



## Modernizing client service delivery at Immigration, Refugees and Citizenship Canada CCR submission to Standing Committee on Citizenship and Immigration

### **Introduction**

This submission highlights key concerns and recommendations of the Canadian Council for Refugees, for consideration by the Standing Committee on Citizenship and Immigration as part of its study on modernizing client service delivery at Immigration, Refugees and Citizenship Canada (IRCC).

#### **A. Responding to the most vulnerable**

CCR is particularly concerned about refugees and other vulnerable migrants. This includes people who do not speak English or French, people who do not necessarily have access to computers and internet, people who may have little or no money, and people who do not have a legal representative.

Unfortunately, modernization processes at IRCC have not been developed with adequate consideration of the realities of such individuals. IRCC has favoured a one-size-fits-all approach, based on web access, which does not work for many refugees and other vulnerable people.

The assumption seems to be that people applying to IRCC have financial means, speak English or French, and are comfortable with electronic systems. The result has been increased burdens on CCR member organizations who need to help people conduct basic business with IRCC. These organizations are not funded by the government to perform this service.

Another result is that many people feel that they have no choice but to pay consultants or lawyers to assist them. In many cases, this means real hardship for people who are already living in poverty. People are also more vulnerable to exploitation by unscrupulous individuals who offer to intervene for them.

The bias mentioned above is built into IRCC's client satisfaction surveys. These surveys are increasingly conducted in a web-based format, meaning that the clients who respond are likely to be those for whom web access facilitates things. These surveys are not going to be completed by the more vulnerable people who struggle with IRCC's modernized approach. As a result, IRCC gets a high percentage of responses approving of these "modernized services" which they can use to justify further moves towards implementing more electronic and web-based "solutions" without providing alternatives.

#### **Recommendations:**

1. IRCC should give serious consideration to the diversity of applicants (including refugee and other vulnerable migrant applicants) when developing and assessing services.
2. IRCC should develop and implement strategies specifically designed to survey the level of satisfaction of clients who are refugees or otherwise in a vulnerable situation.
3. IRCC should consult with NGOs such as the CCR when developing and assessing services.

4. IRCC should provide funding to community organizations who provide support to refugees and other vulnerable persons as they negotiate immigration processes.

## **B. Facilitating communication in languages other than English and French**

The call centre is not very accessible for people who speak no or limited English or French. CCR member agencies often try to facilitate communication by providing interpretation services, but IRCC does not make this easy: forms have to be signed and received by IRCC, which delays the process and may require the person to make multiple visits to the organization attempting to support them.

### **Recommendation:**

5. IRCC should facilitate the use of interpreters supporting a person contacting the call centre.

## **C. Online fee payments**

Until recently people could pay fees due to IRCC at a bank and submit a proof of payment. However, IRCC has discontinued this option and now requires applicants to pay online by credit card or using limited bank debit options.

This has caused huge problems for many of our member organizations. Refugees often don't have a credit card, or if they do (or they buy a pre-paid credit card – only some of which work for IRCC's online fee payment), the limit is too low if they are paying for permanent residence fees for a whole family. Bank debit limits are also often set at too low a level for people who have recently arrived. At CCR meetings, member organizations have repeatedly raised this issue as a serious problem.

Some individuals and organizations have felt compelled to put the payments on their own credit cards, but (a) they quickly max out on their credit card, (b) it is not a good financial practice to have client immigration fees passing through the books of the organizations.

Some organizations are encouraging clients to try to find friends or acquaintances who have a sufficient limit on their credit card, but that is not a good solution. In any case, some people do not have anyone to turn to, especially if they are new in Canada.

CCR has raised this issue with IRCC but has not had a response that meaningfully addresses our concern. The situation continues to be raised by our members as extremely problematic.

### **Recommendation:**

6. IRCC should return to allowing applicants to pay their fees at a bank.

## **D. Fees for work permits: an example of confusion and lack of recourse**

Recently, IRCC added an extra fee of \$100 to some categories of persons applying for work permits within Canada (the Open Work Permit Holder fee, paid in addition to the work permit fee of \$155). Ever since, there has been contradictory information and practice as to whether refused refugee claimants have to pay this fee. Different answers are given at different times by IRCC officials or by the call centre. Some people have their

applications returned because they have not paid the \$100 fee. Other people who paid the \$100 have it refunded. People have raised these problems with the CCR as there is no recourse readily available.

### **E. One-size-fits-all forms**

IRCC has favoured one-size-fits-all forms that are often difficult to fill out for categories of applicants for whom the form was not designed.

As an example, an online application for a work permit requires that applicants provide the expiry date of their passport, which must be in the future. It has been reported to the CCR that refugee applicants, for whom the passport question is not applicable, are advised to enter a random future date. Otherwise they cannot validate the application form and must submit it by paper, which may result in a longer processing time.

