



Conseil canadien pour les réfugiés  
Canadian Council for Refugees

# **RPD Virtual Hearing Monitoring Project: Report**

**4 October 2021**

**Table of contents**

1. Introduction.....3

2. Acknowledgements .....4

3. Research Methodology .....4

4. Profile of Participants .....5

5. Preparing for the Virtual Hearing.....6

    a. Information Collection and Preparation .....6

    b. Hearing Preparation.....6

    c. Technical Problems Prior to the Hearing .....7

    d. Concerns Prior to the Hearing.....8

6. Attending the Virtual Hearing .....8

    a. Location of the Hearing .....8

    b. Technical Problems During the Hearing.....9

    c. Participants at the Hearing.....10

7. Role of the Board Member .....11

8. Preferences for hearing format .....11

    a. Perspectives favouring a virtual hearing .....11

    b. Perspectives favouring an in-person hearing .....12

9. Key Takeaways from Refugee Claimants.....14

10. Input from Refugee Lawyers .....15

    a. About the Lawyers.....15

    b. Technical issues with Virtual Hearings .....15

    c. Effectiveness of communication.....16

    d. Location of clients.....17

    e. Confidentiality issues .....17

    f. Suitability of virtual hearing.....17

11. Recommendations.....20

Appendix A: Copy of Claimant Questionnaire .....23

Appendix B: Overview of Participants .....29

Appendix C: Copy of Lawyer Questionnaire.....31

## 1. Introduction

The Immigration and Refugee Board (IRB) is increasingly holding virtual refugee hearings at its Refugee Protection Division (RPD). The virtual hearings were first introduced on a large scale in the context of the COVID-19 pandemic.

The Canadian Council for Refugees (CCR) has long had concerns that videoconferencing may be problematic for claimants. The IRB is reporting that feedback on virtual hearings has been very positive. In light of the possibility that virtual refugee hearings will become the norm, the CCR, in consultation with its members, decided in the spring of 2021 to carry out research on the perspectives of refugee claimants on virtual hearings.

The goal of this Virtual Hearing Monitoring Project was to learn about the positive and negative aspects of virtual refugee hearings through interviews with refugee claimants, and to use the results to advocate to the IRB for best practices and principles for future virtual refugee hearings.

The responses and anecdotes gathered through the interviews are compiled in the report below. Because we are interested in identifying situations in which virtual hearings may be problematic, the report gives somewhat more emphasis to the negative experiences reported than the positive.

We note that there are important elements of context that need to be taken into account in interpreting the responses. For refugee claimants who have experienced trauma there are known neurological impacts,<sup>1</sup> which, combined with the isolating effect of the pandemic, may influence people's perspectives on virtual or in-person hearings, leading them to prefer to remain at home.

In addition, many claimants had been waiting for a long time for a refugee hearing, as a result of the accumulated backlog at the IRB, exacerbated by the cancellation of hearings at the beginning of the pandemic. As a result, many are anxious to have a hearing whatever the format, and welcome a virtual hearing because it is more immediately available.

---

<sup>1</sup> See Stephen W. Porges, *The Polyvagal Theory: Neurophysiological Foundations of Emotions, Attachment, Communication, and Self-regulation*, 2011. Porges' Polyvagal Theory identifies the social engagement system which determines a person's level of consciousness or wakefulness, provides flexibility in communication and regulates areas of the body used in social and environmental interaction (Pat Ogden, Kekuni Minton, Clare Pain *Trauma and the Body*, 2006). The dominance of the social engagement system is overridden under traumatic conditions. Put a different way, trauma replaces connection with protection and as a consequence the social engagement system of survivors of trauma is usually "dulled".

## 2. Acknowledgements

The CCR gratefully recognizes the generous participation of 60 refugee claimants in this research project. They shared their experiences with the virtual refugee hearing process, knowing that their participation could not have any impact on their own immigration outcomes, but hoping that it would contribute towards making hearings as fair as possible for future claimants.

