



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# Evaluation of the Reviews and Interventions Pilot Project

Evaluation Division

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## List of acronyms

CBSA	Canada Border Services Agency
CIC	Citizenship and Immigration Canada
DCO	Designated Country of Origin
FOSS	Field Operations Support System
FTE	Full-Time Equivalent
GCMS	Global Case Management System
ICAS	In-Canada Asylum System
IRB	Immigration and Refugee Board
MACAD	Monitoring, Analysis, and Country Assessment Division (CIC)
NCMS	National Case Management System
NHQ	National Headquarters
OPMB	Operations Performance Management Branch (CIC)
PDI	Program Delivery Instructions
R&I	Review and Intervention
RAB	Refugee Affairs Branch (CIC)
RAD	Refugee Appeal Division (IRB)
RCC	Refugee Claimant Continuum
RIA	Review and Intervention Agent
ROD	Refugee Operations Division (CIC)
RPD	Refugee Protection Division (IRB)
OMC	Operational Management and Coordination Branch (CIC)
SIO	Senior Immigration Officer
SOP	Standard Operating Procedures

# Executive summary

## Purpose of the Evaluation

This report presents the results of the evaluation of Citizenship and Immigration Canada's (CIC) Reviews and Interventions (R&I) Pilot Project. The evaluation was conducted from February to October, 2014, in fulfilment of the requirements of the 2009 Treasury Board *Policy on Evaluation* and a commitment to evaluate the Pilot three years following implementation. The evaluation provided information to assist with decision-making with respect to the future of the R&I Pilot and will feed into the horizontal evaluation of the reforms made to the in-Canada asylum system (ICAS), which will be completed by the end of December 2015.

## Background

The R&I Pilot Project (the Pilot) was launched in October, 2012 and provided funding for CIC to conduct reviews and interventions of in-Canada claims being heard by the Immigration and Refugee Board (IRB) where concerns of credibility and program integrity are identified by CIC and the CBSA.<sup>1</sup> Conducting a review provides the opportunity for CIC to identify issues of concern that may not already be apparent in the claimant's application and by filing an intervention, CIC is ensuring that comprehensive information for a claim is brought forward for the IRB decision-makers.<sup>2</sup> Previously, interventions were only performed by the Canada Border Services Agency (CBSA); however, it focused mainly on issues of serious criminality or security concerns.

The Pilot is delivered from an office in Toronto, with two satellite offices in Vancouver and Montreal. Operational and functional guidance for the Pilot is provided by CIC's Refugee Affairs Branch and Operational Management and Coordination Branch. The total planned budget for the Pilot was \$23.9 million over a 5-year period. Between January, 2013 and June, 2014, CIC conducted 10,775 reviews and 2,465 interventions of in-Canada claims.

## Evaluation Scope and Methodology

The evaluation of the Pilot was conducted in accordance with the requirements of the Treasury Board *Directive on the Evaluation Function* (2009) and examined issues of relevance and performance. As the Pilot was recently established, the evaluation examined:

1. the implementation of the Pilot to assess the extent to which CIC was successful in implementing a function to conduct reviews and interventions;
2. whether any operational challenges or efficiencies resulted; and
3. the added-value that was gained by creating the function.

An assessment of the CBSA's reviews and interventions function was not within the scope of this evaluation. The evaluation covered the first year of implementation of the Pilot, starting with the coming-into-force of the reforms in December, 2012, through to the end of December, 2013.

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<sup>1</sup> All in-Canada refugee claims are reviewed by the CBSA and CIC to determine whether there are concerns of credibility and program integrity. Each organization brings its respective cases to the IRB independently.

<sup>2</sup> It is important to also note that RPD members are trained to find and challenge credibility issues where appropriate.

Data collection for this evaluation took place between March and July, 2014, and included multiple lines of evidence (i.e., document review, interviews, focus groups, program data analysis) to help ensure the strength of information and data collected.

## Evaluation Findings

### *Implementation of the Pilot*

- The Pilot was implemented as intended, in that a function was put in place for CIC to be able to review and intervene on cases where it identified concerns with respect to credibility and program integrity. Modifications were made to timing, budget, scope; which differed from the original implementation plan.
- The biggest implementation challenges faced by the Pilot have been high staff turnover, the paper-based process with the IRB, a lack of training and tools for R&I staff, and coordination issues between CIC and the CBSA.
- Mechanisms for communication and coordination at senior levels within the regions and between the R&I offices and CIC are in place, and are viewed as effective by interviewees. However there are limited formal communication and coordination mechanisms in place between CIC and the CBSA.

### *Impact of and Efficiency of the Pilot*

- The Reviews and Interventions Pilot has positively contributed to the integrity of the asylum system because it has identified issues of credibility and program integrity and brought that information forward to IRB decision-makers, which may not have previously been available.
- There is evidence that the R&I information is being used in IRB decision-making and that interventions have had an impact on acceptance rates of in-Canada claims, particularly on a per-country basis.
- Overall, CIC was able to conduct the number of reviews and interventions for which it was funded, although it was necessary to review claims that were made prior to the reforms coming into force to meet these targets.
- CIC's reviews and interventions function did not have a negative impact on CBSA hearings processes or IRB registry processes, nor did it contribute significantly to delays in the holding of Refugee Protection Division hearings.

### *Relevance*

- There is a need to conduct reviews and interventions for credibility and program integrity reasons to ensure that comprehensive information is brought forward for the IRB decision-making process, therefore contributing to the overall integrity of the asylum system.
- The R&I Pilot is aligned with departmental and governmental priorities related to improving the integrity of the asylum system.
- 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 Pilot. The roles of the CBSA and CIC in conducting reviews and interventions are in alignment

with their respective departmental mandates. However, from an operational perspective, greater clarity is required with respect to the division of responsibilities, particularly around the triage process and hybrid cases.

## Recommendations

If CIC were to regularize the R&I Pilot into a permanent program, the following recommendations should be considered:

1. CIC should develop a policy framework, in consultation with the CBSA, which outlines the authorities for the Reviews and Interventions function, including:
  - identifying what information can be gathered and from what sources;
  - clarifying protocols around information sharing, with government departments and non-government organizations; and
  - establishing guidance and parameters for the conduct of interventions (i.e., when an intervention should be conducted).
2. CIC should work with the CBSA to ensure that the mandates of each department and respective roles and responsibilities for hybrid cases and the triage process are clearly defined, documented, and communicated to all staff.
3. CIC should work with the CBSA to establish the necessary instruments and processes (such as information sharing agreements) to obtain and/or exchange information that is required to conduct reviews and interventions (e.g., document analysis).
4. CIC should address the gaps in training and tools, including training on RAD and CIC information systems, developing standard operating procedures, and access to analytical tools.
5. In order to address the R&I data issues identified through the evaluation:
  - a) CIC should ensure that appropriate performance measures are identified for the Reviews and Interventions function and integrated in existing relevant Performance Measurement Strategies where applicable; and
  - b) CIC should ensure that performance data related to the Reviews and Interventions function are being collected and reported in a consistent way across the department





## Evaluation of the Ministerial Reviews and Interventions Pilot Program - Management Response Action Plan

If CIC were to regularize the R&I Pilot into a permanent program, the following recommendations should be considered:

Recommendation	Response	Action	Accountability	Completion Date
<p>Recommendation #1: CIC should develop a policy framework, in consultation with the CBSA, which outlines the authorities for the Reviews and Interventions function, including:</p> <ul style="list-style-type: none"> <li>identifying what information can be gathered and from what sources;</li> <li>clarifying protocols around information sharing, with government departments and non-government organizations; and</li> <li>establishing guidance and parameters for the conduct of interventions (i.e., when an intervention should be conducted).</li> </ul>	<p>CIC agrees with this recommendation.</p> <p>A framework will better define the parameters and governance of the R&amp;I program, and will require consultation with RAB and the CBSA. Guidance on when an intervention should be conducted and possible sources of information will also be clarified in the Program Delivery Instructions (PDIs).</p>	<p>R&amp;I Framework: CIC will develop a framework to define governance, information sharing protocols and the limitations of the R&amp;I function.</p> <ul style="list-style-type: none"> <li>Research the existing governance structures and verify the feasibility of using them to establish the governance for the new R&amp;I program.</li> <li>Define the parameters of the R&amp;I program for interventions and investigations                             <ul style="list-style-type: none"> <li>Clarify the mandates and roles and responsibilities of CIC and CBSA within the intervention context.</li> <li>Define the Minister's authority to intervene.</li> <li>Define the limitations of the R&amp;I function including CIC investigations</li> <li>Identify what information can be gathered from which sources.</li> </ul> </li> </ul>	<p>OMC Support: RAB</p>	<p>Q2 2015/16</p>
		<ul style="list-style-type: none"> <li>Information Sharing: Clarify protocols around information gathering, sharing, and disclosing.</li> </ul>	<p>OMC Support: RAB</p>	<p>Q3 2015/16</p>
		<ul style="list-style-type: none"> <li>Document the Framework and obtain the appropriate approval (DG level).</li> <li>Clarify when to intervene by filing documents or in-person at the RPD and RAD, and update the PDI.</li> </ul>	<p>OMC</p>	<p>Q3 2015/16</p>
		<p>PDI Updates: Additional guidance on when to intervene and sources of information will be provided to officers in updates to the PDIs.</p>	<p>OMC</p>	<p>Q2 2015/16</p>

