

## **MEMBERS' DECISIONS**

### **EXPLANATORY NOTE**

The Immigration and Refugee Board of Canada (the IRB) is Canada's largest independent quasi-judicial administrative tribunal. It is composed of three divisions: the Refugee Protection Division (the RPD); the Immigration Appeal Division (the IAD); and the Immigration Division (the ID).

The RPD hears refugee protection claims; the IAD hears appeals regarding sponsorship applications, removal orders, residency obligations and Minister's appeals of admissibility decisions; and the ID holds admissibility hearings and detention reviews. Members of the IRB are independent decision-makers.

The outcomes of decisions vary from one member to another because members render decisions based on the evidence presented in each case. Each case is unique and is therefore determined on the basis of its individual merit.

There are many factors that can impact on a decision. Each Division will have their own variables that affect the trends of outcomes between members, between regions, or over different periods of time. The information below is a detailed illustration of how this applies to one of the Divisions – the Refugee Protection Division,

#### **Refugee Protection Division**

Some of the factors considered in making a decision, are the claimant's country of origin; the region or city where the claimant lived; the claimant's ethnicity/nationality, gender and age; whether the claimant spent time in another country before coming to Canada without claiming refugee status in that country; and the evidence presented (or not presented) by the claimant. . The claimants present their own case as they see fit and the evidence presented varies widely from claim to claim,.. Different claim types exist within the same country. In a given country, a particular group may be mistreated while other groups may not experience any problems. Clusters of claim types from one country may migrate to different IRB offices and the situation of one group may be different from that of another group.

The RPD decision will depend on the reasons for which a person is asking for Canada's protection. The person may fear persecution because of race, nationality, religion, political opinion, or because of membership in a particular social group. In addition, a person may ask for protection on the basis of his or her fear of torture, risk to life or risk of cruel and unusual treatment or punishment.

The credibility of claimants can be a determining factor; cases that appear to be very similar or identical at first glance may end up being quite different. For example, two claimants who come from the same region with very similar stories may be issued different decisions because one may be credible and the other may not.