The project would not have been possible without the significant support of the following organizations, which took the lead in recruiting and interviewing claimants:

- Matthew House Toronto, Toronto
- Vancouver Association for Survivors of Torture (VAST), Vancouver
- Kinbrace Community Society, Vancouver
- Edmonton Mennonite Centre for Newcomers (EMCN), Edmonton
- FCJ Refugee Centre, Toronto
- Refugee Law Office, Toronto

The CCR is very grateful for the enthusiasm and engagement offered by these organizations, and by their staff and volunteers, who conducted and interpreted interviews with refugee claimants.

The project was overseen by the following steering committee, made up of representatives of the lead organizations and other individuals: Anne Woolger (Matthew House Toronto), Mariana Martinez Vieyra (VAST), Edgar Valderrama Medina (FCJ Refugee Centre), and Anika Reynar (Romero House).

## 3. Research Methodology

60 semi-guided interviews were conducted in the summer of 2021. The semi-structured questionnaire used by interviewers included closed- and open-ended questions. The purpose of the flexible format was to obtain an unbiased and comprehensive account of remote refugee hearings. Please refer to Appendix A for the questionnaire.

Interview questions covered the process of preparing for the virtual refugee hearing, attending the hearing, and looking back on the hearing. Claimants were encouraged to elaborate on their perspectives, and to describe both positive and negative experiences in the virtual environment.

Those interviewed were not required to answer all questions. As a result, although 60 people were interviewed, there are not 60 responses to all questions.

Interviewers were directed *not* to ask claimants about the specifics of their refugee claims. Participants were told that they will remain anonymous, including country of origin and any other potentially identifying information.

The summary proceeds chronologically, in line with the stages of the virtual hearing process. The report highlights findings and extracts that seem to provide the clearest insights into the perspectives of claimants. Quotations from interviews have been lightly edited for readability. Pseudonyms have been used throughout.

## 4. Profile of Participants

The organizations listed above recruited participants by reaching out to refugees involved in their programs and services who had attended virtual refugee hearings. Interested refugee claimants scheduled interview times with employees and volunteers at the organizations. Interviews were conducted over the phone or virtually, after receiving consent from claimants. Most interviews lasted 25–40 minutes, with an average length of 35 minutes.

Of the individuals interviewed, approximately half identified as female, while the other half identified as male, and one identified as non-binary or preferred not to share. Most participants were between the ages of 31 and 50. Nine were 21–30 and four were 51–60.

Many of the interviewees were well or highly educated and/or spoke English or French to a reasonable level. There was strong representation of LGBTQI individuals. Several of the claimants were described as having survived torture or other serious trauma.

Most claimants attended their remote refugee hearings over 3 months before the interview, while others attended 2–3 months prior and even within the last 2 weeks. More than half attended hearings as the sole claimant. Remaining claimants attended with family members.

Those interviewed are located in BC, Alberta or Ontario. Many of them are located in or near to a major city. The responses therefore do not reflect the full diversity of perspectives based on location in Canada. In particular, there are particular challenges related to travel to hearings for refugee claimants who live at some distance from an IRB hearing room, which are not explored in this report.

All hearings were with the Refugee Protection Division. The questionnaire had been designed to work also for Pre-Removal Risk Assessment interviews, but none of the claimants interviewed were in the PRRA process.

It is important to emphasize that the participants do not necessarily represent all refugee claimants. Because individuals were recruited through community organizations, the sample is biased towards well-supported and well-represented claimants. 75% of participants had support from non-governmental organizations (NGOs) during the refugee claim process. Only one claimant – Afshin – was unrepresented before the IRB. Participants emphasized how much they relied on these social and support networks while navigating the remote environment. Further research should focus on the perspectives of unrepresented claimants and claimants without NGO relationships.

The participants were also overwhelmingly people who had had a positive decision on their refugee claim. Only two participants reported that they had received a negative decision (one other participant was from a family where the parents were accepted, but the children refused). Four were still waiting for a decision at the time of the interview. In two cases, it was not clear what the decision was. 52 respondents (87%) stated that they had received a positive decision, or it was implied by their comments. Additional interviews with people who have received a negative decision would contribute to a more complete picture of the impact of the virtual hearing.