Recommendation	Response	Action	Accountability	Completion Date
<p>Recommendation #2: CIC should work with the CBSA to ensure that the mandates of each department and respective roles and responsibilities for hybrid cases and the triage process are clearly defined, documented, and communicated to all staff.</p>	<p>CIC agrees with this recommendation.</p> <p>A standard operating procedures (SOP) document for the triage process and how to deal with hybrid cases is in development. A joint checklist also exists to direct where files are assigned during triage.</p> <p>The SOP includes instructions such as: triggers for triaging files based on the mandate of each department for reviewing/ intervening in cases; document flow from claimant intake to RAD appeal; and how to handle a case if found to be hybrid after triage is completed.</p>	<p>The SOP for joint triage and hybrid cases will be finalized with the CBSA, with agreed definitions and an updated checklist. This document will be made available to all R&amp;I staff in CIC and the CBSA will share the document with their staff.</p> <ul style="list-style-type: none"> <li>• Define a hybrid case with the CBSA</li> <li>• Clarify process steps for hybrid case files between the two departments to eliminate any duplication of efforts both at the Triage stage and after the Triage stage.</li> <li>• Review the current Triage Checklists and triggers and modify them as necessary.</li> </ul>	<p>OMC Consultation: CBSA</p>	<p>Q2 2015/16</p>
		<ul style="list-style-type: none"> <li>• Finalize the Joint Triage SOP, which to be approved at a Director level</li> <li>• Communicate the SOP to the intervention staff at CIC and CBSA.</li> </ul>		<p>Q3 2015/16</p>
<p>Recommendation #3: CIC should work with the CBSA to establish the necessary instruments and processes (such as information sharing agreements) to obtain and/or exchange information that is required to conduct reviews and interventions (e.g., document analysis).</p>	<p>CIC agrees with this recommendation.</p> <p>Agreements on shared processes and information sharing between CIC and the CBSA are required. Some issues will be addressed through the framework and triage SOP listed above. Other areas that may require more process structure include; intelligence gathering/ sharing on refugee claimant trends; sharing of information collected for immigration purposes; and delivering officer training.</p>	<p>Agreements on process and information sharing will be finalized (CIC/CBSA MOU, PDIs, etc.).</p> <p>Instruments to share between CIC and CBSA</p> <ul style="list-style-type: none"> <li>• Identify the list of existing tools and processes and explore tools to be used in R&amp;I functions of CIC and CBSA.</li> </ul>	<p>OMC - National agreements Ontario Region - Regional agreements Consultation: CBSA Support: RAB</p>	<p>Q3 2015/16</p>
		<ul style="list-style-type: none"> <li>• Complete privacy impact assessment on each tool identified to be able to share between CIC and CBSA.</li> </ul>		<p>Q4 2015/16</p>
		<ul style="list-style-type: none"> <li>• Based on the privacy impact assessments, implement the necessary measures to address any concerns and amend information sharing agreements as required.</li> </ul>		
		<ul style="list-style-type: none"> <li>• Obtain the appropriate approvals on new or amended agreements.</li> </ul>		

Recommendation	Response	Action	Accountability	Completion Date
<p>Recommendation #4: CIC should address the gaps in training and tools, including training on RAD and CIC information systems, developing standard operating procedures, and access to additional analytical tools.</p>	<p>CIC agrees with this recommendation.  Training on intervening at the RAD was provided to senior immigration officers in December 2014 and January 2015.</p>	<p>The existing training materials and tools used for intervention will be reviewed and updated as required to address gaps in training and tools.</p>		
		<ul style="list-style-type: none"> <li>Identify existing training and tools within the department, which are intended for other lines of business and assess to see if they can be leveraged for R&amp;I.</li> <li>Determine if privacy impact assessment is required</li> </ul>	<p>OMC - Operational tools Ontario Region - Training</p>	<p>Q2 2015/16</p>
		<ul style="list-style-type: none"> <li>Implement if they are determined to be useful.</li> <li>Incorporate the applicable tools into the R&amp;I training package or into the PDI.</li> </ul>	<p>OMC - Operational tools Ontario Region - Training</p>	<p>Q3 2015/16</p>
		<p>Clarify the roles and responsibilities between the Learning and Development Division and Ontario Region regarding the maintenance of R&amp;I training materials and the delivery of R&amp;I training, to be documented in a service level agreement.</p>	<p>Ontario Region Support: LDD</p>	<p>Q3 2015/16</p>
<p>Recommendation #5: In order to address the R&amp;I data issues identified through the evaluation:</p> <ul style="list-style-type: none"> <li>CIC should ensure that appropriate performance measures are identified for the Reviews and Interventions function and integrated in existing relevant Performance Measurement Strategies where applicable; and</li> </ul>	<p>CIC agrees with this recommendation.  A document with clear and transparent specifications and business rules for R&amp;I data collection and reporting requires collaboration with R&amp;E, OPMB, OMC, SIMB and RAB. This will ensure that CIC has consistent R&amp;I rules which could be integrated into CIC's various reporting systems (irrespective of technology or tool being utilized).</p>	<p>A clear and transparent business rules/specifications document will be developed.</p>	<p>OMC, OPMB, R&amp;E, RAB Lead: R&amp;E</p>	<p>Q1 2015/16</p>
	<p>Current performance measures and data being collected for R&amp;I need to be reviewed, updated and</p>	<p>A review of R&amp;I performance measures will be conducted. The Refugee Reform Performance Measurement Strategy will be updated as appropriate. CIC will consult with the</p>	<p>OMC, OPMB, R&amp;E, RAB Lead: OMC</p>	<p>Q4 2015/16</p>

Recommendation	Response	Action	Accountability	Completion Date
<ul style="list-style-type: none"> <li>CIC should ensure that performance data related to the Reviews and Interventions function are being collected and reported in a consistent way across the department.</li> </ul>	<p>incorporated into the Refugee Reform Performance Measurement Strategy as applicable. CIC will consult with the CBSA in the review and update of performance measures.</p>	<p>CBSA in the review and update of performance measures.</p>		
	<p>A Reviews and Interventions (R&amp;I) subject area, which ensures appropriate performance monitoring, is under development by OPMB in the CIC Integrated Data Model in collaboration with the Enterprise Data Warehouse group within SIMB. Once this is in place and validated, all R&amp;I data for CIC and the CBSA will come from this single source in a consistent way.</p>	<p>An R&amp;I subject area will be completed and built into the CIC Integrated Data Model.</p>	<p>OMC, OPMB, R&amp;E, RAB Lead: OPMB</p>	<p>Q4 2015/16</p>

# 1. Introduction

## 1.1. Purpose of Evaluation

This report presents the results of the evaluation of Citizenship and Immigration Canada's (CIC) Reviews and Interventions (R&I) Pilot Project. The evaluation was conducted from February to October, 2014, in fulfilment of the requirements of the 2009 Treasury Board *Policy on Evaluation* and a commitment to evaluate the Pilot three years following implementation.

The evaluation was designed to examine the implementation of the Pilot to assess the extent to which CIC was successful in implementing a function to conduct reviews and interventions, whether any operational challenges or efficiencies resulted, and the added-value that was gained by creating the function. As this was an assessment of a pilot in its first year of operation, common challenges associated with roll-out (such as staffing, intra- and inter-departmental coordination) were expected. This evaluation provides findings and information to assist with decision-making with respect to the future of the R&I Pilot. Results will feed into the horizontal evaluation of the reforms made to the in-Canada asylum system (ICAS), which will be completed by the end of December, 2015. This evaluation report is organized in four main sections:

- Section 1 presents background information on the R&I Pilot;
- Section 2 presents the methodology for the evaluation and discusses limitations;
- Section 3 presents the findings, organized by evaluation issue; and
- Section 4 presents the conclusions and recommendations.

Supporting materials for the evaluation report (e.g., list of documents reviewed, interview guides) are included under separate cover in the Technical Appendices.

## 1.2. Background

### 1.2.1. Changes to the In-Canada Asylum System

The in-Canada asylum system offers safe haven to those who have a well-founded fear of persecution, or those who face a danger of torture or a risk to life, or who face a risk of cruel or unusual treatment / punishment. Over time, increasing volumes of in-Canada claims challenged the system's ability to process them in a timely, efficient, and effective manner. In response, the *Balanced Refugee Reform Act* (June 29, 2010) was introduced to ensure faster decisions that result in offering refugee protection to those who merit it and faster removal of those whose claims are rejected, while protecting and maintaining the integrity of the system against those who may abuse it.<sup>3</sup>

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<sup>3</sup> The changes include: modifications to the Refugee Protection Division, Immigration and Refugee Board (IRB); a new Refugee Appeal Division at the IRB; a Designated Countries of Origin (DCO) policy to expedite claims against countries that are deemed by the Minister as generally not producing refugees; and a bar on access to a Pre-Removal Risk Assessment following a claimant's last refugee claim determination (one year for non-DCO and three years for DCO).

The legislative reforms also introduced three pilot projects: Enhanced Screening, Ministerial Reviews and Interventions, and Assisted Voluntary Return and Reintegration.<sup>4</sup> The *Protecting Canada's Immigration System Act* (June 28, 2012) subsequently expanded upon some of the measures originally introduced in 2010; however, the pilots remained unchanged.

