



Canada's refugee determination system: advancing reforms

The CCR appreciates the many positive aspects of Canada's refugee determination system, but reforms are needed to ensure that it is fair and efficient at every level. We call for changes to fully safeguard the crucial and independent role of the Immigration and Refugee Board (IRB). Reforms should be developed in consultation with NGOs that understand the system.

Background

2012 changes to the system – Since the introduction of the 2012 changes, several provisions in the law have been struck down by courts. Other provisions have been set aside administratively because they don't work with larger numbers of claimants, but remain in the law, along with several highly problematic provisions.

2015-2019 – the previous Liberal government repeatedly promised to make reforms to the system, but instead of introducing changes to make the system more fair and efficient, the government conducted an “IRB Review”, postponing necessary reforms. No bill was introduced before the 2019 elections.

June 2019 – The Budget Implementation Act came into force, introducing some significant changes to the refugee determination system. Far from addressing the *existing* problems in the system, the changes have created new areas of unfairness and inefficiency, including:

- People are waiting up to six months for the government to determine if their claim is eligible (this is the first step in the process). Previously, eligibility decisions were made within three days. These delays have huge repercussions on the ground, including increased stress on refugee claimants as well as on already overburdened shelter and support systems in major cities.
- New ineligibility provisions leave an increasing number of people in limbo. Many of the people newly ineligible come from countries so insecure that Canada does not deport people there. They are not at imminent risk of deportation, but they also have no access to protected status and are unable to get on with their lives and become fully contributing members of society.
- Other people newly ineligible have their need for protection reviewed through a modified Pre-Removal Risk Assessment. This involves wasteful spending as the government needs to replicate the system that already exists at the Immigration and Refugee Board. This alternative process is also unfair: people are only entitled to an “interview” rather than a full hearing, as at the Immigration and Refugee Board. Those most disadvantaged are the most vulnerable – minors and people with serious mental health problems – since there is no provision for a designated representative to protect their interests.

Change is required!

The CCR urges that:

- Parliament reform the refugee system by adopting the CCR's **proposed model for refugee determination**, which simplifies the existing model and safeguards the crucial and independent role of the Immigration and Refugee Board. The model meets the needs of both fairness and efficiency.
- Any plans for changes be developed in consultation with the CCR and other refugee advocates, whose experience on the ground can contribute to designing a system that is both fair and efficient.