An overview of general facts about participants can be found in Appendix B.

## 5. Preparing for the Virtual Hearing

### a. Information Collection and Preparation

Most claimants gathered information and prepared for their hearings through immigration lawyers and consultants, NGOs, mock hearings or practices and READY Tours. Claimants participated in the following NGO services and programs: VAST *Getting Through It: Weekly Psychosocial Support Group*, Matthew House *Refugee Hearing Program*, MOSAIC *I Belong Program*, Rainbow Refugee Vancouver, EMCN *Rainbow Refuge: LGBTQ Refugee Support & Welcome Network*.

*Raquel expressed that 10% of her preparation came from her lawyer, while 90% came from READY Tours. READY Tours gave her an opportunity to learn about the virtual hearing process and ask questions directly to IRB staff.*

Participants particularly valued speaking with refugee claimants who had already gone through their virtual hearings.

*Finn attended an LGBTQ+ newcomer information session with Rainbow Refuge. Some group members spoke about their experiences before the IRB. “It was helpful to hear what people went through and what to expect – especially about technical issues with virtual hearings.”*

As the table below indicates, only 15% of claimants found the IRB website useful to learn about the hearing process.

<b>How did you get information about and prepare for the hearing?</b> (respondents could provide multiple responses)		
Information from IRB website	9	15%
Information at READY Tour	27	45%
Information from lawyer or consultant	50	83%
Information from NGO	44	73%
Mock hearing/practice session	33	55%
Other	17	28%

### b. Hearing Preparation

More than half of the claimants participated in practice sessions with their lawyers, or in mock hearings through the Refugee Hearing Program at Matthew House. Hearing preparation and training helped claimants feel more comfortable. Participants encouraged future claimants to prepare as much as possible through “rehearsing online and in person,” “doing mock hearings in advance,” and “making themselves familiar with the Microsoft Teams platform.”

*Jax arrived in Canada alone and “was very anxious” prior to the hearing. “I didn’t have much information about the virtual hearing. It was something new to lawyers as well. The mock hearing and the preparation I did with my lawyer helped build my confidence.”*

*Jazelle shared that “the mock hearing from Matthew House was amazing and made [her] feel more comfortable. The real hearing was not that different from the mock.”*

*Said said his lawyer “was amazing to help prepare and supportive. The preparation was perfectly fit to prepare for the hearing.”*

Most participants were satisfied with their level of preparedness but were nevertheless interested in additional information about the technical aspects of virtual hearings.

### **c. Technical Problems Prior to the Hearing**

Nearly half of the claimants reported minor to major technical problems leading up to the hearing. Minor problems related to scheduling the hearing, receiving the hearing link, and submitting documents.

*Jax and Vera submitted documents through the designated IRB email address. The documents were “lost” and had to be resubmitted by the claimants.*

*Odile never received the link to her hearing – “my lawyer had to call three different numbers the day of the hearing” to resolve the issue.*

Major technical problems related to access to technology. Many interviewees were concerned that their internet connection would not be strong enough to support the virtual hearing. Some participants were able to schedule office space with NGOs or lawyers. Others found alternative solutions.

*Adriano’s lawyer told him that he could join the hearing from the IRB office, with the Board Member in another room. Vera was not aware that she could schedule facilities at an IRB office. She found public space with internet connection. Tadeo made ad hoc arrangements, relying on his cell phone and data plan in case he lost internet access.*

There were many participants who did not have suitable devices to support the virtual hearing. Please see below for the breakdown of devices used for the hearing.

<b>What device did you use for the hearing?</b> (58 responses)		
Laptop	45	78%
Desktop	6	10%
Smartphone	7	12%

Some claimants were able to borrow devices from their support networks, including NGOs, lawyers, friends, and neighbours.

*Anna, who realized that her laptop “could not host the hearing properly” after her mock hearing, borrowed her friend’s laptop for the real hearing. The same solution was problematic for Omo – “my friend’s name kept showing up on the laptop during the hearing, so I needed to switch to my phone” at the last minute.*

**d. Concerns Prior to the Hearing**

Most claimants reported feeling tense and anxious in the days leading up to the hearing. Nerves were heightened by the online format.

