

**GOVERNMENT RESPONSE TO THE REPORT OF THE HOUSE OF COMMONS**  
**STANDING COMMITTEE ON PUBLIC ACCOUNTS ENTITLED**  
***"Processing of Asylum Claims, Report 2 of the 2019 Spring Reports of***  
***the Auditor General of Canada"***

INTRODUCTION

The Government of Canada thanks the Standing Committee on Public Accounts (PACP) for its 69<sup>th</sup> Report entitled, "Processing of Asylum Claims, Report 2 of the 2019 Spring Reports of the Auditor General of Canada," which was tabled in the House of Commons on February 18, 2021.

The Report put forward six important recommendations, to which the Government responds individually below. The Government of Canada appreciates the work of the Committee and welcomes the Report's recommendations, which offer important insights that will contribute to improving the asylum system.

Canada's asylum system has seen a significant increase in the number of asylum claims over the past years and this trend is expected to continue into the future. Canada received historically high volumes of asylum claims – from both regular and irregular migrants – with over 50,000 asylum claims in 2017, over 55,000 in 2018, and over 64,000 in 2019. This points to the need for an asylum system that is well managed and properly equipped to address the anticipated increase in asylum claims.

The Government of Canada is committed to enhancing the efficiency and integrity of its asylum system. It has recognized the need to take action, and this work has begun. Significant changes have been made in recent years to improve coordination between the three organizations that administer the asylum system, the Canada Border Services Agency (CBSA), Immigration, Refugees and Citizenship Canada (IRCC), and the Immigration and Refugee Board of Canada (IRB).

Together, these organizations are committed to fully implementing these recommendations, and have already completed the majority, including establishing a quality assurance mechanism, conducting information gap assessments, and establishing a timeline to complete the shift from paper to digital processing of claims. Moreover, significant progress has been made toward reducing the incident of postponed hearings, rescheduling hearings in a timely manner and expediting protection decisions. The development of a business case for a flexible funding model has been delayed to study the impact of recent investments and to apply lessons learned from a comparable funding model.

To help address pressures felt across the asylum system, Budget 2019 made significant investments to enhance the capacity and integrity of the system. It included funding to double the processing capacity of the IRB, from a baseline of 26,000 claims per year to 50,000 decisions and 13,500 appeals annually through FY 2020-21. Funding allocated in the Economic and Fiscal Snapshot 2020 will maintain the capacity to process 50,000 asylum claims annually through FY 2022-2023, with an additional year for downstream enforcement activities undertaken by the CBSA.

### **Recommendation 1 – on a flexible funding model**

**That, by 30 December 2019, the Canada Border Services Agency, Immigration, Refugees and Citizenship Canada, and the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining the progress of developing a business case with the Government of Canada’s central agencies to design and implement a flexible model that allows access to additional funding quickly to better match shifting volumes of claims.**

The Government accepts the first recommendation and provides the Committee with the following report.

IRCC is studying the impact of recent investments through Budget 2019 and the Economic and Fiscal Snapshot 2020, and apply lessons learned from the analysis of a flexible funding model SECRET for the Temporary Resident program, to inform the development of a business case by all three organizations.

IRCC’s new Temporary Resident Funding Model (TRFM), which will be piloted in April 2022, includes a funding mechanism that is responsive to the needs and volume fluctuation complexities of client demand-driven programs. Recognizing that the asylum system is currently undergoing significant change, such as through modernization initiatives to address interoperability of underlying IT systems across partner organizations, analysis will be conducted of different appropriation-driven models once reforms to the Temporary Resident program and legislation outcomes are known. At that time, lessons learned from the TRFM can be applied.

### **Recommendation 2 – on performance measurement**

**That, by 30 September 2019, the Canada Border Services Agency, Immigration, Refugees and Citizenship Canada, and the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report on its new Asylum System Performance Measurement Framework.**

The Government accepts the second recommendation and provides the Committee with the following report.

The Asylum Performance Management Framework (Framework) was approved by the Asylum System Management Board (ASMB) and implemented in September 2019 as per the IRCC, IRB, and CBSA’s Detailed Action Plan to the recommendations of the OAG Report. The ASMB is the senior level coordinating body for the asylum system established to conduct system-wide joint priority setting, trends analysis, performance management and monitoring of interdepartmental goals, and better horizontal coordination between partners involved in the delivery of the asylum system. The Framework is part of the trilateral commitment for the ASMB to oversee the adoption of updated performance targets that will be used to report on intake, capacity, and productivity across the system (Recommendation 1 of the OAG Detailed Action Plan).