### **F. Service standards**

The CCR welcomes IRCC's attention to service standards as a discipline to ensure timely processing, or at least monitor problematic areas where processing is taking too long. However, there are a number of categories where there are no service standards. We fear that the absence of standards means that those categories of people are neglected: there is no priority given to processing these files, no monitoring conducted or actions taken by IRCC if applications systematically take too long and no way for those affected to know at what point to worry that their file is lost.

The CCR recently encountered this issue with regard to One Year Window of Opportunity applications: these are spouses, partners or dependent children of refugees who have been resettled, where the family became separated. The "one year window" refers to the time family members have to file an application following the arrival in Canada of the resettled refugee. After members raised concerns about very long processing times in some of these cases, CCR asked IRCC for the statistics. The response we received was that "there are no set processing timelines to process OYW applications."

Similarly, there are no service standards for dependants abroad of refugees (DR2s) or of Live-in Caregivers. It is probably not a coincidence that these categories of applicants have some of the longest processing times of anyone.

We note that IRCC has also ceased publishing any statistics on processing times for dependants abroad of refugees (DR2s). Several years ago, IRCC (then CIC) removed DR2s from the categories of applicants for whom processing times were published on the department's website. For a while, the data were available at the government's Open Data website, albeit only published with some delay. However, starting in 2016, IRCC combined the lines for both refugees landed in Canada and their dependants abroad, in the data published.<sup>1</sup> It is therefore impossible to know how long it is taking IRCC to process DR2s. The same problem exists for Live-in Caregivers.

We are also concerned about the lack of service standards with respect to expiring medical and police clearances, where the delay is not the fault of the applicant. Not infrequently, applicants are forced to re-do

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<sup>1</sup> Technically, these lines have historically been combined, but it was previously possible to distinguish them because data specific to the International Region were available, effectively providing the DR2 statistics separately.

medical exams or police clearances, sometimes multiple times, even though they have complied with all the requirements imposed by the visa office. Re-doing the exams and clearances not only significantly lengthens the processing time, but also adds to the expenses for the applicants. The costs often include travel and accommodation expenses (for example, when the applicant has to travel right across the country, or even to another country, to be examined by a doctor approved by IRCC).

### **Recommendation**

7. IRCC should provide on its website processing times for DR2s and dependants abroad of Live-in Caregivers, as it does for other immigration categories.
8. IRCC should establish service standards for all categories of applicants.
9. IRCC should establish service standards in relation to expiring medical and police clearances, including potentially giving priority processing to applicants who are forced to re-do them, through no fault of their own.

### **G. Regional reporting of data on processing of applications**

IRCC has also ceased publishing statistics by visa office. It used to be possible to download from Open Data an interactive Excel chart which showed processing by visa office and by immigration category. These tables showed wide variation in processing times by region.

IRCC says that because it is now moving applications around its global network, data by visa office are no longer relevant.<sup>2</sup> However, some categories of applications, including refugees who need to be interviewed, are processed by a specific visa office. Furthermore, IRCC does publish rolling processing times by country on its own website.

Yet, on the Open Data website IRCC now only publishes global data, without any regional breakdown by immigration category.

Given our concerns about regional variations in processing times, and in particular the stark and problematic history of exceptionally slow times for applicants in Africa, the CCR is deeply concerned at the government's decision to cease publishing data broken down by visa office or otherwise by region. This decision is out of keeping with the government's commitment to transparency. It makes it impossible to track whether and by what extent processing times for applications vary by world region.

### **Recommendation:**

10. IRCC should respect principles of transparency and accountability by resuming publication of data on processing of applications broken down by category and visa office (or region).

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<sup>2</sup> <http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1185&top=3>

## H. Providing useful information on processing times

The application processing times available from IRCC's website are not helpful for current applicants. They are based on the processing times of applications in the preceding twelve month period. This is important information if you are monitoring and evaluating past performance, but not necessarily useful if you want to know future processing times, especially if IRCC has introduced changes affecting a particular category. CCR members spend a lot of time explaining to anxious applicants why they should not rely on these times as an indication of how long processing will take for current applications.

In keeping with the goals of modernization, we would encourage the government to develop more helpful tools to indicate current processing times.

## I. Modernization of manuals

Another troubling step away from transparency for CCR, its members and many others, is the decision by IRCC no longer to publish operational manuals in a PDF on their website. Under the rubric of "Modernized functional guidance for refugees", IRCC describes this as a "new web-friendly format."<sup>3</sup> Although this format may be "web-friendly" it is definitely user-unfriendly and a source of regular complaint. Since the information previously available in a single PDF is now spread over a series of web pages, it is no longer possible to download the whole manual for offline consultation, nor do quick searches of relevant terms to find specific information. The new "modernized" format is also bare-bones in terms of content; much has been removed. This is troubling because as the Supreme Court of Canada noted in *Agraira*, these operational manuals could give rise to legitimate expectations as to how applications will be processed and assessed. Taking away this transparency also takes away procedural fairness rights of applicants. CCR has raised this issue with IRCC but to no avail.

### Recommendation:

11. IRCC should restore the PDF versions of operational manuals.

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<sup>3</sup> <http://www.cic.gc.ca/english/resources/manuals/index.asp>