*After learning about technical problems experienced by peers in the newcomer information session, Finn was stressed about the virtual hearing, especially since his lawyer was not familiar with Microsoft Teams.*

*Sarita, Odile and Vera expressed similar concerns “because it was going to be online,” including “being alone in my place without the support of my lawyer in person,” and “being seen as not complying” because of problems with technology. Vera explained that “the scenario was high stakes, and I was concerned that I would not be able to connect, and because of that I’d be seen as not complying with what I agreed to, and then be deported and sent back. I was scared.”*

**6. Attending the Virtual Hearing**

**a. Location of the Hearing**

While “at home” was the most common location for virtual hearings, claimants connected from various locations such as their lawyer’s offices, temporary shelters for newcomers, co-working spaces, and IRB offices.

Where were you for the hearing?		
At your home	34	57%
At your lawyer’s office	19	32%
In a shared space	1	2%
Other	6	10%
Due to rounding, percentages total 101.		

Many participants felt very comfortable in their hearing locations, particularly those in private and personal spaces.

*According to Carlos, who attended his hearing with his wife and two daughters, “everything went well from home... we felt more safe, more comfortable in our own space. We did not have to feel anxious about leaving our own space, we knew it was private.”*

*Esperanza and her husband also felt at ease – “we were in our own space with our own stuff. This helped decrease stress and nervousness.”*

*Gigi was at an NGO – Rainbow Refugee. “RR gave me a comfortable private space and helped me get set up and feel relaxed. I would recommend this place to others. The people there were very calming while helping me set up. It was great.” The only challenge faced by Gigi was that she hadn’t confirmed the address in advance: “I got lost because I didn’t write down the correct building number and went to the wrong place and arrived 3 minutes late to my hearing. I had to run and it was stressful, but it wasn’t a problem.”*

Some claimants were troubled by their hearing spaces due to frequent disruptions, privacy concerns, and internet connectivity. However, they mostly did not raise specific concerns.

<b>Did you have any concerns about the space?</b>	
Lack of privacy	4
Children present	1
Too much noise	3
Other	7

The risk of claimants being disrupted during their remote hearings, or sensitive information being disclosed, is deeply problematic.

*Sanne shared many concerns – “I was worried about my neighbours being able to hear me, or that I would be asked sensitive information online, or that my internet wouldn’t be strong enough.”*

*Saad’s neighbours were playing loud music during his virtual hearing. He was distracted and distressed by the background noise.*

*Sarita lives with her brother, who is “only kind of supportive of her LGBTQ+ identity.” This made her more anxious, as he was in the room next door during her hearing.*

## **b. Technical Problems During the Hearing**

Nearly half of the participants experienced technical issues during the hearing, ranging from trouble signing into the hearing, to video cutting out towards the end of the meeting.

*Dahl “was not used to laptops and computers” and required assistance setting up the hearing on his device. Emily, Sanne and Hamza also had issues connecting to Microsoft Teams, resulting in significant delays.*

*Gary, Odile and Finn had to speak loudly and repeat themselves frequently due to internet and audio instability. Finn missed important elements of the hearing because “the connection was breaking up and audio was not clear.”*

Some claimants recalled technical problems experienced by their lawyer, interpreter and even Board Member.

*Tadeo’s lawyer had “many internet issues” – “we had to pause the hearing several times.” “Technical problems on the IRB side” delayed Jax’s hearing.*

### c. Participants at the Hearing

Two-thirds of claimants had an interpreter present at the virtual hearing. Experiences with virtual interpretation were largely positive, so long as the interpreter was visible by video, and arrived on time.

*Finn commented that his interpreter connected by phone – “it was tricky only on phone... the interpreter was lagging behind and interpreted incorrectly.” Gary’s interpreter did not use his camera either – “he had connection problems. I could not see his face, and there were noises in the background.”*

*Marine felt that coordination with her interpreter was poor – “she showed up late and had connection issues throughout, and I did not feel like it was private on her end. The IRB should coordinate with the interpreter, and others, and have them on before they bring the claimant and the lawyer into the virtual room.”*

Less than half of the claimants were in the same location as their lawyer or consultant during the hearing. Despite the physical distance, interviewees were mostly satisfied with their support.