The Framework is a system-wide performance management approach shared by IRCC, CBSA, and the IRB for ongoing performance monitoring, reporting and analysis of the asylum system. The performance metrics are used to report on intake, capacity, and productivity across the various stages of the system. The Framework supports the ASMB by providing monitoring and oversight of the health of the asylum continuum as a whole and represents a key management tool for evidence-based decision-making.

### **Recommendation 3 – on the proper collection and use of data**

**That, by 31 October 2019, the Canada Border Services Agency, Immigration, Refugees and Citizenship Canada, and the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining its progress with regard to A) the quality assurance process designed and implemented by Canada Border Services Agency and Immigration, Refugees and Citizenship Canada for refugee intake and the collection of required information such as biometric data into the Global Case Management System; B) the results of the information gap assessment and plans to share information between Canada Border Services Agency and Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board of Canada; and C) the timeline established to complete the shift from paper to digital processing of claims and real time information sharing through integrated information technology systems.**

The Government accepts the third recommendation and, in fulfillment of the first part of this recommendation, provides the Committee with the following report.

In 2019, the IRCC and CBSA established a quality assurance process and formal reporting structure to ensure data quality, accuracy and completeness of required information collection (e.g. biometric data) into the Global Case Management System. The quality assurance process facilitates quick identification of data errors and missing information in order to ensure proper processing of asylum claims. Monthly quality assurance reports are disseminated to frontline staff. This reporting structure ensures system accuracy and compliance with program delivery instructions (e.g., Biometrics taken from all claimants 14 and older, security/criminality screening of all adult claimants performed in a timely manner).

In addition, IRCC completed a quality assurance exercise in April 2020 on staff compliance with program delivery instructions, system accuracy and data integrity of asylum claim intake. The results of the exercise were circulated in a September 2020 report. This exercise has led to improvements in program direction and staff notifications for where improvements are needed. IRCC intends to make this an annual exercise.

In fulfillment of the second part of this recommendation, the Government provides the Committee with the following report.

The information gap assessment was completed in November 2020. It has led to increased reporting between the three organizations and informed system changes being implemented through the Asylum Interoperability Project. This enables electronic document sharing and

improved data transactions between IRCC's Global Case Management System, which CBSA can access, and the IRB's Nova system. Moving to an electronic process has assisted in closing information gaps between the three organizations.

While some system modifications to automate information sharing functions were completed in early 2020, digital information sharing between organizations through the Integrated Claims Analysis Centre was initiated in March 2021. Once the Integrated Claims Analysis Centre completes the review of a claim, the results are entered into Global Case Management System, which will then be automatically sent to the IRB's NOVA system. As a result, the IRB will immediately know which claims are ready to be scheduled for a hearing.

In fulfillment of the third part of this recommendation, the Government provides the Committee with the following report.

Through the Asylum Interoperability Project, IRCC, the CBSA and the IRB, are on track to complete the work required to shift from paper to digital processing and implement automated near real-time information sharing. These changes are targeted for delivery by June 2022.

As of March 2021, the Asylum Interoperability Project has implemented changes to support the Integrated Claims Analysis Centre pilot and the first steps of digital information sharing. The Integrated Claims Analysis Centre was developed to increase coordination between IRCC, the CBSA and the IRB. These changes have resulted in improved electronic information sharing by reducing manual and analog data entry and consequently reducing information sharing delays. Electronic sharing of results of the triage, review and intervention work has now been implemented.

As an interim step, and in response to the COVID pandemic, in July 2020, IRCC began to receive claims electronically via the ePost Connect platform, which allows secure sharing of confidential documents. Claimants are invited to appointments using electronic means as well. Once an eligibility decision on the claim is made, documents are shared electronically with the IRB using ePost Connect. The Integrated Claim Analysis Centre is also using ePost Connect to share documentation with the IRB. This initiative is an important interim step to becoming completely digital via the Asylum Interoperability Project.

In addition, the IRB expanded its use of ePost Connect to exchange Basis of Claim (BOC) forms and decisions with asylum system partners (IRCC and CBSA). An interim process to ensure the IRB is aware of all completed Front End Security Screening (FESS) has been developed. These have also resulted in some efficiencies.

On October 26, 2020, the IRB released its latest functionality to its self-service portal 'My Case', allowing representatives to provide and to receive documents from all divisions of the IRB. The project will eventually allow clients and their representatives to access their case status online as well as implement online applications for Refugee Appeals. Additionally, throughout the pandemic, the IRB has continued its efforts to digitize the Refugee Protection Division's file inventory and has successfully scanned the Refugee Appeal Division inventory. As an immediate response to the pandemic, the IRB divisions shifted to secure videoconference hearings. Since the beginning of the pandemic the Refugee Protection Division has hosted over 10,000 virtual hearings across Canada.

