

Canadian Council for Refugees



Refugee Appeal Division Backgrounder

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INTRODUCTION

Numerous organizations and individuals continue to criticize the Canadian government for failing to implement the Refugee Appeal Division (RAD).

The Refugee Appeal Division was created within the Immigration and Refugee Board (IRB) as part of the *Immigration and Refugee Protection Act*, approved by Parliament in 2001. However, in March 2002, the government announced, without consulting Parliament, that the *Immigration and Refugee Protection Act* would be implemented in June 2002 without the sections of the Act giving refugee claimants the right to appeal to the RAD.

On the other hand, the government went ahead with sections of the law reducing 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.

In the absence of the RAD, there is no appeal on the merits available to refused refugee claimants and wrong decisions go uncorrected. Claimants can apply for judicial review to the Federal Court, but must first receive leave, or permission, from the Court. Nine out of ten applications for leave are refused by the Court: no reasons are given for refusing leave.

Refused claimants may apply for a Pre-Removal Risk Assessment (PRRA) but this is not a mechanism for correcting errors in the initial refugee determination. PRRA applicants can only raise new evidence, not argue that the initial decision by the Immigration and Refugee Board was wrong.

In addition, those who feel they will be at risk if they return to their country of origin can apply for a pre-removal risk assessment (PRRA) before they are removed. Unlike the RAD, the PRRA allows for new evidence to be brought forward beyond what was heard at the IRB. They have the right to remain in Canada during these proceedings. When there are compelling reasons to do so, persons wishing to remain in Canada can also make a separate application to remain in the country on humanitarian and compassionate (H&C) grounds, including the ground of risk should they be removed.

Applications for permanent residence on humanitarian and compassionate grounds (H&C) also fail to offer any meaningful recourse for claimants who have been wrongly rejected. The measure is a discretionary one and the applicant can be deported before a decision on H&C has been granted.

Canada has been criticized by several international human rights bodies for the lack of an appeal on the merits. The Inter-American Commission on Human Rights, commenting on Canada's refugee determination system, has said: "Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection."

The United Nations High Commissioner for Refugees (UNHCR) consistently refers to Canada's asylum system as one of the best in the world, the UNHCR wrote to the Canadian government to express its concern about the non-implementation of the RAD, saying "UNHCR considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process."

The UN Committee against Torture, hearing a complaint from a rejected refugee claimant, found that the Canadian refugee determination system had been unable to correct a wrong decision in his case.

Canada is one of the very few countries in the world that fails to give refugee claimants an appeal on the merits.

BACKGROUNDER

Refugee claimants in Canada appear before a single decision-maker who determines whether they need Canada's protection. The decision is not subject to any appeal on the merits of the case. 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.

This is not the refugee determination system that Parliament approved. In 2001, Parliament passed a new law, the *Immigration and Refugee Protection Act*, that created a Refugee Appeal Division (RAD) where refugee determinations could be reviewed. They balanced this new recourse with the reduction of the number of board members hearing the claimant from two to one. In 2002, the government, without consulting Parliament, implemented the new law without implementing the Refugee Appeal Division. On the other hand, the government went ahead with the reduction of board members hearing a claim, leaving claimants' fates in the hands of a single person.

Since then, the government has continued to fail to respect the law passed by Parliament.

Is the RAD necessary to ensure fairness and uphold our domestic and international obligations?

The Refugee Appeal Division is necessary to ensure fairness for the following reasons :

The stakes are high: Refugee determination is one of the few decision-making processes in Canada where a wrong decision can mean death for the applicant. Even though the stakes are so high, there are fewer safeguards in the system than for other decision-making processes where the stakes are much lower (for example, a minor criminal offence). As a result, wrong decisions go uncorrected.

Decision-making is inherently difficult: Refugee determination is extremely difficult because it involves deciding what may happen in the future in another country, about which the decision-maker may have limited knowledge, based often on testimony that must pass through an interpreter and that may be confusing because of the traumatic experiences that the claimant has lived through. Often decision-makers have little documentary evidence that can help decide the case one way or the other, and the credibility of the claimant is a decisive factor. However, credibility assessments can easily be wrong.

Not all decision-makers are equally competent: For many years, appointments to the Immigration and Refugee Board have been made in part on the basis of political connections, rather than purely on the basis of competence. As a result, while many board members are highly qualified and capable, some are not.