*Roman’s lawyer suggested having the Teams application on his phone just in case and provided step-by-step information on how to log into the virtual hearing. Aria felt reassured by her lawyer’s experience with the virtual hearing format – “there were no technical issues because my lawyer had done other virtual hearings before mine.”*

*Finn’s lawyer, by contrast, did not know how to use Microsoft Teams. Finn suggested that “the IRB should get in touch with lawyers to train them on Microsoft Teams so they can teach clients and take away confusion on the day of the hearing.”*

Only four claimants had an observer or support person present during the hearing. Observers were either in the same room as the claimant (off-camera) or on their own device. Nine other claimants indicated that they would have liked to have someone present.

*For Sanne, the virtual format impacted her ability to have her partner there for support. “My partner’s internet isn’t always working, and the background is noisy. It would have added another layer of uncertainty online whereas in person they are just there, present and quiet.” For other claimants, like Odile and Simon, no one told them about the support person option.*

One claimant had expected, and would have liked, to have an NGO observer present but she was in a different room and did not enter the meeting – the claimant never found out why.

## 7. Role of the Board Member

All interviewees were able to see and hear the presiding Board Member clearly during the virtual hearing. However, several claimants commented that the Board Member was typing and writing for most of the hearing.

*Larisa reflected on her Board Member as follows – “she informed me before we started the hearing that she would be disrupted because she was using two computers to review my documents. She apologized if it seemed like she was not paying attention at times.”*

Claimants appreciated candid and “humanizing” communication from the Board Member.

*Juliana shared that her Board Member went out of her way to make her feel comfortable since they were not together in person.*

*Tadeo’s Board Member was “very empathetic and very calm” – “he was very understanding about my lawyer’s internet connection issues.”*

*Jorge felt nerves at the beginning of the hearing “but the Board Member helped to calm them down because they were assuring them of the process and how the hearing would be conducted. The Board Member helped him to relax because he felt that they were listening to him and understanding him well.”*

## 8. Preferences for hearing format

In response to the question “if you could do it again, which hearing format do you think you would prefer?”, 78% of those who answered said that they would prefer a virtual format, 22% in person.

Some respondents did not express a preference for a virtual or in-person hearing:

*Carlos said: “To be honest, the format did not matter to us. By that point, the only important thing was to have a hearing.”*

As noted above, most people interviewed had received a positive decision – we are left to wonder if people who had received a negative decision might have had a different view on the hearing format. Follow up research on this question would be useful.

### a. Perspectives favouring a virtual hearing

Most claimants felt that they were given the opportunity to make their case during their virtual hearing. Nearly all interviewees also felt they were treated fairly and respectfully throughout the process.

*Afshin advocated strongly for the new model – “please keep the virtual hearing as it is less stressful for everyone.”*

*Wolverine explained “I think that the format that allowed us to be at home is the best thing that could have happened. I felt very comfortable. It was intimate. There were no interruptions. It was very peaceful.”*

Some claimants reported that they liked the virtual hearing because it was “very convenient,” “calming and peaceful,” “comfortable,” and “less formal and intimidating.” This lack of formality was important for many participants.

*Salma shared that she would feel “very uncomfortable going into court.” Aria was grateful to be in familiar space with her lawyer – “in person would have been so scary. Seeing the judges in suits would be so overwhelming.”*

## **b. Perspectives favouring an in-person hearing**

Some respondents wished they had been given the opportunity to attend their hearing in person.