In April 2021, IRCC will begin to phase out e-Post Connect by implementing a new digital intake tool for in-Canada refugee claims. The new Canadian Refugee Protection Portal will allow claimants to apply online and upload the required supporting documents. Subsequently, the project will implement online applications for Pre-Removal Risk Assessment (PRRA) and Humanitarian & Compassionate Grounds online applications.

The Asylum Interoperability Project is on track to shift the exchange of information from paper to digital and move to automated near real-time exchange of information and documents through a series of technology changes to partner systems. The digital exchange of information between IRCC and the IRB will be enhanced with the upgrade of the interface between the two departments to allow for near-real time digital exchange of information and documents. This is expected to be completed by June 2022. Digital information exchange with the CBSA is already in place from IRCC to the CBSA but, by the end of the project, two-way communication will be enabled that will allow the flow of enforcement information digitally from the CBSA to IRCC.

#### **Recommendation 4 – on reducing the incidents of postponed hearings**

**That, by 30 November 2019, the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining what progress has been made with regard to A) reducing the number of postponed hearings for reasons within its control; and B) its progress with regard to rescheduling hearings in a timely manner.**

The Government accepts the fourth recommendation and, in fulfillment of the first part of this recommendation, provides the Committee with the following report.

Since the OAG Report, postponement rates within the control of the IRB have decreased significantly – from 36 per cent of hearings postponed at least once before a decision was made during the OAG audit period (January 2015 to June 2018) to approximately 12 per cent in the last quarter of 2020 (October to December). Although the closure of IRB offices at the start of the pandemic led to the temporary postponement of in-person hearings except on an exceptional basis, the IRB has since resumed full operations and the rate of postponements has returned to pre-pandemic levels.

In order to ensure that hearings are scheduled in a timely manner, the IRB implemented an ongoing multi-pronged strategy in September 2018 (formalized monitoring framework), this includes:

- Implementation of a “Confirmation of Referral” to replace the “Notice to Appear” previously issued by IRCC and CBSA at referral, giving the IRB more flexibility in scheduling, increasing efficiency, and minimizing postponements;
- Applications for postponements are heard by a select group of experienced and well-trained coordinating members to ensure consistency;
- Extra flexibility is built into case resumptions by having Coordinating Members take on files; and
- Improving administrative scheduling practices.

In addition, the IRB implemented a mechanism in October 2020 to carefully track postponement rates and reasons on a weekly basis for both in-person and virtual hearings.

The Integrated Claim Analysis Centre Pre-Refugee Protection Division (RPD) Unit also prepares complete, hearing ready packages for the RPD. As part of the pilot evaluation, a particular emphasis will be put on assessing how this element of the pilot has helped reduce hearing postponement – especially as it pertained to RPD decision-makers sending requests to IRCC or CBSA for additional case information.

In fulfillment of the second part of this recommendation, the Government provides the following progress report.

The IRB has been working on a digital strategy since 2019. The pandemic accelerated the rate at which the Refugee Protection Division was able to digitize its file inventory and create new ways of communicating sensitive documents with claimants, namely through ePost Connect and the self service portal 'My Case'. A major accomplishment for the Board was its ability for business resumption and implementing secure environments to host hearings. This has allowed the Refugee Protection Division to maintain hearings outside of traditional rooms and address hearings postponed due to COVID.

The IRB has continued to implement measures aimed at improving scheduling efficacy, reducing the rate of postponements over the short-term and rescheduling hearings in a timely manner. Most recently, in November 2020, the IRB implemented new administrative measures, including the increased use of lists of files that can be added to the schedule on short notice, the transfer of files between regions through increased use of electronic files, and increases to scheduling capacity through staffing and process innovations.

In addition, the IRB continues to prioritize hearings that have been postponed or require a resumption date because of the requirement for additional time. The IRB has increased its monitoring and enhanced its procedures to ensure those files are prioritized for rebooking to minimize wait times for those claimants and to reduce any inefficiencies that may be caused by delay. For example, when the IRB closed in March 2020 due to the pandemic, it ensured that those hearings that had been postponed would be prioritized for hearings upon the re-opening of our offices. In addition, beginning in 2021-22, Refugee Protection Division New Member Training programs will include additional focus on processes for changing dates and times, including scenario discussions and mock applications for consideration.