### **1.2.2. Reviews and Interventions Pilot Project**

The R&I Pilot Project (the Pilot) was launched in October, 2012. The objectives of the Pilot were to:

1. ensure that persons representing serious criminality or security threats do not benefit from Canada's protection;
2. maintain the integrity of the in-Canada asylum system; and
3. ensure that the Immigration and Refugee Board (IRB) has comprehensive information for refugee determination.

The Pilot provided funding for CIC to conduct reviews and interventions of in-Canada claims being heard by the IRB<sup>5</sup> where concerns of credibility and program integrity are identified by CIC and the CBSA.<sup>6</sup> Previously, interventions were only performed by the Canada Border Services Agency (CBSA); however, it focused mainly on issues of serious criminality or security concerns. With the introduction of the Pilot, the CBSA continued to focus on criminality and security grounds, while CIC focussed on cases involving program integrity and credibility issues. Conducting a review provides the opportunity for CIC to identify issues of concern that may not already be apparent in the claimant's application and by filing an intervention, CIC is ensuring that comprehensive information for a claim is brought forward for the IRB decision-makers.

#### ***Review and Interventions Process***

Once an in-Canada claim has been received, a triage assessment is conducted using a list of established criteria to determine whether there are any triggers that may warrant further review and if so, it is referred to the appropriate organization.<sup>7</sup> CIC and the CBSA have developed a joint triage process to ensure that claims made within one region are only triaged once.<sup>8</sup> Within CIC, Review and Intervention Agents (RIAs) review cases that have been referred, to determine whether there are any potential issues related program integrity or credibility that would warrant an intervention and if so, they are referred to a Senior Immigration Officer (SIO). SIOs

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<sup>4</sup> The Canada Border Services Agency is responsible for the Assisted Voluntary Return and Reintegration Pilot and it is being evaluated separately. The Royal Canadian Mounted Police is responsible for the Enhanced Screening Pilot and it is being evaluated separately.

<sup>5</sup> This includes claims at both the Refugee Protection Division and the Refugee Appeal Division.

<sup>6</sup> This could include issues that put a claimant's credibility into question, an issue which would have a great impact on the refugee system or that could affect multiple claims (e.g., fraud, abuse of system), or where claimants may have protection or status in a third country (i.e., 1E exclusions; the purpose of Article 1E is to exclude persons who do not require the protection of refugee status. It therefore supports the purposes of the IRPA by limiting refugee claims to those who clearly face the threat of persecution).

<sup>7</sup> Examples of a trigger for CIC include: possible status in a third country, a refugee claim initiated six months after entering Canada, or the existence of multiple nationalities. Examples of a trigger for the CBSA include: claimant has possible criminality; or the claimant may have been involved in activities such as money laundering, smuggling, or human trafficking.

<sup>8</sup> CBSA Montreal triages all claims for the Atlantic, Quebec, and Northern Ontario regions; CIC Toronto triages all claims for the Greater Toronto Area and the Southern Ontario region; and CBSA Vancouver triages all claims for the Prairie and Pacific regions.

determine whether an intervention is warranted and whether to file a notice of intervention with the IRB, detailing the basis of and describing the evidentiary grounds for intervention. Interventions can be conducted either on paper or in-person at the refugee hearing.

### *Delivery of the Pilot*

The Pilot is delivered from an office in Toronto, with two satellite offices in Vancouver and Montreal. The Refugee Operations Division (ROD), within the Operational Management and Coordination Branch (OMC), CIC, provides direction and functional guidance for the Pilot, including coordination with the CBSA. Two Divisions within Refugee Affairs Branch (RAB), CIC, also provide support for the Pilot. The Monitoring, Analysis, and Country Assessment Division (MACAD) is responsible for the ongoing monitoring and analysis of the Pilot and produces quarterly and annual reports on indicators that were defined in the Metrics of Success.<sup>9</sup> The Asylum Policy and Programs Division is responsible for providing policy advice to the R&I offices and ensuring that the Pilot is well-functioning across multiple federal delivery partners.

### *Resources for Reviews and Interventions*

The total planned budget for the Pilot was \$23.9 million over a 5-year period (Table 1.1). Due to delays in the coming-into-force of the *Protecting Canada's Immigration System Act*, the Pilot was not in place until October, 2012 and the first interventions were not filed until January, 2013. Due to this delay, and to allow for the results of the evaluation to be available to support decisions regarding the future of the Pilot, the end date was extended to March, 2016.<sup>10</sup> Between January, 2013 and June, 2014, CIC conducted 10,775 reviews and 2,465 interventions of in-Canada claims (additional information on CIC reviews and interventions conducted is provided in Section 3.1.2).

**Table 1.1: 2010/11-2014/15 Budget Allocation for the Reviews and Interventions Pilot Project**

Budget Item	2010-11	2011-12	2012-13	2013-14	2014-15	Total
Total FTEs	6.5	43.6	55.1	58.1	62.7	--
Salary	\$ 496,768	\$ 3,012,520	\$ 4,255,055	\$ 4,606,216	\$ 4,978,071	\$ 17,348,630
Operations & maintenance	\$ 207,564	\$ 201,944	\$ 216,707	\$ 117,122	\$ 79,897	\$ 823,234
Employee benefit plan	\$ 99,354	\$ 602,504	\$ 851,011	\$ 921,243	\$ 995,614	\$ 3,469,726
Sub-total	\$ 803,686	\$ 3,816,968	\$ 5,322,773	\$ 5,644,581	\$ 6,053,582	\$ 21,641,590
Accommodation reserve	\$ 64,580	\$ 391,628	\$ 553,157	\$ 598,808	\$ 647,149	\$ 2,255,322
<b>Total</b>	<b>\$ 868,265</b>	<b>\$ 4,208,596</b>	<b>\$ 5,875,930</b>	<b>\$ 6,243,389</b>	<b>\$ 6,700,731</b>	<b>\$ 23,896,912</b>

Source: CIC Financial Management Branch.

<sup>9</sup> The monitoring and analysis of the Pilot is being done as part of the larger monitoring of the reforms made to the in-Canada Asylum System. The Monitoring, Analysis, and Country Assessment Division produces quarterly and annual reports on indicators (i.e., the Metrics of Success) that monitor each step of the asylum process and support an assessment of whether the objectives of the system reforms are being met.

<sup>10</sup> Funding of \$6.5 million and 64.8 FTEs was planned for the additional year of the Pilot (2015-16).

### *Current Context*

At the time of this report (July, 2015), options for the future of the R&I Pilot were being considered. The findings from this evaluation have been used to inform the discussion of the options.



## 2. Evaluation Methodology

### 2.1. Evaluation Questions and Scope

The evaluation of the Pilot was conducted in accordance with the requirements of the Treasury Board *Directive on the Evaluation Function* (2009) and examined issues of relevance and performance. As the Pilot was recently established, the evaluation assessed: whether the Pilot was implemented as planned; the efficiency of implementation; the added value of CIC's capacity to intervene on issues related to credibility and program integrity; the rationale for separating the responsibility for conducting reviews and interventions between CIC and the CBSA; and the contribution of the Pilot to the expected outcomes of the reforms made to the in-Canada asylum system. An assessment of the CBSA's reviews and interventions function was not within the scope of this evaluation.

The evaluation covered a one-year period, starting with the coming into force of the reforms in December 2012, through to the end of December 2013, although data to June 2014 were used where available. The evaluation questions, organized by core issue, are presented in Table 2.1 (see technical appendices for the full set of evaluation questions, indicators, and methodologies). A logic model for the R&I Pilot was not developed; however, it is included as an activity in the logic model for the In-Canada asylum system, which may be found in Appendix A.

**Table 2.1: Evaluation Questions: Evaluation of the Reviews and Interventions Pilot Project**

Core Issues	Evaluation Questions
<b>Performance</b>	
<b>Achievement of Expected Outcomes</b>	1.1 Was the Ministerial Reviews and Interventions Pilot implemented as planned?
	2.1 To what extent have ministerial reviews and interventions contributed to the integrity of the refugee system thus far?
<b>Demonstration of Efficiency and Economy</b>	3.1 Was CIC efficient in implementing the Ministerial Reviews and Interventions Pilot?
<b>Relevance</b>	
<b>Continued Need for the Program</b>	4.1 Is there a need to conduct ministerial reviews and interventions for credibility and program integrity (as part of refugee status determination)?
<b>Alignment with Government Priorities</b>	4.2 Are ministerial reviews and interventions consistent with departmental and government-wide priorities?
<b>Alignment with Federal Roles and Responsibilities</b>	4.3 Are ministerial reviews and interventions the role and responsibility of the federal government (including CIC vs. CBSA role)?

### 2.2. Data Collection Methods

Data collection for this evaluation took place between March and July, 2014, and included multiple lines of evidence to help ensure the strength of information and data collected, which are described below.

### 2.2.1. Document Review

Relevant program documents (see the Technical Appendices for a list of documents) were reviewed to gather background and context on the R&I Pilot, as well as to assess its relevance and performance, including:

- government documents, such as Speeches from the Throne, Budget Speeches, and Reports on Plans and Priorities;
- documents related to the implementation and operation of the Pilot (e.g., budgets, training material, standard operating procedures, processing manuals, and operational dashboards);
- written RPD decisions; and
- studies and analyses produced by MACAD (e.g., Metrics of Success Reports).