*Gary fled discrimination in his home country due to his HIV+ condition. He copes with PTSD and anxiety and was very nervous during the virtual hearing. He “would choose in person 100%. Verbal and non-verbal language is completely different in person than in the virtual format.”*

*James shared that “eye is where the word is, meaning that personal contact, eye contact and being there physically, is better than online communication.”*

*Odile felt that “in person is easier to express yourself... something this serious would be better face-to-face.”*

*Adriano had a bench positive but said he would have like to have the hearing in person: “Always better in person. Imagine if I had not had my lawyer and you [NGO support] - I have seen other claimants with lawyers who did not help this way”.*

Some claimants disliked the online environment due to additional stressors and technical problems.

*Anna had received a positive decision after a quick hearing, but still said she would have preferred an in-person hearing. “Everybody is different. Everyone has a different level of comfort. Not everyone is technologically inclined. Some people may not be confident in a virtual situation. If I had not had the preparation hearing I would have gone to my hearing with a laptop that hadn't worked properly and could not have done my hearing well. Not everyone has the opportunity of a mock hearing that they could realize like I did ahead of time.”*

*Vera, who had not been represented at her hearing, had not yet received a decision, 2-3 months after the hearing, and was very anxious about getting the decision. She would prefer an in-person hearing: “The amount of things that can go wrong with the internet, and with the hearing being so early in the morning. I was in the room at the time we specified, but the person at the IT registry was a little bit late, so I was calling the IT support and nobody was picking up. I was getting scared and concerned, I was afraid I'd be held responsible because the person was on the other end of the line.” (She was unaware that there was an*

*option “to schedule the facilities at the IRB office to be allowed to connect to hearing that way. I booked a conference room at a co-working space, which improved quality of connection to be heard.”)*

Some participants preferred the virtual format for themselves but felt that it was not appropriate for all, or was only workable if you had good support.

*University professor Roberto was familiar with online teaching – “the technology wasn’t stressful for me, but I know it can be for some people.”*

*Resilience would only choose virtual again “if she could count on all the support she counted on” from her lawyer and NGO newcomer group.*

*Josef attended the hearing with her husband and daughter. She reflected on the experience as follows: “I liked virtual because it made me feel comfortable but also I was grateful that I had strong internet connection and my lawyer set everything up for me. I think the person should have the option to choose virtual or in-person. I understand why some people would want in-person but also why many would want online.”*

## 9. Key Takeaways from Refugee Claimants

A majority of claimants who responded indicated a preference for virtual hearings. On the other hand, a significant proportion (22%) said that they would prefer an in-person hearing. Among the key concerns for the latter group were the stress related to hearing location and technology, technical difficulties (including their impact on communication), lack of privacy, external distractions, communication (especially the importance of face-to-face communication) and access to support from counsel. These concerns point strongly to the importance of maintaining an option for in-person hearings, at the claimant's choice.

The IRB has made it clear that “for the foreseeable future and until further notice, hearings will continue to be held remotely.”<sup>2</sup> It is important that the experiences and perspectives of refugee claimants inform this sweeping change.

Access to technology is one critical concern for claimants. Many refugees may lack adequate internet access. Others may not have access to electronic devices with audio and video features. The Board, alongside lawyers, consultants, and NGOs, help minimize the technology gap. Claimants need to have access to adequate technology prior to the virtual hearing to familiarize themselves with digital communication and the Microsoft Teams platform.

Another source of stress for refugee claimants is access to private space for the duration of the remote hearing. While some refugees are able to participate virtually from an IRB office in the absence of adequate hearing space and internet connection, others are unaware of this option.

Technical problems are inevitable under the remote-only hearings model. Technical problems add an additional layer of complexity to the refugee protection hearing – and an additional layer of stress. Refugee claimants sometimes fear that they may be penalized in the event of technological setbacks. Claimants do not always feel that IT assistance is readily available during the hearing.

---

<sup>2</sup> Remote-only hearings to continue until further notice: <https://irb-cisr.gc.ca/en/news/2021/Pages/remote-only-hearings-continue-until-further-notice.aspx>

## 10. Input from Refugee Lawyers

The CCR reached out to refugee lawyers to gather additional perspectives on the virtual hearing format. Refugee lawyers were asked to respond to an online questionnaire (see Appendix C).