Furthermore, after a successful pilot in July and August of 2020, the IRB began offering claimants the option to participate in virtual hearings across all four divisions in November 2020. As of January 2021, all hearings are now conducted virtually by default with limited exceptions. Only urgent and particularly sensitive cases are considered for an in-person hearing on a case-by-case basis. The changes that have been implemented represent a positive transformation that will ensure hearings proceed in the event of further disruptions to in-person services as a result of COVID response measures, and that the IRB is positioned to deliver more effectively on its mandate well into the future.

To support the virtual hearing model, the IRB also provides training sessions using MS Teams for claimants, counsel, and interpreters to support the virtual hearing model and reduce technology-related postponements. Improvements made to the interpreter program and technology have also reduced postponements.

As part of a broader digital strategy that has been accelerated due to the pandemic, the IRB is also exploring the expansion of electronic files as well as system changes to further improve the flexibility and efficiency of file reassignment across the country and to reduce the rate of postponements over the longer-term. The IRB launched a contingency strategy to scan existing case files across all divisions. All Refugee Appeal Division, Immigration Division and Immigration Appeal Division inventories and almost a third of the Refugee Protection Division pending inventory have been scanned to date with a goal to have all files digitized in 2021-22. This will further the Board's digital agenda and reduce the need to access paper files in the event of further lock downs and building closures due to the pandemic that could result in postponements.

### **Recommendation 5 – on expediting protection decisions**

**That, by 30 April 2020, the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining what objectives have been met with regard to expediting protection decisions for eligible asylum claimants.**

The Government accepts the fifth recommendation provides the Committee with the following report.

In early February 2019, the IRB issued strengthened policy guidance and established the Task Force on Less Complex Claims (TFLCC) to support the more efficient processing of less complex claims, which has already achieved meaningful results and lessons learned, including over 20,000 less complex claims being decided, increased file readiness, increased productivity per member and reduced processing times which results in greater access to decision making.

The Instructions Governing the Streaming of Less Complex Claims set out the case management principles the Refugee Protection Division uses to identify those claims that may be allowed without a hearing - this is permissible under the *Immigration and Refugee Protection Act* - and to identify those refugee claims which may be decided with a short hearing because the matter has a historically high acceptance rate, well-documented claim and no apparent credibility issues.

Both processes lead to the more efficient resolution of claims by better allocating the appropriate level of resources to the matter being decided. The application of the Instructions allow more claims to be considered for resolution without a hearing, or in a short hearing in appropriate circumstances. The Instructions also support an approach that keeps security and program integrity considerations paramount. A review of the application and effectiveness of the Instructions is ongoing.

## **Recommendation 6 – on intervening on asylum claims**

**That, by 30 June 2020, the Canada Border Services Agency and Immigration, Refugees, and Citizenship Canada and the Immigration and Refugee Board of Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining what progress has been made with regard to A) notifying the Immigration and Refugee Board of Canada as soon as the review of an asylum claim for intervention is complete, whether or not there is a plan to intervene; and B) developing a scheduling strategy to reduce wait times for protection decisions.**

The Government accepts the sixth recommendation provides the Committee with the following report.

As part of the work of the Integrated Claims Assessment Centre pilot in Ontario, as of September 2020, IRCC and CBSA notify the IRB when front end security screening, triage and review for intervention is complete. Where there is no intervention the notification process has been automated. Otherwise notices of intervention are filed with the IRB. This ensures the Board is aware of the Minister's decision on whether to intervene at the triage stage. Interventions can still be filed at any time by the Minister, post-triage, for new information previously unavailable at triage.

The Integrated Claim Analysis Centre pilot was developed to increase coordination between IRCC, the CBSA and the IRB, which will further support notification of intervention. The Integrated Claim Analysis Centre, implemented in September 2019, provides the IRB documentation that indicates the Minister has reviewed the claim, and whether the review resulted in an intervention. Through improvements to the system to system interface, implemented in October 2020, the Integrated Claim Analysis Centre now has the capacity to electronically share results of the review, specifically whether an intervention will be filed by the Minister.

The Government accepts the sixth recommendation. In fulfillment of the second part of this recommendation, the Government provides the Committee with the following report.

The more effective communication channels being developed by the Integrated Claim Analysis Centre will work towards ensuring that the RPD receives hearing ready files. Its objective is to reduce delays in scheduling cases that were related to requests for information by the IRB. The Integrated Claim Analysis Centre pilot has been extended due to the pandemic and the initiative will be assessed once completed.

In addition, as previously indicated, the IRB implemented an ongoing multi-pronged national scheduling strategy in September 2018, to ensure that hearings are scheduled in a timely manner. This strategy aims to reduce wait times by streamlining the triaging and scheduling of refugee protection claims, including more complex cases, such as ministerial interventions.

The Asylum System Management Board is also looking at system-wide priorities, to help all three organizations align their operational efforts.