BILL C-280 - An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)

Now that the Bill has passed third reading in the House of Commons, Senators will be debating Bill C-280, which calls for the immediate implementation of sections of the 2001 *Immigration and Refugee Protection Act* (IRPA) that give refugee claimants a right to an appeal on the merits. The Canadian Council for Refugees is asking for **your support and your vote in favour of Bill C-280.**

What is the Refugee Appeal Division?
The Refugee Appeal Division was created within the Immigration and Refugee Board (IRB) as part of the *Immigration and Refugee Protection Act* (IRPA), approved by Parliament in 2001. Once implemented, it will give refugee claimants a right to review on the merits of the case.

Why is implementing the Refugee Appeal Division necessary?
- *Refugee lives are in the hands of a single person* - In 2002, the government went ahead with sections of the IRPA that reduce the number of board members hearing a claim from two to one member. This means that a single person decides the fate of a refugee claimant, even though a wrong decision may mean that a claimant is sent back to face persecution, torture and even death.
- *Decision-making is inconsistent* - Refugee determination is inherently difficult and complex. Different decision-makers do not always come up with the same decision when faced with similar cases, leading to serious inconsistencies. An appeal level helps a system to be more consistent because precedents established at the appeal level must be followed at the lower level when the facts are the same.
- *Any decision-making process will make mistakes* - As human beings, we are all bound to make mistakes from time to time, however hard we try. An effective system, which includes a refugee appeal, recognizes this and provides a mechanism to correct errors.
- *Refugee claimants* are often poorly represented, leading to inconsistencies and errors resulting from inadequate legal representation. An appeal would allow the re-examination of errors and provide the opportunity for their correction.

Aren't their already other avenues for refugee claimants to appeal their case?
The only current review available is through judicial review at the Federal Court. This review is by leave (or permission) of the Court only, and is limited in scope. Many claimants who have compelling arguments are simply denied leave and never get any review of their case.

Isn't it expensive to set up an appeal process?
In December 2004, the Chairperson of the Immigration and Refugee Board estimated that the Refugee Appeal Division would cost an estimated $2 million to set up and $8 million annually to run. This is a modest sum in the context of government expenses, reflecting the very modest nature of the appeal approved by Parliament, which is limited to a paper review. It is also insignificant when the human costs of people lives are at stake. The costs of the RAD would be offset by some cost-savings for the government at the Federal Court, since fewer cases would need to be addressed at that level.

Wouldn't introducing an appeal increase processing times by adding an additional step?
For the most part, the step at the RAD would simply replace the Federal Court step and thus would have little impact on processing times. In any case, overall processing times are above all determined by how effectively the government manages the process. Currently processing times are increasing because the government has failed to make sufficient numbers of appointments to the Immigration and Refugee Board.

For more information:
- *Frequently Asked Questions* - www.ccrweb.ca/RADpage/PAGE0003.htm
- *Refugee Appeal Division Backgrounder* - www.ccrweb.ca/RADbackgrounder.pdf

For other questions, please contact the Canadian Council for Refugees (CCR) at: ccr@web.ca, 514-277-7223.