Decision-making is inconsistent: Refugee determination involves a complex process of applying a legal definition to facts about country situations that can be interpreted in different ways. Different decision-makers do not necessarily come up with the same answer, leading to serious

inconsistencies. Two claimants fleeing the same situation may not get the same determination, depending on which board member they appear before. (This was the case with two Palestinian brothers who had the same basis for their refugee claim, yet one was accepted and the other refused. The refused brother was deported). An appeal level helps a system to make more consistent decisions, because precedents established at the appeal level must be followed at the lower level when the facts are the same.

Poor representation: Refugee determination is made more difficult because refugee claimants sometimes have no legal representative, or are represented by incompetent and unscrupulous lawyers and consultants. This problem is quite common because refugee claimants rarely have much money to pay for a lawyer, and legal aid is in some provinces unavailable to claimants and in others it is so meagre that few competent lawyers are willing to represent claimants on legal aid.

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 recognizes this and provides a mechanism to correct errors. We do this in the criminal justice system, which allows anyone who feels they have been wrongly convicted to appeal the decision. We try to avoid people being wrongly sent to jail here in Canada by providing appeals: why would we not similarly try to avoid refugees being wrongly removed, which could result not only in their being jailed, but tortured and even killed?

The RAD is necessary to uphold our international obligations

As a signatory to the 1951 Convention relating to the status of refugees, Canada has an obligation not to return a refugee directly or indirectly to persecution. If a refugee's claim is wrongly rejected and Canada subsequently returns that refugee to persecution, we have violated our international legal obligation. Similarly, under the Convention against Torture, Canada must not send anyone to a country where there are substantial grounds for believing that they would be in danger of being subjected to torture.

International bodies commenting on Canada's compliance with its obligations towards refugees have criticized the lack of an appeal on the merits.

In February 2000, the Inter-American Commission on Human Rights published its *Report on the Situation of Human Rights of Asylum Seekers Within the Canadian Refugee Determination System*. They stated that:

“Where the facts of an individual's situation are in dispute, the effective procedural framework should provide for their review. Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.” (para. 109)

The United Nations High Commissioner for Refugees (UNHCR) has also consistently maintained the need for an appeal on the merits. After the government's announcement that the

Refugee Appeal Division would not be implemented, the UNHCR wrote to then Minister of Citizenship and Immigration Denis Coderre:

“UNHCR considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process. It allows errors to be corrected, and can also help to ensure consistency in decision-making. Canada, Italy and Portugal are the only industrialized countries which do not allow rejected asylum seekers the possibility to have first instance decisions reviewed on points of fact as well as points of law. In the past, a measure of safeguard was provided by the fact that determinations could be made by a two-member panel, with the benefit of the doubt going to the applicant in case of a split decision. With the implementation of IRPA on June 28th, this important safeguard will be lost.”

The UN Committee against Torture, hearing a complaint from Enrique Falcon-Rios, a rejected refugee claimant, found that the Canadian refugee determination system had been unable to correct a wrong decision in his case. The Committee found that the Immigration and Refugee Board had discounted strong evidence that Mr Falcon-Rios had been tortured and that the way the evidence had been treated represented a denial of justice. It concluded that removing him would constitute a violation of Canada’s obligation under article 3 of the Convention against Torture.

François Crépeau, Professor of International Law at Université de Montréal, and Canada Research Chair in International Migration Law, argues as follows for the implementation of the appeal:

“The Refugee Appeal Division is indispensable for the smooth functioning of the Canadian refugee determination system for four reasons:

- *In the interests of efficiency:* a specialized appeal division is a much better use of scarce resources than recourse to the Federal Court, which is not at all specialized in refugee matters. It would be much better placed to correct errors of law and fact and to discipline hearing room participants for unacceptable behaviour.
- *In the interests of consistency of law:* an Appeal Division deciding on the merits of the case is the only body able to ensure consistency of jurisprudence in both the analysis of specific facts and in the interpretation of legal concepts in the largest administrative tribunal in Canada.
- *In the interests of justice:* a decision to deny refugee status is generally based on an analysis of the facts, often relies on evidence that is uncertain and leads to a risk of serious consequences (death, torture, detention, etc.). As in matters of criminal law, a right to appeal to a higher tribunal is essential for the proper administration of justice.

