

## 1990 IRB STATISTICS DIGEST:

### THE SAME OLD STORY? ANOTHER BACKLOG OF CLAIMS?

What does the summary tells us?

Quite a lot, in fact. When the IRB data is read in conjunction with the total system intake of refugee claims, an alarming picture is developing on the ability of the system to cope with the claims. It is quite clear that another potentially unmanageable level of backlog of claims is in the making.

Our Immigration and Refugee Board determination system is probably one of the best models to afford protection to a person with well-founded fear of persecution for reasons of race, religion, nationality, political opinion and membership in a particular social group. However, the statistics tell us that by the end of the second year of its operation the system was able to clear out roughly its first year intake only. The Board began its third year of operation in January 1991 with more than 30,000 claims awaiting completion.

IRB Chairman Gordon Fairweather, justifiably delighted with the increased productivity in the IRB in

the fourth quarter of 1990, stated in his news release on February 1, 1991 that "Our major concern now, as the CRDD begins its third year of operation, is that claims will not be referred from initial to full hearing in numbers sufficient to exploit the Division's enhanced productivity." The Board also noted that "the Quebec/Atlantic and Ontario regions, which between them accounted for 90% of all claims heard across the country, have decreased the average waiting time (for referral from initial to full hearing) by half, from seven months to three and fifteen months to seven respectively."

Introduction of a simplified inquiry procedure and the expedited hearing process have indeed introduced a greater degree of productivity to the IRB process. This level of increased productivity notwithstanding, it must be recognized that there is a very significant number of claims awaiting at the pre-inquiry stage.

It is imperative that an improved mechanism within the system must be devised to clear up this fast developing backlog in the new system. It appears that two levels of hearing to determine patently credible claims are quite luxurious and unnecessary. There is an absolute need to designate certain nationalities to ease the burden at the full hearing level. An analysis of the acceptance rate of ten leading source countries indicates that a possible solution could be found in implementing a process somewhat analogous to a system now in employ in the current backlog clearance process.

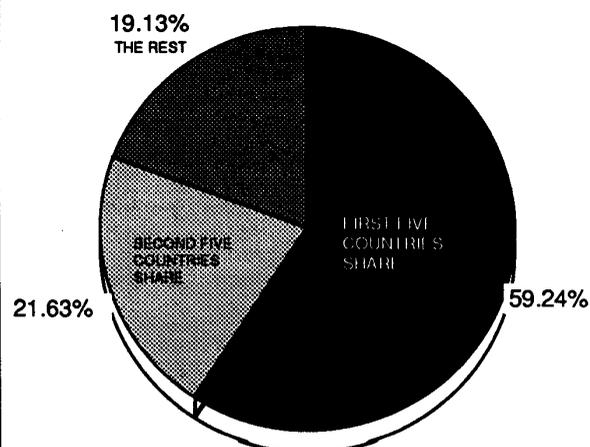
Otherwise it will be a Herculean task to catch up with the claims in the system. The process must be improved further to minimize the public disenchantment with refugees who are seeking Canadian protection.

Compiled by Arul S. Aruliah

ACCEPTANCE RATE OF TEN LEADING SOURCE COUNTRIES - YEAR 1990

Source	ACCEPTANCE RATE		
	CB	FH	Overall
1. Sri Lanka	99.8	89.5	89.4
2. Somalia	99.8	92.9	92.8
3. China	99.5	44.7	44.5
4. Lebanon	98.3	80.4	79.0
5. El Salvador	98.9	79.5	78.6
6. Bulgaria	98.1	48.9	47.9
7. Iran	99.8	91.1	90.9
8. Pakistan	97.7	88.4	86.3
9. Guatemala	96.4	79.8	77.0
10. Poland	60.0	23.7	14.2

REFUGEE CLAIMS BEFORE IRB - YEAR 1990 SUBGROUPS SHARE



**REFUGEE DETERMINATION SYSTEM DATA - OCT. 1990**

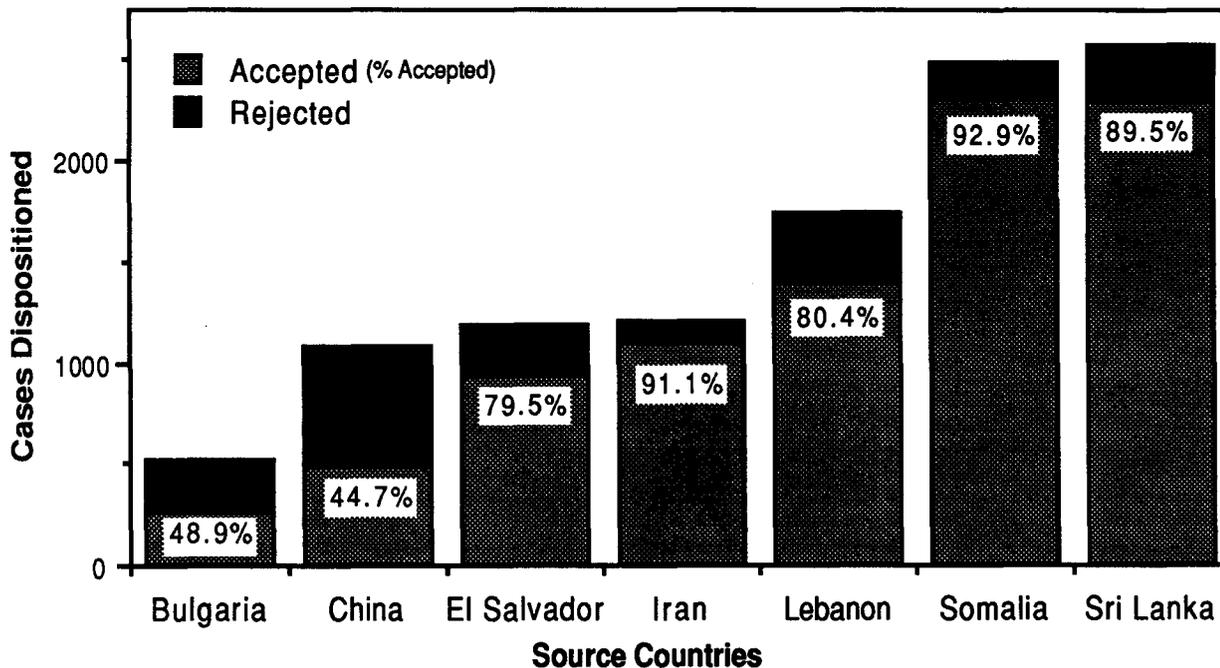
	Oct.1990 Year-to-date	Dec. 1989 Year-to-date	Total 1989-Oct.90 System-to-date
1. Total System Intake	30,328	20,758	51,086
2. Cases Awaiting Opening			
YTD	10,089	6,730	16819
STD (Corrected for withdrawals etc.)			16805
3. Hearings Opened	20,239	14,028	34,267
4. Cases Dispositioned (CB)	17,058	12,570	29,628
5. Cases Awaiting Disposition (CB)	3,181	1,458	4,639