### 2.2.2. Interviews

A total of 32 interviews (in-person and telephone) with three key stakeholder groups were conducted (Table 2.2), including<sup>11</sup>:

- CIC senior management and program officers involved with the R&I Pilot, both at Headquarters and in the Regions;
- representatives of the CBSA; and
- representatives of the IRB.<sup>12</sup>

**Table 2.2: Summary of Interviews Completed**

Interview Group	Number of Interviews
CIC representatives	15
CBSA representatives	11
IRB representatives	6

Due to the small number of interviews in each interview group, a summary approach to the analysis was used to develop key themes (see the Technical Appendices for the interview guides).

### 2.2.3. Focus Groups

Five focus groups were conducted with SIOs and RIAs, including three in-person focus groups in the Toronto R&I office (17 participants); one in-person focus group in the Montreal R&I office (three participants); and one telephone focus group with the Vancouver R&I office (three participants). The results of the focus groups were analyzed to determine key themes related to challenges in implementing the Pilot, mechanisms for coordination and communication, and results (see the Technical Appendices for the moderator guide).

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<sup>11</sup> Site visits were conducted in the CIC Toronto (April) and Montreal (July) offices to better understand how reviews and interventions were conducted.

<sup>12</sup> Interviewees with the IRB included representatives of the registries of the RPD and RAD.

#### 2.2.4. Program Data Analysis

Available performance data and financial data were used to provide information on the relevance and performance of the Pilot project. The Refugee Claimant Continuum (RCC)<sup>13</sup> as well as data from National Case Management System (NCMS) was analyzed to determine the number and type of reviews and interventions conducted, as well as their outcomes. This supported the analysis of the contributions of the Pilot to the integrity of the refugee system. Financial data from CIC's Refugee Reform Project Management Office and from CIC's Financial Management Branch were used to examine planned versus actual expenditures for the Pilot.

### 2.3. Limitations and Considerations

The limitations of the evaluation, as well as the mitigation strategies employed to address them, are described below:

- **Timing of the evaluation.** At the time of the evaluation, the Pilot project had been implemented for one year only. Thus, caution should be exercised when reading the results, as they may reflect the stages of program implementation and transition issues related to the development of new business processes, the hiring of new staff, and the development of new tools. Where early stages of implementation may account for the findings, this is indicated in the report.
- **Access to IRB decision-makers.** Given that the IRB is an independent, arms-length tribunal; it was not possible to obtain the views of IRB decision-makers, which could have supported the analysis of the utility and value-added of the reviews and interventions. Instead, the evaluation team reviewed a small sample of IRB decisions, which provided a proxy source of evidence on the utility of the interventions. The evaluation also interviewed representatives of the RPD and Refugee Appeal Division (RAD) Registries to obtain views on the impact of the Pilot on the IRB's registry processes.
- **Data inconsistencies.** Data obtained from the RCC differed from data extracted from other administrative information sources (e.g., NCMS extract, Metrics of Success reports, and Operations Performance Management Branch (OPMB) dashboards). In part, this was the result of different businesses processes being applied to the difference data sources. These differences are also the result of the time period for which the data were captured, updated, or cleaned. For example, data used in Metrics of Success reports represent a snapshot of data extracted at a particular time, whereas data gathered from the dashboards reflect the latest information in NCMS, which may have been improved and/or cleaned over time. These limitations were overcome through the use of up-to-date data extracted directly from NCMS and validated by OPMB. In addition, other lines of evidence were used, alongside the data, to support evaluation findings and increase confidence in the results.

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<sup>13</sup> The Refugee Claimant Continuum is a CIC database which follows claimants as they proceed through the determination, landing and removals processes and allows for multidimensional analysis at every stage of the refugee process. It provides the capacity to identify the origin, destination, and other characteristics of claimant groups. Raw data is provided to CIC by partners with a link to the individual claimant identification number.

## 3. Evaluation Findings

This section presents the findings of the evaluation, organized by the two evaluation issues of performance and relevance.

### 3.1. Performance

#### 3.1.1. Implementation of the Pilot

The Pilot was assessed in terms of whether it was implemented as intended, the nature of any challenges experienced with implementation, and the level of coordination and communication within CIC and between CIC and partners.

##### *Planned Versus Actual Implementation*

**Finding:** The Pilot was implemented as intended, in that a function was put in place for CIC to be able to review and intervene on cases where it identified concerns with respect to credibility and program integrity. Modifications were made to timing, budget, scope; which differed from the original implementation plan.

Limited detailed documentation related to the implementation of the Pilot was available and thus, the assessment of this aspect was based on foundational documents and information gathered from interviews and focus groups. The objective of the Pilot was to put in place a function for CIC to be able to review and intervene on cases of credibility and program integrity. CIC was successful in achieving this objective and in putting in place the infrastructure to be able to conduct reviews and interventions. The evaluation found that there were some modifications to the original plan, including:

1. **Launch and duration:** The launch of the Pilot was delayed by one year (to October, 2012), due to the delay of the coming-into-force of the *Protecting Canada's Immigration System Act*. Additionally, the duration of the Pilot was extended by one year to March, 2016.
2. **Process:** To allow for a review of all claims and to avoid duplication, a joint triage process was put in place between CIC and the CBSA. In addition, while all information exchange with the CBSA and the IRB was intended to be done electronically; this was only implemented between CIC and the CBSA, and exchanges with the IRB remain paper-based.
3. **Scope:** Due to a lower number of claims than expected, the scope of the Pilot was expanded to include the review of legacy cases (i.e., claims made pre-coming-into-force) and the conduct of trend analysis. In addition, to increase program integrity, the scope was expanded to include the review of all positive RPD decisions on DCO claims, the review of certain case types for recommendation for judicial review at the Federal Court, and refugee redeterminations.
4. **Organizational Structure:** It was originally intended that all three managers would be located in the Toronto office. However, due to an increase in the number of SIOs in the Montreal office, it was decided that one manager would be located in that office. In addition, due to the efforts required to implement the paper-based process with the IRB, more clerical support was hired than originally envisioned. The classification levels of the RIAs and SIOs

were also lower than originally intended, which interviewees noted resulted in lower costs for the Pilot.<sup>14</sup>

5. **Budget and FTEs:** In addition, based on the estimated expenditures provided by CIC's Financial Management Branch, spending for the Pilot was \$3.6 million less than planned and fewer FTEs were engaged than planned. These reductions were related to the high turn over of staff, which left positions vacant for periods of time, as well as the lower classification of RIAs and SIOs.

These modifications resulted in a few challenges, mainly related to staffing and the need to manage the paper-based process with the IRB. These and other challenges with respect to the implementation of the R&I Pilot are summarized below.

### *Implementation Challenges*

**Finding:** The biggest implementation challenges faced by the Pilot have been high staff turnover, the paper-based process with the IRB, a lack of training and tools for R&I staff, and coordination issues between CIC and the CBSA.

Interviewees and focus group participants were asked about the key challenges experienced in implementing the Pilot. CIC identified the following key challenges:

1. **Staffing:** Some staffing processes had already been completed when the delay of the Pilot was announced, which resulted in the loss of some staff and the need for other staff to find temporary assignments. In addition, due to the temporary nature of the Pilot, there is a high rate of staff turnover, with respondents noting that the R&I offices have always been "in staffing and training mode".
2. **Paper-based process with the IRB:** As already noted, the use of a paper-based system to exchange information between CIC and the IRB has resulted in increased workload and the need for the hiring of additional clerical staff.
3. **Training and tools:** R&I staff noted a lack of training, particularly with respect to RAD processes<sup>15</sup>, document analysis, and CIC information systems such as FOSS, GCMS, and NCMS<sup>16</sup>. They also noted gaps in the availability of tools, such as standard operating procedures for SIOs and RIAs, document comparison software, and facial recognition software. In addition, R&I staff are dependent on the CBSA for some information (e.g., document analysis), yet no formal channels are in place to obtain this information (*see the section below for more on this*).
4. **R&I framework:** From a policy perspective, the lack of a clear framework to guide the interventions process was identified as a key challenge. While there is a standard operating procedure for the joint triage process, which provides triggers that may be grounds for an intervention, it was noted that there is little guidance currently available on when an intervention should be made, the process by which information should be gathered, and the

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<sup>14</sup> The Senior Immigration Officer position was planned to be a PM-05; however, the position is a PM-04. The Reviews and Interventions Agent position was planned to be a PM-01, however the position is a CR-05.

<sup>15</sup> As it is a new function.

<sup>16</sup> The Field Operation Support System, the Global Case Management System, and the National Case Management System are IT systems that capture various data on the refugee and immigration processes. Information from these systems is considered when conducting reviews and interventions.

sources of information that could be used to support an intervention. As a result, it was noted by a few interviewees that the scope for interventions may be too wide and needs to be better defined and adjusted.

5. **International partner information requests:** Interviewees indicated that the CIC reviews and interventions function is only able to place a limited number of requests for information from Five Country Conference partners and Interpol. These requests provide information to help ascertain any potential identity issues. This creates a challenge in appropriately prioritizing requests for information from international partners.
6. **Reviews and interventions data:** Interviewees identified a number of data issues for the R&I Pilot, namely the fact that several data sources are used to report on the Pilot (i.e., OPMB, MACAD, RCC), but these different sources do not contain the same information (as noted in the section on Limitations). This has resulted in inconsistencies across CIC with respect to the data are being used to monitor and report on the performance of the Pilot.