### a. About the Lawyers

30 lawyers responded to the survey. Most were located in the Greater Toronto Area or Montreal, but there were also respondents located in Vancouver, Quebec City, Ottawa, Calgary and Edmonton. In most cases, they had participated in hearings with members located not just in their own region but also in other regions.

3 lawyers reported having participated in over 75 hearings, while 13 were involved in 10 or fewer. The rest fell somewhere in the middle of these numbers of hearings.

In addition, one NGO worker, who has attended virtual hearings as a Designated Representative and spoken with refugee claimants about their experiences, contributed observations, which have been integrated into the comments below.

### b. Technical issues with Virtual Hearings

How would you rate communication from the IRB about technical aspects in advance of the hearing?	
Excellent	15
Good	11
Mixed	4

Among the problems cited:

- Issues with the distribution of the “consolidated list of documents” and the Microsoft Teams link
- “Often they don’t give us the list of documents on record before the hearings and sometimes they just flash the list of documents on the screen... it should always be shared and not just glanced at”
- “Twice I did not receive the MS Teams link and had to request it 2 days prior to the hearing”
- “Microsoft Teams can be a difficult platform for claimants to use. It is not as user friendly as Zoom for instance, and requires a lot of battery for the computer or device to run.”

Have you had success reaching the telephone number given by the IRB in case of problems?	
Yes	14
No	8
Sometimes	4
No response	4

How often do you run into technical problems?	
Often	3
Sometimes	20
Never	7

Most respondents (77%) said that they must often or sometimes support their clients in accessing a device or knowing how to use it.

Several respondents reported that phones were among the devices typically used by their clients. This could be a concern: “smaller devices do not operate in the same way and there can be many more problems with being able to see all the participants, see any documents being shared on the screen, and with staying connected to the meeting for the duration of the hearing.” In addition, a respondent reported that if they toggle away from the program, they lose connection to the Teams meeting (in fact, it seems that it may be put on hold).

**c. Effectiveness of communication**

Just over half of respondents have no concerns about whether everyone can see and understand each other in the virtual format. At the opposite end, two respondents had serious concerns, while the rest were somewhere in the middle.

Most respondents have run into minor (63%) or major (17%) problems during virtual hearings.

- Poor audio and video quality and poor internet connection (most often for claimant or interpreter)
  - Audio and video quality are only “somewhat” satisfactory (27% and 20% respectively)
  - One lawyer who has participated in over 100 virtual hearings spoke of “perte de connexion, problème d’audio, gèle du camera... normalement les problèmes sont résolus mais on perd beaucoup de temps”
- Around half have difficulty picking up on body language and non-verbal cues in the virtual format
  - On the one hand: “This way to hold hearings for refugee asylum reasons is detrimental to body language” and “An in-person testimony is quite different from a virtual testimony. The human aspect is lacking, the non-verbal cues are not read properly, and there is reduced empathy on the member’s part when one cannot express themselves with feeling about what they endured. The whole process becomes very mechanical”
  - On the other hand: “In some ways the visuals are superior to in-person hearings, as all parties can see each other’s faces close up”

With respect to interpreters, about a quarter of respondents reported difficulties for the claimant and interpreter to understand each other, while a third identified possible issues of misinterpretation. Specific issues noted were when interpreters called in, rather than joining through Teams, and people speaking over each other.

#### **d. Location of clients**

Respondents were asked where their clients typically join the hearing from (they could give more than one answer).

Most clients join the hearing from their home (80% of respondents) or from the lawyer's office (33% of respondents). A couple had had clients join from an NGO or refugee shelter. Only 4 respondents said that they were typically at the same location as their clients.

Concerns with location included:

- The lack of privacy, reduced formality, presence of children and excess noise
- “Many claimants don't have the internet connection or private space to do this and counsel ends up with the added job of 'hearing host.' IRB should make ample space for people who don't have good private computer access.”

Most respondents felt that they were able to consult with clients during their hearings, but 36% felt that they were unable or only partially able to do so.

#### **e. Confidentiality issues**

Most respondents had little concern about confidentiality or privacy, but 8 had some or serious concerns.

