year bar for DCOs.
Removals	Claimants who do not have the right to appeal to the RAD are excluded from an automatic stay of removal upon filing an application for leave and for judicial review of an RPD decision.

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[89] The 2002 *Immigration and Refugee Protection Act* included provisions for an appeal mechanism for failed refugee claimants; however, this mechanism was not previously implemented.

Summary of Legislated and Regulatory Timelines and Administrative Targets for the Processing of Refugee Claims

Component	Legislated or Regulatory Timeline	Administrative Target
Eligibility determination	Eligibility determination must be made within 3 working days of an officer receiving the claim. [90]	N/A
Information gathering	• For claims at a POE, the claimant is to submit the BOC to the IRB not later than 15 days after the day of referral of the claim. • For inland claims, the claimant is to submit the BOC to IRCC or the CBSA during the eligibility interview.	N/A
Front-end security screening	N/A	For 80% of cases, screening is completed: • within 25 days of inland DCO claimants; • within 40 days for POE DCO claimants; and • within 55 days for non-DCO claimants. [91]
Refugee Protection Division	Hearing to be fixed according to timelines (from date of claim): • 30 days for inland DCO claimants; • 45 days for POE DCO claimants; and • 60 days for non-DCO claimants.	90% of hearings to be held according to timelines (from date of claim): • 30 days for inland DCO claimants; • 45 days for POE DCO claimants; and • 60 days for non-DCO claimants. [92]
Refugee Appeal Division	• Claimant has 15 days from day on which they receive the RPD's written reasons to file an appeal and 30 days from day on which they receive the RPD's written reasons to perfect the appeal[93]; • Decisions to be made within 90 days of the appeal being perfected (except when a hearing is held).	N/A
Federal Court (decisions on application for leave and for judicial review)	N/A	At least 50% of denied leave decisions made within 120 days of the application for leave.
Federal Court (decisions on judicial review)	The hearing must be held no sooner than 30 days and no later than 90 days after leave was granted. [94]	N/A
Removals	N/A	Removal of 80% of failed refugee claimants within 12 months of an IRB decision.

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[90] This legislated timeline was in place prior to the reforms.

[91] This administrative target was established by the CBSA in consultation with screening delivery partners.

[92] The performance measurement strategy included the target: "90% of DCO claims scheduled within 30 days from the time of referral to the IRB for claims made at an inland office and 45 days from the time of referral to the IRB for those that made their claim at a POE, and 90% of non-DCO claims within 60 days." Based on foundation documents for the ICAS reforms, the policy intent of this target was to have the RPD hearing held within these timelines. Therefore, the evaluation defined this as an administrative target and assessed performance against this target.

[93] After filing a notice of appeal, the appellant must 'perfect' the appeal by providing all required supporting documentation.

[94] This legislated timeline was in place prior to the reforms.

Appendix B: Logic Model for the in-Canada Asylum System Reforms

PROGRAM OUTCOMES

Ultimate

Underlying principles of Canada's asylum system (ensuring fairness, protecting genuine refugees and upholding Canada's humanitarian tradition, and reducing system abuse) are supported while ensuring the safety and security of Canadians

Intermediate

Refugee claimants who do not merit refugee or protected status in Canada are removed in a timely manner

Refugee claimants who merit refugee or protected status in Canada receive timely protection

Immediate

Canada's refugee system allows for the processing of refugee claims within the legislated, regulatory, and/or anticipated timelines

OUTPUTS

Country reviews and DCO advice/ desgination recommendations

Remedial recommendations on system challenges

Referral of the claim to the IRB

Determination of eligibility and admissibility

Identification, reporting and laying of criminal charges

Ministerial intervention at IRB hearings

Decisions on appeals

Decisions on refugee claims

Complete information file on the refugee claimant

Decisions on stays

Decisions on judicial reviews

Decisions on appeals

Removed failed refugee claimants

Decisions on detention reviews

Detained refugee claimants

Decision on risk of return

Country reviews

ACTIVITIES

Design and policy development for DCOs, STCs, and other asylum policies

Conduct reviews

System monitoring, trend analysis, and forecasting

CIC

MONITORING ANALYSIS AND COUNTRY ASSESSMENT

Verify identity of claimant

Determine eligibility and admissibility of claims

Compile intelligence

CBSA, CSIS, RCMP, CIC, IRB

FRONT-END PROCESS

Conduct criminal investigations under IRPA for fraud

CBSA

CRIMINAL INVESTIGATIONS

Identify and intervene on cases related to security, criminality, credibility and program integrity

CBSA, CIC, JUS

INTERVENTIONS

Conduct appeals of RPD decisions

Hold hearings on refugee claims

Interview refugee claimants

IRB, CBSA, CIC, JUS

INTERVIEWS, HEARINGS, APPEALS

Conduct FCA/SCC appeals

Conduct judicial review

Conduct stay hearing

Review applications for leave for judicial review

FC, CAS, JUS, CIC, CBSA

STAYS, JUDICIAL REVIEWS, AND APPEALS

Immigration investigations

Arrest and detain individuals

Remove failed refugee claimants

Detention reviews

CBSA, IRB

DETENTIONS AND REMOVALS

Assess the risk of return

Conduct country assessments

CIC

PRE-REMOVAL RISK ASSESSMENT

Governance and Program Management
CIC, JUS, IRB, CBSA, CSIS, RCMP, FC, CAS, and PS