Some of these challenges, particularly those related to the availability of training and tools, the lack of an R&I framework, and data inconsistencies, may be reflective of the fact that the Pilot was in the early stages of implementation at the time of the evaluation.

### *Communication and Coordination*

**Finding:** Mechanisms for communication and coordination at senior levels within the regions and between the R&I offices and CIC are in place, and are viewed as effective by interviewees. However there are limited formal communication and coordination mechanisms in place between CIC and the CBSA.

#### **Within CIC**

The evaluation found that mechanisms were put in place at all levels within CIC to support the coordination and communication for the Pilot, including:

- At the senior level, coordination for the Pilot was done via the committees that were put in place for the ICAS reforms (e.g., Senior Review Board). Interviewees noted that these mechanisms worked well and that there was a less of a need for these committees to meet post-implementation.
- At the regional level, the Regional Management Committee of Ontario<sup>17</sup> was noted as the senior-level forum to discuss the Pilot. The Regional Director General also discusses the Pilot with the Associate Assistant Deputy Minister of Operations as required and has regular bi-lateral meetings with the R&I Director to discuss the operation of the Pilot. Within the R&I offices, the Director has weekly manager meetings and there are regular staff meeting. The R&I offices also contact other areas within CIC (e.g., intake offices, missions, Legal), as needed.
- In terms of coordination between the Region and Headquarters, the R&I offices and OMC have regular phone calls, in-person meetings two times per year, and contact each other as needed (e.g., via an OMC e-mail address). There is also a working group that meets on a quarterly basis to discuss data-related issues.

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<sup>17</sup> The Regional Management Committee of Ontario is a senior decision-making body that includes the CIC Regional Director General and Directors in Ontario Region.

- Interviewees noted that these mechanisms were very effective and that working relationships within CIC are very good, with just a few suggestions for improvements. A few interviewees expressed a desire to have more formal communication and coordination mechanisms put in place with other areas within CIC, such as the visa offices and the refugee intake unit, as it is done fairly informally at present. A few also noted the need to have better communication and coordination on data issues to ensure that data are analyzed and reported consistently.

### **Between CIC and Partners**

The Operational and Implementation Issues Working Group, chaired by CIC, was described by interviewees as a successful mechanism for CIC, the CBSA, and the IRB to discuss the implementation of the Pilot and any related issues.<sup>18</sup> In addition, quarterly meetings are held between the CIC Ontario Regional Director General and the Regional Director Generals of the three CBSA Ontario Regions and updates on R&I are routinely provided at these meetings. At the working level, CIC and CBSA interviewees and CIC focus group participants generally reported good working relationships, but noted that there are few formal mechanisms in place for coordination and communication between the two organizations. While there is an approach used by CIC and the CBSA that allows for the sharing of files, interviewees and focus group participants felt that they rely on informal contacts to obtain required information (e.g., claimant-related information, document analysis). Interviewees from both the CBSA and CIC and CIC focus group participants expressed the need for more formal channels for information exchange between the two departments, particularly at the regional level. The lack of formal channels may be reflective of the fact that the Pilot was in the early stages of implementation at the time of the evaluation.

In addition to the Operational and Implementation Issues Working Group, the IRB's Regional Consultative Committee on Practices and Procedures<sup>19</sup> was noted by CIC and IRB interviewees as a forum through which information could be obtained from the IRB, although they noted it was primarily a forum for the IRB to provide information to stakeholders, and not one through which stakeholders could bring issues forward for discussion. Outside of this committee, IRB and CIC interviewees and CIC focus group participants noted that communication and coordination between the two organizations is limited to administrative issues but that the appropriate channels are in place and are working well (i.e., CIC can contact the registries or case officers, as is the case for all government departments).

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<sup>18</sup> The Operational and Implementation Issues Working Group is a Director/Manager level group, which manages working-level operational issues related to the joint delivery of Canada's asylum program. The membership is comprised of the managers and directors of the R&I offices, senior program advisors from NHQ from CIC (Operational Management and Coordination), as well as senior policy analysts and program advisors from the IRB and the CBSA (NHQ). Initially, the working group met on a weekly basis, but now meets monthly. It raises issues as needed to the CIC-CBSA-IRB Monthly Directors Meetings.

<sup>19</sup> IRB's Consultative Committee on Practices and Procedures (CCPP) provides the opportunity for regular contact between the IRB and non-governmental stakeholders. The CCPP provides a forum for consultation, advice, information-sharing and the discussion of issues of mutual concern regarding the Board's practices and procedures. The CCPP meets biannually at the national level to inform stakeholders of the IRB's strategic priorities and initiatives, as well as holding regular meetings at the regional level to discuss operational issues related to implementing national practices and procedures. CCPP stakeholders include representatives from refugee-serving organizations, as well as legal associations.

One issue for CIC with respect to coordination with the IRB is the fact that all information exchange is paper-based. A few also noted a desire to have more direct contact with the IRB; although it is recognized that the IRB is arm's-length and thus opportunities for communication and coordination are limited.

### 3.1.2. Contribution of the Pilot to Program Integrity

**Finding:** The Reviews and Interventions Pilot has positively contributed to the integrity of the asylum system because it has identified issues of credibility and program integrity and brought that information forward to IRB decision-makers, which may not have previously been available.

#### *Availability of Information Prior to the R&I Pilot*

As a result of conducting interventions, CIC has provided information to IRB decision-makers that may not have previously been available consistently across the country. CBSA interviewees noted that because its mandate is related to security and criminality, the conduct of reviews and interventions is prioritized based on those grounds and that, while the Montreal and Vancouver CBSA offices had the capacity to also conduct reviews and interventions on grounds of credibility and program integrity prior to the implementation of CIC's pilot, the Toronto CBSA office did not.

#### *Number of Reviews and Interventions Completed*

In the first 18 months of the Pilot (January 2013-June 2014), CIC conducted 10,775 reviews of in-Canada claims, with just over three quarters (77%) of those claims being reviewed prior to being heard at the RPD (Table 3.1). CIC conducted interventions on 23% of the cases that were reviewed, which represents 2,465 interventions, almost all of which were conducted on claims before the RPD (98%). The majority of reviews (about 78%) and interventions (70%) conducted at RPD were conducted by the R&I office in Toronto.<sup>20</sup> The Montreal R&I office conducted about 13% of the reviews and about 20% of the interventions made during this period, and the Vancouver R&I office conducted about 8% of the reviews and about 11% of the interventions. Of the 2,404 cases in which CIC intervened before the RPD, 91% had issues related to credibility and 52% had issues related to program integrity, which indicates that CIC R&I officers identified multiple grounds for interventions.

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<sup>20</sup> A large majority of in-Canada claims are received by CIC's Etobicoke office in Ontario.



**Table 3.1: Number of Reviews and Interventions Conducted by CIC (January 2013 - June 2014)**

	January 2013 - December 2013	January 2014 - June 2014	Total	Total as %
<b>Reviews</b>				
Refugee Protection Division	5,485	2,798	8,283	77%
Refugee Appeal Division	1,062	1,430	2,492	23%
<b>Total Reviews</b>	<b>6,547</b>	<b>4,228</b>	<b>10,775</b>	<b>100%</b>
<b>Interventions</b>				
Refugee Protection Division	1,934	470	2,404	98%
Refugee Appeal Division	37	24	61	2%
<b>Total Interventions</b>	<b>1,971</b>	<b>494</b>	<b>2,465</b>	<b>100%</b>
<b>% of cases intervened</b>	<b>30%</b>	<b>11%</b>	<b>23%</b>	<b>--</b>

Sources: Operations Performance Management Branch; Monitoring, Analysis, and Country Assessment Division.

As noted in Section 3.1.1, the original scope of the Pilot was expanded to include trend analysis and the review of in-Canada claims made prior to December 15, 2012 (legacy cases). Of the total number of reviews conducted, 18% of those before RPD and 4% of those before RAD were legacy cases (Table 3.2). Of the total number of interventions conducted at RPD, 38% were legacy cases. The high percentage of interventions on legacy cases is attributable to the trend analysis work that the R&I units conducted, which resulted in a large number of interventions filed against a particular group of claimants in February and March 2013, who had made claims prior to December 2012.

**Table 3.2: Number of Reviews and Interventions Conducted by CIC, New versus Legacy Cases (January 2013 - June 2014)**

	January 2013 - December 2013	January 2014 - June 2014	Total	Total as %
<b>Reviews at RPD</b>				
New Cases	4,123	2,646	6,769	82%
Legacy Cases	1,362	152	1,514	18%
<b>Total</b>	<b>5,485</b>	<b>2,798</b>	<b>8,283</b>	<b>100%</b>
<b>Reviews at RAD</b>				
New Cases	1,017	1,373	2,390	96%
Legacy Cases	45	57	102	4%
<b>Total</b>	<b>1,062</b>	<b>1,430</b>	<b>2,492</b>	<b>100%</b>
<b>Interventions at RPD</b>				
New Cases	1,083	404	1,487	62%
Legacy Cases	851	66	917	38%
<b>Total</b>	<b>1,934</b>	<b>470</b>	<b>2,404</b>	<b>100%</b>

Source: Operations Performance Management Branch.

## *Impact of the Reviews and Interventions*

**Finding:** There is evidence that the R&I information is being used in IRB decision-making and that interventions have had an impact on acceptance rates of in-Canada claims, particularly on a per-country basis.