In the interests of reputation: as a procedural safeguard, the Refugee Appeal Division will enhance the credibility of the IRB in the eyes of the general public, just as the provincial Courts of Appeal reinforce the entire justice system. The IRB’s detractors – both those who call it too lax, and those who call it too strict – will have far fewer opportunities to back up their criticisms and the Canadian refugee determination system will be better able to defend its reputation for high quality.”

IMPACT ON REFUGEES OF THE NON-IMPLEMENTATION OF THE RAD

The following are some examples of people whom Canada's refugee determination system failed.

Ms Q

Ms Q., from Iran, was arrested and detained for two months after being accused of being a heretic because of comments she made to a cleric. While in detention she was tortured. She was able to escape and made her way to Canada. At her refugee hearing, Ms Q was unable to answer even basic questions about what had happened to her as a result of the trauma she had been through. The Immigration and Refugee Board concluded that Ms Q. was not credible because of the numerous inconsistencies and gaps in her evidence. Although Ms Q. told the Board that she had scars on her body from the torture, her testimony was rejected because she had not provided a medical report.

In the course of the hearing, Ms Q's counsel realized she was badly traumatized and asked the Board for time to obtain a psychological report. The report confirmed that Ms Q. was suffering from Post Traumatic Stress Disorder (PTSD) and depression. However, the Board Member rejected the psychological report, saying that it was based on Ms Q.'s statements and the Member had already concluded that Ms Q. was not credible.

The rejection of the psychological report on this basis was wrong in law. Nevertheless, the Federal Court denied leave for judicial review, as usual without reasons.

Ms Q. then applied for a Pre-Removal Risk Assessment. This was also rejected, despite the fact that she submitted a medical report which confirming numerous unusual, large scars on her body. The doctor also documented a significant depression in her skull consistent with a blow from a blunt instrument. She also filed a second psychological report, which confirmed that Ms Q. was suffering from PTSD and that her account of torture was credible from a psychological point of view. The PRRA officer dismissed the psychological and medical reports as being "not probative of risk Ms Q. would face in Iran."

Despite expert evidence that she was severely tortured, Ms Q. is at imminent risk of removal from Canada.

Enrique Falcon Rios

In December 2004, the UN Committee against Torture rendered a major decision regarding Canada in the case of Falcon Rios vs. Canada.

According to Mr Falcon Rios, soldiers in his native Mexico took him and his family to a military camp for questioning. His mother and sister were raped. The soldiers then tortured his father, striking him on the temple with a pistol butt until he lost consciousness. Mr Falcon Rios' hands were tied behind his back and he was hit in the stomach; a hood was put over his head to induce a feeling of asphyxiation. He was questioned about where his uncle was hiding; since he could not reply, they stripped him and cut him near the genitals with a knife; they then tied his testicles

and yanked them while continuing to question him. Lastly, they dipped his head in a tub filled with excrement in an attempt to obtain the information they wanted.

After his release, Mr Falcon Rios came to Canada where he made a refugee claim. The claim was rejected on the grounds that his account was found not credible. The Federal Court denied his application for judicial review.

Mr Falcon Rios then turned to the Committee against Torture, which concluded that removing him to Mexico would be a violation of Canada's obligation under the Convention against Torture not to return anyone to torture. They decided that he was at risk of being arrested and tortured again if he were returned to Mexico. Against the Canadian decision that his account was not credible, they emphasized that he had submitted uncontested medical and psychological reports that corroborated his account, and that his alleged "vagueness" was consistent with someone who had been traumatized by torture.¹

The lack of an appeal on the merits meant that Mr Falcon Rios was forced to turn to an international body to seek protection from removal to torture.

¹ The account is drawn from the decision of the Committee against Torture, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ffb5d14bea7f5f30c1256faa0053845f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ffb5d14bea7f5f30c1256faa0053845f?Opendocument)

FREQUENTLY ASKED QUESTIONS

Q.1 What is the Refugee Appeal Division?

The Refugee Appeal Division (RAD) is an additional division of the Immigration and Refugee Board (IRB), created by Parliament in the *Immigration and Refugee Protection Act*, adopted 2001. The law gives refugee claimants the right to an appeal on merit against a negative decision from the Refugee Protection Division of the IRB.

However, in April 2002, the government announced that the RAD would not be implemented at the time that the Act was to come into force (28 June 2002).