**IMMIGRATION AND REFUGEE BOARD DATA - DECEMBER 1990**

	Dec. 1990 Year-to-date	Dec.1989 Year-to-date	Two Year Total 1989 & 90
1. Initial Claims(CB) Concluded	21,469	12,690	34,159
2. Referred to Full Hearing	20,240	11,798	32,038
3. Claims Heard to Completion	15,126	6,475	21,601
4. Decisions rendered*	13,623	5,306	18,929
5. Claims Abandoned/withdrawn	374	70	144
6. Decisions Pending	1,129	**1,099	1,539

\* Includes decisions pending (\*\*) from 1989

**ACCEPTANCE LEVEL FOR SEVEN LEADING SOURCE COUNTRIES  
AT THE FULL HEARING - YEAR 1990**



**IMMIGRATION AND REFUGEE BOARD - 1990 STATISTICS**

Period: January 1 - December 31, 1990

**INITIAL HEARING STAGE**

	<b>ATLANTIC</b>	<b>QUEBEC</b>	<b>ONTARIO</b>	<b>PRAIRIES</b>	<b>B.C.</b>	<b>NATIONAL</b>
<b>Claims Concluded</b>	824	6,586	11,854	552	1,653	21,469
<b>Withdrawn/Abandoned</b>	0	48	150	19	46	263
<b>Decisions Rendered</b>	824	6,538	11,704	533	1,607	21,206
<b>Claims rejected</b>						
- Eligibility	1	9	19	4	4	37
- Credible basis	68	219	464	93	85	929
<b>To Full Hearing</b>	755	6,310	11,221	436	1,518	20,240

**FULL HEARING STAGE**

	<b>ATLANTIC</b>	<b>QUEBEC</b>	<b>ONTARIO</b>	<b>PRAIRIES</b>	<b>B.C.</b>	<b>NATIONAL</b>
<b>Claims heard to completion</b>	411	6,057	7,205	408	1,045	15,126
<b>Decisions rendered</b>	356	5,456	6,572	347	892	13,623
<b>Claims rejected</b>	154	1,247	1,114	35	363	2,913
<b>Claims upheld</b>	202	4,209	5,458	312	529	10,710
<b>Withdrawn/abandoned</b>	18	116	159	17	64	374
<b>Decisions pending *</b>	55	617	652	61	154	1,539
<b>Claims pending **</b>	217	3,194	8,828	250	1,023	13,512

\* Decisions pending include all claims heard to completion since January 1, 1989, for which no decision had been rendered by the end of the reporting period.

\*\* Claims pending include all claims referred to the CRDD full hearing stage, that have not been finalized (i.e. by a positive or negative decision or by withdrawal or abandonment) as of the end of the reporting period.

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**LIMITED FACTS ...**

A serious aspect of any procedure is how it treats people. Analysis of the new law must give weight to the July 1990 Discussion Paper of the Canadian Council for Refugees "Problems on the Path to a Just Society: A Human Rights Analysis of Canadian Immigration Law and Practice". It reports persistent instances of harassment in immigration interviews, detention with insufficient evidence, unjust and ineffective detention review and release practices, lack of safeguards to limit inappropriate restraint practices - chains, strapping to beds, drugging for deportation and a

lack of independent investigation. To this evidence must be added the two surveys which indicate that a majority in the refugee backlog may face serious re-traumatization. The Inter-Church Committee for Refugees issued a report "Civil Rights and the Refugee Claimant Backlog". A group of five Montreal agencies prepared a report "The Psychological Consequences of Waiting for Refugee Status in Metropolitan Montreal". A member of the UN Human Rights Committee confirmed during the October 1990 examination of Canada

that long delays for traumatized people can be a form of cruel treatment.

From the perspective of the Immigration Statistics and our evidence, the procedure is poor. There is no protection in law. There are mistakes in practice. Degrading treatment abounds. There is likely cruel treatment of about 100,000 people.

Yours sincerely,  
Tom Clark, Co-ordinator  
Inter-Church Committee for Refugees  
Toronto