Although it was not possible to ask IRB decision-makers directly about the value-added of the Pilot, the evaluation reviewed a small number of RPD written decisions to determine whether there was any indication that the information provided by the intervention was being used.<sup>21</sup> In several cases, the written decision cited evidence specifically from the reviews and interventions as a factor in the decision, which suggests that it is being considered in decision-making. The R&I office was also able to provide anecdotal evidence, including e-mail exchanges, showing that issues of credibility and program integrity are being identified, and that trends in claims are being noticed and flagged for further investigation.

In terms of measuring the added-value of the interventions, the evaluation examined the RPD decision rates for 2013 and compared cases in which interventions were made and cases in which interventions were not made. It is important to note that examining the changes in the rates of positive or negative RPD decisions over time (i.e., comparing 2013 to previous years) is not the most appropriate indicator to measure the value-added of the reviews and interventions. First, because of the small number of interventions conducted, compared to the total number of claims each year, it would be unlikely that overall decision rates would be affected. Second, as noted by CIC interviewees, the expected result of an intervention is not a negative decision. Rather, the intent is to ensure that comprehensive information is brought forward for decision-making and to improve the integrity of the system by providing a challenge function during the refugee determination process.

For 2013 cases, it was observed that where an intervention took place, decision rates differed from cases where no intervention was made. For example, as shown in Table 3.3, in cases intervened by either CIC or the CBSA, there was a higher proportion of negative RPD decisions than in cases where no intervention was made. The strongest effects observed were for the rate of positive RPD decisions, where positive decisions were 40% when no intervention was conducted and 24% when a CIC intervention was conducted and 26% when a CBSA intervention was conducted. This is based on a total number of 20,474 decisions at the RPD in 2013. Of these decisions, CIC intervened in 805 cases; the CBSA intervened in 643 cases; and no intervention was made in 19,026 cases.

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<sup>21</sup> A total of thirteen decisions were reviewed, to see if it was possible to determine whether R&I information was being used in decision-making. A representative sample was not attempted, as the absence of mention of the review and intervention information would not necessarily have indicated that the information was or was not used in the decision-making process.

**Table 3.3: Refugee Protection Division Decision Outcomes, Intervened and Non-Intervened Cases (January 2013 - December 2013)**

Intervention Type	Positive RPD Decision		Negative PRD Decision	
CIC Intervention	192	24%	400	50%
CBSA Intervention	170	26%	334	52%
No Intervention	7653	40%	8,894	47%
<b>Overall</b>	<b>8,015</b>	<b>39%</b>	<b>9,628</b>	<b>47%</b>

Source: *Refugee Claimant Continuum*.

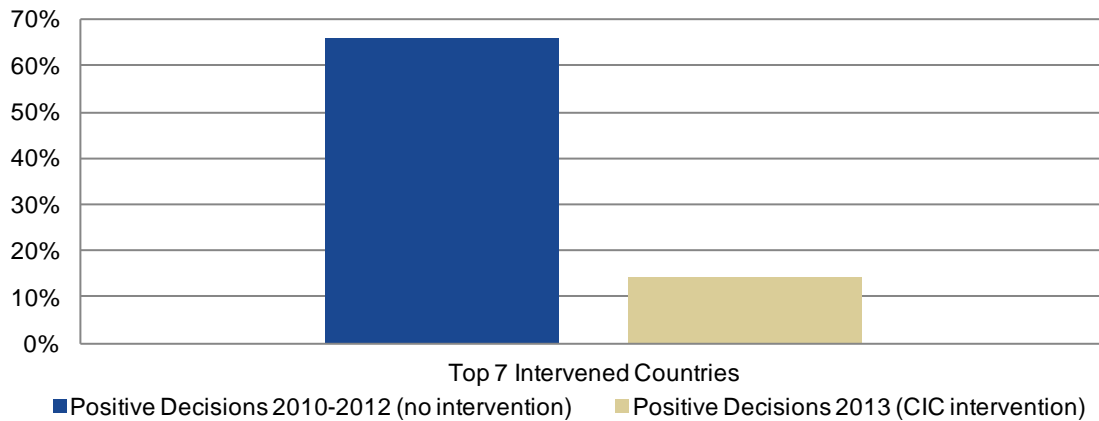
An examination of the decision rates by claimant country of citizenship suggests that these differences are attributable to claims from a few countries in particular. The evaluation examined the RPD decision rates for claimants by country of alleged persecution for which CIC had conducted a large number of interventions. Seven of these countries accounted for 49% of the total number of interventions conducted by CIC in 2013 (391 of 805). This showed that the positive RPD decision rate in 2013 was lower than in the three previous years when CIC was not conducting interventions. As illustrated in Figure 3.1, between 2010 and 2012, 66% of claims made by citizens of these seven countries received a positive decision from the RPD. In 2013, only 14% of claims made by citizens of these countries received a positive RPD decision, with certain countries experiencing significant declines in their rates (ranging from a 6% to 74% decrease). Acceptance rates can be influenced by variety of factors beyond interventions, and thus, the associated change in acceptance rates cannot be attributed solely to the intervention.<sup>22</sup> Further, it is important to note that CIC conducts an intervention when issues of credibility or program integrity are identified, regardless of country of citizenship.

In 2013, the majority of CIC's interventions were based on program integrity concerns related to migration trends, as well as credibility concerns triggered by discrepancies and/or inconsistencies in claimants' information. The third highest category was credibility issues related to claimants' previous Canadian immigration history, including previous misrepresentation (e.g., failure to disclose information or providing false information).

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<sup>22</sup> The significant differences were observed in numerous cases/countries, clearly indicating some effect of interventions; however some of this difference may be attributed to differences in the cohort characteristics, though no evidence or reasons to that effect were cited or found.

**Figure 3.1: RPD Positive Decision Rates (2010-2012 and 2013), for Most-intervened Countries**



Source: *Refugee Claimant Continuum*

While it appears that CIC interventions are adding value in terms of providing additional comprehensive information for decision-making and on RPD decision rates, it is important to note that interventions are conducted on only a very small proportion of total cases. In 2013, there were 20,474 decisions rendered by the RPD, 4% (805) of which had interventions conducted by CIC and about one-quarter (204) of these interventions were as a result of trend analysis work conducted by the R&I offices on legacy cases. Thus, the overall value-added of the reviews and interventions has been achieved by focusing on known areas of concern about integrity and credibility within the refugee program.

It was difficult to reconcile the program data with the perspectives of interviewees, as CIC and CBSA interviewees held opposing views. Some CBSA interviewees questioned the value of the pilot because:

- the CBSA had previously intervened on credibility grounds on some cases in some regions; and
- new information was not always being provided through the CIC interventions.

CIC interviewees and CIC focus group participants expressed strong support for the pilot and noted that it provided important incremental value because:

- it ensures that comprehensive information is made available for decision-making and compiles it in a way that can be used in the decision-making process.
- intervention information provided by CIC was specifically cited in IRB decisions;
- increased rates of withdrawal and abandonment<sup>23</sup>;
- the work in trend analysis has yielded some strong results and they have seen changes in the rates of negative IRB decisions.

<sup>23</sup> CIC aimed to review 30% of the cases before the RPD; 10% of the cases that received a positive RPD decision; 30% of the negative RPD decisions that proceeded to RAD; and 100% of the cases returned to the IRB from the FC. With respect to interventions, CIC aimed to intervene in 6% of the 30% of cases reviewed at RPD; 30% of the 10% positive RPD decisions reviewed; 30% of the 30% negative RPD decisions reviewed; and that it would intervene in 30% of cases that were returned from the federal court.

### 3.1.3. Efficiency of the Pilot

The evaluation examined the efficiency of the Pilot in terms of whether it met planned targets for the number of reviews and interventions and its impact on the holding of IRB hearings.

**Finding:** Overall, CIC was able to conduct the number of reviews and interventions for which it was funded, although it was necessary to review claims that were made prior to the reforms coming into force to meet these targets.

#### *Meeting of Targets*

Foundation documents for the Pilot outlined targets for the number of reviews and interventions that CIC would conduct.<sup>24</sup> However, these targets were adjusted during implementation due to changes to the process that were not accounted for during its design. In particular, because the triage function is shared between CIC and the CBSA, it was not possible to establish in advance the number of claims that each department would be accountable for reviewing. The challenges in establishing a target number of reviews had a cascading effect on the ability of the Pilot to measure progress against the other targets that had been established.

As a result, the 2013 year-end Metrics of Success report noted that the established targets (in terms of the percentage of cases reviewed) no longer reflected the effectiveness of the Pilot.<sup>25</sup> Instead, the volume of reviews and interventions of both new and legacy cases was measured against the funded levels for that year. Based on an anticipated volume of in-Canada refugee claims of 22,500, the targets were revised to 6,790 reviews and 1,514 interventions (for the period December 15, 2012 to December 31, 2012). This target was further defined by the number of reviews and interventions to be conducted at RPD and RAD.