Q.2 What reasons has the government offered for not implementing the RAD?

The reasons change with the circumstances.

- April 2002: the Minister says there are too many claims.
- January 2003: the figures for 2002 show a dramatic decrease in the number of claims.
- February 2003: the Minister says that the number of claims in 2002 (close to 34,000) “is well above figures for most of the previous decade” and that the IRB’s “inventory” [i.e. claims waiting to be heard] remains “very high” (50,000).
- January 2005: the figures for 2004 show 25,521 claims were made, well below the average for the previous decade. The IRB’s “inventory” at the end of 2004 was 27,290 (the lowest year end figure since 1999).
- March 2005: the Minister says that implementing the RAD would be a barrier to “eliminating the inventory” at the IRB.
- June 2006: the “inventory” at the IRB dropped to 19,349.
- December 2006: CIC posts information arguing that introducing the RAD would cost millions of dollars.

Q.3 Why has the government not implemented the RAD?

Only the government can tell the real reasons for the failure to respect the law passed by Parliament and the basic rights of refugees. However, it is undoubtedly relevant that:

- Following September 11, 2001, refugees and Canada’s refugee determination system were unfairly accused of posing security threats to North America.
- Refugees are among the most vulnerable groups of people in Canada: it is easy to scapegoat and mistreat them. We would never allow the government to leave the fate of Canadian citizens to a single decision-maker without right of appeal.

Q.4 Are there not other appeals already available to refugee claimants?

In the absence of an appeal on the merits, there is no other mechanism that can ensure that errors are corrected. A refused refugee claimant can apply to the Federal Court, but only with leave (or

permission) from the Court and only on some types of error. Leave is only given in 10% of cases and the Court does not even provide a reason when it denies leave.

The Federal Court is the only forum in which the refugee determination made by the IRB will be reviewed and potentially overturned. Refused claimants may apply for a Pre-Removal Risk Assessment or for humanitarian and compassionate consideration, but neither of these recourses serve as a mechanism for correcting errors made in the initial refugee determination.

A refused claimant applying for a Pre-Removal Risk Assessment (PRRA) can only raise new evidence, not argue that the initial decision by the Immigration and Refugee Board was wrong. This point was recognized by the UN Committee Against Torture which pointed out that in a PRRA application “it would only be any fresh evidence that would be taken into consideration, and otherwise the application would be rejected. In its view, therefore, this procedure would not afford the complainant an effective remedy [...]”

In 2005, only 3% of decisions at the Pre-Removal Risk Assessment were positive.

Applications for humanitarian and compassionate consideration (H&C) also fail to offer any meaningful recourse for claimants who have been wrongly rejected. The measure is a discretionary one and the applicant can be deported before a decision on H&C has been granted. The UN Committee Against Torture made the following comment on the ineffectiveness of H&C as a recourse:

“The Committee observes that at its twenty-fifth session, in its final observations on the report of the State party, it considered the question of requests for ministerial stays on humanitarian grounds. It expressed particular concern at the apparent lack of independence of the civil servants deciding on such appeals, and at the possibility that a person could be expelled while an application for review was under way. It concluded that those considerations could detract from effective protection of the rights covered by article 3, paragraph 1, of the Convention [i.e. return to torture]. It observed that although the right to assistance on humanitarian grounds is a remedy under the law, such assistance is granted by a minister on the basis of purely humanitarian criteria, and not on a legal basis, and is thus *ex gratia* in nature.”

Q.5 Wouldn't the introduction of the RAD increase the processing times for the refugee determination system by adding an additional step?

This argument is regularly advanced by the government. This is a regrettable emphasis, because we are talking about people's lives. The focus on processing times suggests that the government considers refugee claimants primarily not as human beings whose fundamental rights may be threatened, but as a bureaucratic problem to be managed.

Furthermore, it is far from clear that the RAD would increase processing times (at least by the five months suggested by the government). Of course, it is difficult to know what the government's analysis actually is, since it has not made it public, or even discussed it with representative groups such as the Canadian Council for Refugees.

Implementation of the RAD will almost certainly reduce significantly the numbers of applications for judicial review to the Federal Court, as well as the numbers of cases granted leave. This can be assumed for several reasons: many of the wrong decisions will be corrected by the RAD and therefore not require a judicial review; claimants who have had one review of a negative decision are less likely to want to pursue an expensive judicial review; the Federal Court will presumably have less reason to grant leave since most cases with reviewable errors will have been dealt with by the RAD. After an initial period, the plan was not to grant a stay of removal pending judicial review of a negative decision from the RAD.