As shown in Table 3.4, for the period December 15, 2012 to December 31, 2013, 6,547 reviews (96% of the target) and 1,971 interventions (130% of the target) were conducted. The Pilot was able to exceed the funded targets for reviews and interventions at the RPD. The targets related to reviews and interventions at the RAD were not achieved, with only 58% of the reviews target and 6% of the interventions conducted. This was a result of receiving a lower number of in-Canada claims than anticipated, which limited the number of claims that ultimately were heard at the RAD.<sup>26</sup>

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<sup>24</sup> CIC aimed to review 30% of the cases before the RPD; 10% of the cases that received a positive RPD decision; 30% of the negative RPD decisions that proceeded to RAD; and 100% of the cases returned to the IRB from the FC. With respect to interventions, CIC aimed to intervene in 6% of the 30% of cases reviewed at RPD; 30% of the 10% positive RPD decisions reviewed; 30% of the 30% negative RPD decisions reviewed; and that it would intervene in 30% of cases that were returned from the federal court.

<sup>25</sup> Citizenship and Immigration Canada. *Fourth Quarter and Year-End 2013 Metrics of Success Report*, April 2014.

<sup>26</sup> In addition to receiving a lower number of in-Canada claims than anticipated, particular legal constraints under which this program operates has an impact on the meeting of targets, as appellants must demonstrate specific errors of law and/or fact in Refugee Protection Division decisions in order to intervene at the Refugee Appeal Division.

**Table 3.4: Review and Intervention Funded Targets against Number Conducted (December 15, 2012 - December 31, 2013)**

	Funded Target*	Number Conducted	% of Target Met
<b>Reviews</b>			
Refugee Protection Division	4,944	5,485	111%
Refugee Appeal Division	1,846	1,062	58%
<b>Total</b>	<b>6,790</b>	<b>6,547</b>	<b>96%</b>
<b>Interventions</b>			
Refugee Protection Division	852	1,934	227%
Refugee Appeal Division	662	37	6%
<b>Total</b>	<b>1,514</b>	<b>1,971</b>	<b>130%</b>

*\*Note that the distribution of funded review and intervention target volumes between the RPD and RAD represents an anticipated division, rather than firm targets.*

*Source: Operations Performance Management Branch.*

It is important to note that the meeting of the funded targets was achieved through the review of legacy cases), which was not the original intent of the Pilot. As noted in Section 3.1.2, due to the lower number of claims than expected in the first year of the Pilot (10,336 claims received, rather than the 22,500 anticipated), CIC began reviewing in-Canada claims made prior to December 15, 2012. This represented 18% of all claims reviewed before RPD and 38% of all claims intervened before RPD. Again, the low number of new cases reviewed was a result of lower-than-anticipated claim volumes, which meant that fewer cases were brought before the RAD.

***Impact on CBSA Hearings Processes, IRB Registry Processes, and the Holding of RPD Hearings***

**Finding:** CIC's reviews and interventions function did not have a negative impact on CBSA hearings processes or IRB registry processes, nor did it contribute significantly to delays in the holding of Refugee Protection Division hearings.

CBSA and IRB interviewees were asked their views on the impact of the Pilot on the CBSA hearings processes and IRB registry processes, in terms of adding inefficiencies or delays. Interviewees did not note any impacts on these processes, although CBSA interviewees noted operational challenges related to the joint triage process (for more on this see Section 3.2.3).

The evaluation also did not find any evidence that the R&I Pilot caused delays in the holding of RPD hearings. The reforms to the in-Canada asylum system established timelines for when claims were to be scheduled for RPD hearings, based on whether the claimant was from a DCO or non-DCO, and on whether the claim was made at an inland office or at a port of entry. As per the Immigration and Refugee Protection Act, hearings before the RPD are to be “fixed” within 30, 45, or 60 days (30 days after referral to RPD for DCO claimants who have made their claim inland; 45 days after referral to RPD for DCO claimants who have made their claim at POE; and 60 days after referral for all non-DCO claimants). The 2013 Year-End Metrics of Success Report noted that the policy intent was to have hearings held within those legislated timelines and thus reporting is done against those timeframes. Therefore, the evaluation also examined the extent to which the holding of the hearing was delayed as a result of interventions.

Interviewees from the IRB Registries did not cite any concerns related to the impact of the Pilot on the scheduling or holding of hearings. In addition, while information from the 2013 Year-End Metrics of Success Report noted that 36% (2,924) of hearings did not take place on time (Table 3.5), 29% of those (858) were delayed due to reasons of fairness and natural justice (delays due to an intervention are one of a number of reasons for delay included in this category). The front-end screening process accounted for almost half of the delays in holding of hearings (48% or 1,418 of 2,924).

The Metrics of Success Report does not provide further detail on the proportion of these delays that may be due to reviews and interventions. One other data source was examined to determine the extent to which delays in the holding of the hearing could be attributed to the reviews and interventions function. The evaluation reviewed the reasons for hearing delays for all cases where an intervention took place at the RPD in 2013. The review determined that there was no evidence to suggest that interventions contributed significantly to delays in the holding of Refugee Protection Division hearings (accounting for less than 5% of the total number of delays).<sup>27</sup>

**Table 3.5: RPD Hearings Held on Time, Designated Country of Origin and Non-Designated Country of Origin Claims (January - December 2013)**

	DCO # of Claims	DCO %	Non-DCO # of Claims	Non-DCO %	Total # of Claims	Total %
RPD hearings held on time	302	47	4,953	66	5,255	64
Late hearings	343	53	2,581	34	2,924	36
<b>Total</b>	<b>645</b>	<b>100</b>	<b>7,534</b>	<b>100</b>	<b>8,179</b>	<b>100</b>

Source: 2013 Year-End Metrics of Success Report

## 3.2. Relevance

### 3.2.1. Need for Reviews and Interventions

**Finding:** There is a need to conduct reviews and interventions for credibility and program integrity reasons to ensure that comprehensive information is brought forward for the IRB decision-making process, therefore contributing to the overall integrity of the asylum system.

As a result of the reviews and interventions Pilot project, CIC proceeded with an intervention in 23% of the cases that it reviewed. This suggests that CIC had identified issues related to credibility and program integrity, which it felt would not have been sufficiently brought forward to decision-makers. As previously mentioned, information from the interventions are figured in IRB written decisions and CIC interventions have resulted in lower acceptance rates in RPD cases that received a decision in 2013, which supports to need to have a reviews and interventions mechanism in place.<sup>28</sup> CIC conducts an intervention when issues of program integrity or credibility are identified. In some instances, trend analysis points to potential systemic

<sup>27</sup> The evaluation used IRB data extracted from the RCC to analyze the reasons for hearing delays related to the reviews and interventions function.

<sup>28</sup> While the objective of the intervention is not a negative IRB decision, lower acceptance are viewed by CIC as an indication that the information provided through the intervention is a factor in the decision.

issues with claimants from particular regions or countries of origin. The pilot provided an approach for identifying and dealing with the systemic issues.

Furthermore, the majority of CBSA interviewees and all CIC interviewees agreed that having a reviews and interventions function in place is important to ensure the integrity of the refugee program, to act as a deterrent for abuse, and to ensure that decision-makers have comprehensive information required to support their decisions. Many CIC interviewees noted that they see the added value of their interventions in decision-making (i.e., number of refusals) and thus see that as an indicator that the function is needed.

### 3.2.2. Consistency with Departmental and Government-Wide Priorities

**Finding:** The R&I Pilot is aligned with departmental and governmental priorities related to improving the integrity of the asylum system.

Improving the integrity of the in-Canada asylum system was identified as a priority in CIC'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 in-Canada asylum system and achieve faster results; in 2009/10, CIC identified a focus on reviewing refugee-oriented policies and programs to ensure program integrity, and signalled that it was would address the timeliness, efficiency, and effectiveness of the in-Canada asylum system.<sup>29</sup>

The integrity of the asylum system, and the need to implement changes to improve it, were identified as an ongoing priority for the Government of Canada, and was referenced in the 2010 and 2013 Speeches from the Throne. This issue was also raised in several speeches made by the Minister of CIC between 2010 and 2012. The coming-into-force of the *Balanced Reform Act* (June 2010) and the *Protecting Canada's Immigration System Act* (June 2012) indicated the government's commitment to refining Canada's asylum system.

With its focus on integrity, credibility, and fraud, the Pilot was developed as a mechanism to enhance the integrity of the in-Canada asylum system and reduce system abuse, thus aligning with CIC and Government of Canada priorities.

### 3.2.3. Role and Responsibility of the Federal Government

**Finding:** 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 Pilot. The roles of the CBSA and CIC in conducting reviews and interventions are in alignment with their respective departmental mandates. However, from an operational perspective, greater clarity is required with respect to the division of responsibilities, particularly around the triage process and hybrid cases.

#### ***Federal Role and Responsibility for Refugee Protection and Safeguarding the in-Canada Asylum System***

As a signatory to the 1951 *Convention Relating to the Status of Refugees*; the 1967 *Protocol*; the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*; and further to

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<sup>29</sup> These planning and reporting documents include Departmental Performance Reports, Reports on Plans and Priorities, and Annual Reports to Parliament on Immigration.



provisions set forth in the Canadian Charter of Rights and Freedoms, Canada has international and domestic legal obligations to provide safe haven to individuals in need of protection. The federal government's mandate for refugee protection is derived from the *Immigration and Refugee Protection Act* (Section 3(2)), which came into force following major legislative reform in 2002. Section 3(2) also states *ensuring the integrity of the Canadian refugee protection system is maintained* as an objective. Thus, in addition to ensuring the protection of refugees, the federal government is responsible for implementing measures to safeguard the integrity of the in-Canada asylum system, which is the main objective of the Pilot.

### ***Role of CIC and the CBSA in the Reviews and Interventions Pilot***

As noted, both CIC and the CBSA have a reviews and interventions function—CIC's focuses on issues related to credibility and program integrity and the CBSA's focuses on issues related to criminality and security. The evaluation examined the rationale for having this mandate split between two federal departments and its impact on the delivery of the function. Based on program documentation and information from interviews, the rationale for CIC's pilot was based on the fact that the CBSA did not systematically review credibility and program integrity issues across all regions (although CBSA interviewees noted that it was conducting reviews and interventions on issues related to credibility and program integrity in its Montreal and Vancouver offices prior to the Pilot).

There were opposing views on whether having two departments share the responsibility was efficient from an operational perspective. CIC interviewees felt strongly that the division of responsibilities is reasonable given the mandates of the departments and did not raise any concerns about duplication of roles or inefficiencies. CIC interviewees believed that CIC should continue in its role in interventions because it is better positioned to intervene on cases of credibility in support of CIC's current objective to improving the integrity of the in-Canada asylum system.

In contrast, CBSA interviewees had strong views that the CBSA is best positioned to conduct the reviews and interventions because it has the capacity and expertise to do so. They also noted that the sharing of the responsibility has resulted in some operational challenges, such as the triage process, which was highlighted as one of the biggest challenges, and also noted that it can sometimes take CIC some time to triage the file and provide it to the CBSA (in Ontario region). . In addition, when a hybrid case<sup>30</sup> is identified, it is the CBSA's responsibility to review. However, CBSA interviewees noted that there can be disagreement between the two departments on the definition and identification of hybrid cases, which has resulted in the file being sent back and forth between the two departments. CBSA interviewees generally felt that it would be more efficient for only the CBSA to conduct reviews and interventions, and at a minimum, the CBSA should be responsible for triaging in all regions.

Because the CBSA reviews and interventions function was outside the scope of the evaluation and because the CBSA's and CIC's reviews and interventions function differ (i.e., process for interventions, reasons for interventions), the evaluation did not aim to compare the individual efficiency or effectiveness of each of the two functions. Thus, it is not possible to draw conclusions on whether it would be more efficient or effective to have the function centralized in one department. Any future evaluation of the function will need to be conducted jointly with CBSA to develop a comprehensive assessment of all R&I aspects.

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<sup>30</sup> Hybrid cases are those cases that have issues related to credibility or program integrity and security or criminality.

## 4. Summary of Findings and Recommendations

### 4.1. Summary of Findings

The R&I Pilot was designed to provide the capacity for CIC to conduct reviews and interventions on in-Canada asylum claims being heard before the IRB where it identified issues of credibility and program integrity. CIC was successful in implementing the Pilot as planned, with a few modifications to timing, budget, scope, and process. The evaluation found that communication and coordination within CIC was working well, but that there is a need for improved communication and coordination with the CBSA, particularly with respect to the establishment of formal channels for information exchange. The evaluation also found that there is an opportunity for improving the function for example, by filling gaps in training and tools that were identified by R&I staff, developing a clear framework to guide the interventions process, and improving the consistency of administrative data.

In the first 18 months of the Pilot, CIC was able to conduct 10,775 reviews and 2,465 interventions. The evaluation found that these interventions have added value as they have ensured that comprehensive information for the claim has been brought forward for the IRB decision-making process. Information from the interventions has been referenced in written IRB decisions and administrative data showed that 2013 positive decision rates at the RPD are lower for cases in which CIC has conducted an intervention. While the Pilot has added value, it has been limited to a small percentage of total cases and there may be opportunities to clarify application of the methodology and interventions methodology through the development of a policy framework. Based on trend analysis, systemic issues were identified and brought the attention of the IRB. From a relevance perspective, there is need to have the function in place to ensure that the Government of Canada has a mechanism to present information during IRB hearings processes where concerns have been identified.

The current roles of CIC and the CBSA in reviews and interventions are aligned with their respective mandates. However, having two departments sharing the responsibility has created some operational challenges, particularly with respect to confusion around roles and responsibilities for hybrid cases and the fact that cases are sometimes passed back and forth between the two departments, resulting in less time to conduct the review and intervention, if necessary.

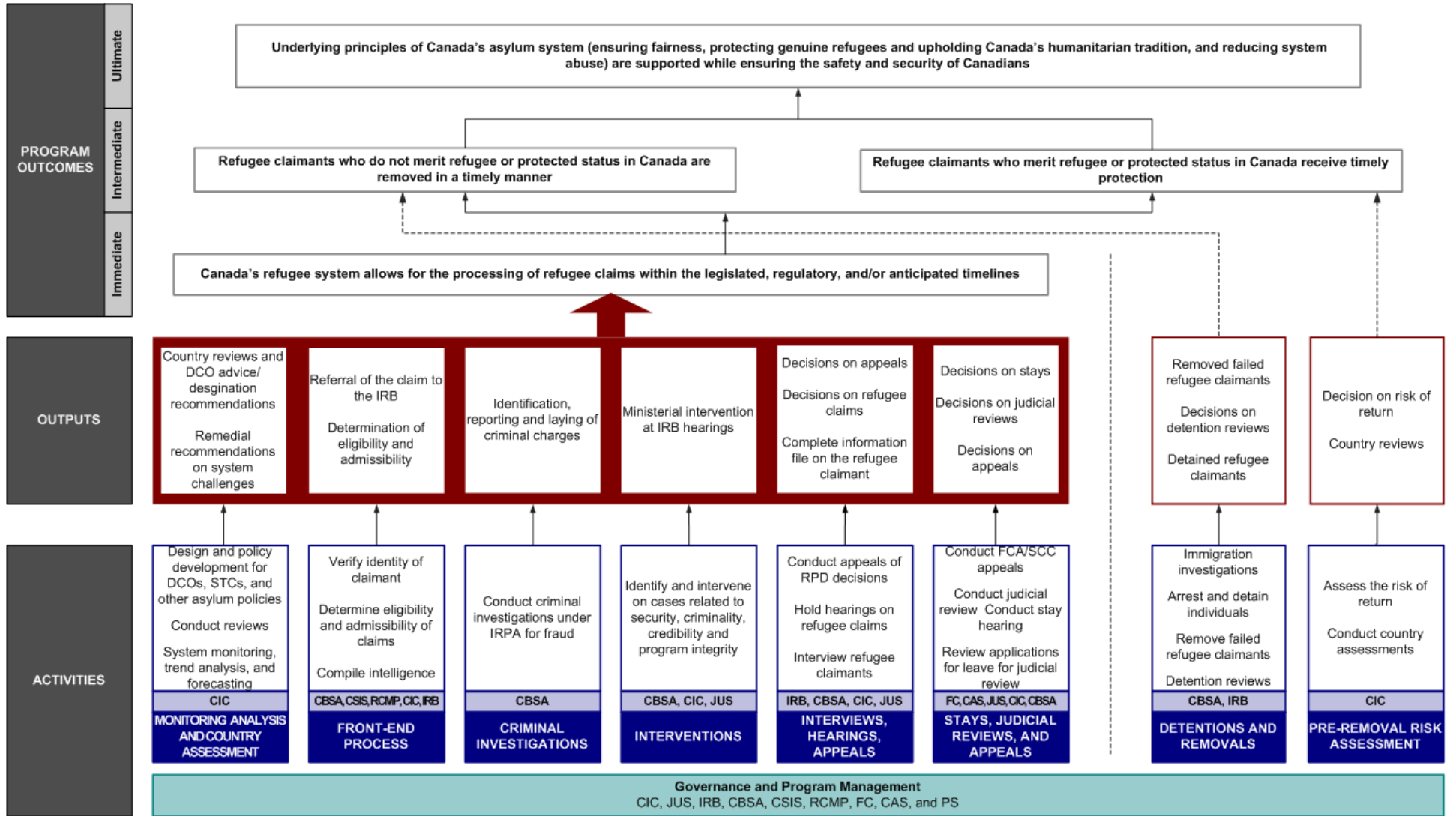
### 4.2. Recommendations

If CIC were to regularize the R&I Pilot into a permanent program, the following recommendations should be considered:

1. CIC should develop a policy framework, in consultation with the CBSA, which outlines the authorities for the Reviews and Interventions function, including:
  - identifying what information can be gathered and from what sources;
  - clarifying protocols around information sharing, with government departments and non-government organizations; and
  - establishing guidance and parameters for the conduct of interventions (i.e., when an intervention should be conducted).

2. CIC should work with the CBSA to ensure that the mandates of each department and respective roles and responsibilities for hybrid cases and the triage process are clearly defined, documented, and communicated to all staff.
3. CIC should work with the CBSA to establish the necessary instruments and processes (such as information sharing agreements) to obtain and/or exchange information that is required to conduct reviews and interventions (e.g., document analysis).
4. CIC should address the gaps in training and tools, including training on RAD and CIC information systems, developing standard operating procedures, and access to analytical tools.
5. In order to address the R&I data issues identified through the evaluation:
  - a) CIC should ensure that appropriate performance measures are identified for the Reviews and Interventions function and integrated in existing relevant Performance Measurement Strategies where applicable; and
  - b) CIC should ensure that performance data related to the Reviews and Interventions function are being collected and reported in a consistent way across the department

# Appendix A: Logic Model for the in-Canada Asylum System



Revised: September 17, 2014