Implementation of the RAD will improve efficiency and consistency at the first level hearing, by providing precedents that must be followed in similar cases. This will assist decision-makers who will be able to use the jurisprudence of the RAD to simplify decision-making.

If the government is preoccupied by the time it takes to finalize cases, it should address the delays for which it is responsible. The Cabinet has left many positions at the IRB unfilled, leading to a shortage of decision makers. As a result, processing times for refugee determination are rising. The government could also address delays at the Pre-Removal Risk Assessment stage. Many claimants wait months before they are asked whether they want to apply for a Pre-Removal Risk Assessment and, when they do, many more months for a decision.

Q.6 Wouldn't the introduction of the RAD increase the costs to the government?

Again, this argument is raised by the government, but it should not be our primary concern when we are considering what is needed to ensure that refugees are protected from persecution. The costs in human terms of sending a refugee back to persecution far outweigh the limited financial costs of the RAD.

In any case, it is not clear how the government is arriving at its costs estimates.

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.

Two years later, the government claims at the RAD would cost the federal government \$12 million a year and would increase social assistance costs to the provinces by approximately \$21 million annually.

These figures do not appear to take into account what refugee claimants contribute in taxes, nor the cost-savings that would accompany the implementation of the RAD. Its costs would be mitigated by some cost-savings for the government at the Federal Court, since fewer cases would need to be addressed at that level. Dealing with cases at the Federal Court is much more expensive because of all the formal requirements of judicial proceedings, involving expenses for the government not only for the Court itself but also for the Department of Justice lawyers who must prepare documents and appear before the Court.

Again, if the government is concerned about costs to the provinces, it should make the necessary appointments and re-appointments to the IRB, to stop the growing backlogs of refugee claims waiting for a decision maker.

Q.7 Is the question of an appeal best reviewed in the context of an overall reform of the refugee determination system?

Ever since 2002, when the implementation of RAD was postponed, successive Ministers of Citizenship and Immigration have said that they are studying alternatives. The government is of course always free to consider possible future reforms, but in the meantime the law already passed by Parliament needs to be respected. In any case, given that nothing has ever come out of the repeated undertakings to review the system overall, it looks like it is mostly a delaying tactic.

Q.8 Who is calling for the implementation of the RAD?

The calls for the implementation of the RAD come from a wide range of organizations, in addition to the Canadian Council for Refugees.

- Amnesty International
- the NDP
- the Bloc Québécois. The Bloc québécois has introduced a private member's bill calling for the immediate implementation of the RAD, Bill C-280.
- the Canadian Bar Association
- The Parliamentary Standing Committee on Citizenship and Immigration. On 14 December 2004, the Committee unanimously adopted the following motion:

“Whereas: The Refugee Appeal Division is included in the Immigration and Refugee Protection Act; Parliament has passed the Immigration and Refugee Protection Act and can therefore expect that it be implemented; and The House of Commons and parliamentarians have a right to expect that the Government of Canada will honour its commitments; The Standing Committee on Citizenship and Immigration requests that the Minister of Citizenship and Immigration, implement the Refugee Appeal Division or advise the Committee as to an alternative proposal without delay.”

- The United Nations High Commissioner for Refugees (UNHCR). UNHCR has consistently maintained the need for an appeal on the merits. After the government's announcement that the Refugee Appeal Division would not be implemented, the UNHCR wrote:

“UNHCR considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process. It allows errors to be corrected, and can also help to ensure consistency in decision-making. Canada, Italy and Portugal are the only industrialized countries which do not allow rejected asylum seekers the

possibility to have first instance decisions reviewed on points of fact as well as points of law. In the past, a measure of safeguard was provided by the fact that determinations could be made by a two-member panel, with the benefit of the doubt going to the applicant in case of a split decision. With the implementation of IRPA on June 28th, this important safeguard will be lost.”

- The Inter-American Commission on Human Rights. In its 2000 *Report on the Situation of Human Rights of Asylum Seekers Within the Canadian Refugee Determination System*, the Commission stated that:

“Where the facts of an individual’s situation are in dispute, the effective procedural framework should provide for their review. Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.” (para. 109)

FOR MORE INFORMATION:

CCR documents

Report, [The Refugee Appeal: Is no one listening?](http://www.ccrweb.ca/refugeeappeal.pdf), 31 March 2005, <http://www.ccrweb.ca/refugeeappeal.pdf>

Media release, [No refugee appeal means no government accountability](http://www.ccrweb.ca/releaseIRPA4.html), 28 June 2006, <http://www.ccrweb.ca/releaseIRPA4.html>

Media release: [Rights groups remind government of broken promises on refugee appeal](http://www.ccrweb.ca/releaseappeal05.html), 14 October 2005, <http://www.ccrweb.ca/releaseappeal05.html>

[Joint Statement on Refugee Appeal Division](http://www.ccrweb.ca/jointstRAD.html), 20 June 2005, <http://www.ccrweb.ca/jointstRAD.html>

Media release: [CCR calls on government to honour the Singh anniversary by implementing the Refugee Appeal Division](http://www.ccrweb.ca/release31march05.html), 31 March 2005, <http://www.ccrweb.ca/release31march05.html>

Media release: [UN Committee Against Torture Decision Highlights Inadequacies](http://www.ccrweb.ca/releaseCAT.html), 14 March 2005, <http://www.ccrweb.ca/releaseCAT.html>

Media release, [Interfaith Sanctuary Coalition](http://www.ccrweb.ca/sanctuarynews.htm), 9 October 2003, <http://www.ccrweb.ca/sanctuarynews.htm>

Media release: [CBA, CCR criticize immigration minister for failing to keep his promise on refugee appeal](http://www.ccrweb.ca/appeal2003.htm), 26 June 2003, <http://www.ccrweb.ca/appeal2003.htm>

Media release: [Reduction in refugee numbers must trigger reversal of anti-refugee measures](http://www.ccrweb.ca/numbersrelease.htm), 13 January 2003, <http://www.ccrweb.ca/numbersrelease.htm>

Media release: [CCR asks: "Who makes the laws in Canada: Parliament or the politicians?"](http://www.ccrweb.ca/RADdec02.htm) 18 December 2002, <http://www.ccrweb.ca/RADdec02.htm>

Other documents

Inter-American Commission on Human Rights, [Report on the situation of human rights of asylum seekers within the Canadian refugee determination system](http://www.cidh.org/countryrep/Canada2000en/table-of-contents.htm), OEA/Ser.L/V/II.106 Doc. 40 rev., February 2000, <http://www.cidh.org/countryrep/Canada2000en/table-of-contents.htm>

[UNHCR's letter to Minister Coderre concerning the non-implementation of the RAD](http://www.ccrweb.ca/unhcrRAD.html), 9 May 2002, <http://www.ccrweb.ca/unhcrRAD.html>

UN Committee against Torture, Falcon Rios decision, [Communication No. 133/1999: Canada. 17/12/2004](http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/ffb5d14bea7f5f30c1256faa0053845f?Opendocument), <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/ffb5d14bea7f5f30c1256faa0053845f?Opendocument>

[Bill C-280](http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2493056&Language=e&Mode=1), First reading, 12 May 2006 (enabling the immediate implementation of the RAD), <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2493056&Language=e&Mode=1>

Amnesty International Canada, [Give refugees the right to appeal - Support Bill C-280](http://www.amnesty.ca/take_action/actions/online/support_bill_C-280.php), http://www.amnesty.ca/take_action/actions/online/support_bill_C-280.php

Kairos: Canadian Ecumenical Justice Initiatives, [Refugees and a fair appeal process](http://www.kairoscanada.org/e/refugees/appeal/index.asp), <http://www.kairoscanada.org/e/refugees/appeal/index.asp>

Toronto Star, [Reforming our refugee system](http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&cid=1165531810524&call_pageid=968256290204&col=968350116795), Carol Goar, 8 December 2006, http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&cid=1165531810524&call_pageid=968256290204&col=968350116795

Citizenship and Immigration Canada, [The Refugee Appeal Division](http://www.cic.gc.ca/english/refugees/rad-menu.html), <http://www.cic.gc.ca/english/refugees/rad-menu.html>, and [Fact Sheets on Refugee Issues](http://www.cic.gc.ca/english/policy/responses.html#4), <http://www.cic.gc.ca/english/policy/responses.html#4>

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