- “When the clients are home, I am not sure who else is around and who else could be listening to their testimony, and that could impact what they share with the member.”
- “While I enjoy virtual hearings I still believe that they should not replace the in-person hearings. The main reason is because I do not believe that confidentiality is guaranteed. Many refugee claimants are fleeing their countries because of persecution (often the government) and threats from powerful groups (organized crime) all powerful and capable to have access to the rapid and latest technology and to use it to their convenience.”
- “I was in a hearing where there was Minister's Counsel intervention - it was mentioned by the Member multiple times during breaks that counsel and claimant should mute themselves while conversing, but it was still a worrying possibility that they would forget and be overheard by the Minister's Counsel while discussing private matters.”

#### **f. Suitability of virtual hearing**

Over 80% of lawyers surveyed feel they can properly make their case in the virtual environment.

##### **Types of cases that work well with a virtual hearing**

Some respondents felt that virtual hearings work well for all or almost all clients, but others identified more limited categories that they thought were suited to a virtual hearing:

- Short or simple hearings
- Cases with no serious credibility issues

- “Vulnerable persons, as they feel more comfortable either in my office or their own home rather than in the RPD building. Several have expressed to me that the somewhat less formal atmosphere helped them to relax.” Another respondent: “My vulnerable clients LOVE virtual hearings.” (Other respondents took the opposite position – see below)
- Relatively straightforward cases, no children, no major mental health issues
- Claimants who are familiar with the technology (often younger)
- Clients who have computers
- Cases with few parties, no witnesses (calling witnesses can be challenging virtually)
- Clients whose thoughts are organized, who understand the whole refugee claim process (including from a legal point of view)

### **Type of cases that don’t work well with a virtual hearing**

A couple of respondents felt that refugee claim hearings should not be virtual: “A refugee needs to be in front of a member, and the member needs to hear them and see them in person, feel what they are feeling and get the vibes from their testimony. Virtual hearings are dry, mechanical, and devoid of the human element.”

Other respondents identified categories which they felt were ill-adapted to a virtual hearing:

- Cases with multiple claimants (including joined claims) and counsel (especially if Minister is intervening)
- Older people
- Clients who don’t have computers or are not technologically savvy
- People with complex cases (they have less of an ability to form a connection with the member)
- Vulnerable claimants, claimants who are experiencing a great deal of stress, anxiety and claimants with mental illness
- Cases where the testimony is technical (due to the claimant’s job or the context of their problems)
- With an interpreter it is marginally more difficult but not impossible to overcome
- Clients moins structurés ou qui souffrent de déficit d’attention de compréhension ou de conséquences liées aux problèmes subis dans leurs pays de citoyenneté
- Cases involving exclusion or an intervention by the Minister

One respondent suggested that individuals be given the choice whether to participate in a virtual or in-person hearing.

Where lawyers requested an in-person hearing, the results were mixed. Some reported that it was always refused, while a couple had seen in-person hearings granted for clients with mental health issues (and another where the client lacked the technical capacity).

### **Additional comments**

- Several respondents commented that there was reduced formality in virtual hearings, which make them less intimidating for claimants. “I think they testify better in a virtual hearing because they are less nervous.” “There is an intimacy about virtual hearings that can be lacking with in-person hearings. As counsel, it allows me to ‘read’ the Member more effectively.”

- Another respondent took a contrasting view: “Avec les audiences virtuelles la qualité des audiences n’est plus la même...il y a de grandes pertes au niveau de l’appréciation des témoignages, de la conception et la compréhension des questions/des réponses, de la concentration....les audiences en salle apporte un certain formalisme, à mes yeux nécessaire.”
- Lack of support during virtual hearings was a concern: “Refugee claimants are very nervous on the date of the hearing and they are in much need of the support of their lawyer with whom they have developed trust and a lawyer-client relationship. The in-person hearing keeps them physically together, side-by-side at all times during the hearing. The virtual hearing does not allow this.”
- “IRB Members should be trained to consider any disadvantages that claimants may face because of the format.”
- Poor access to technology: “La majorité de mes clients n’ont soit pas d’internet ou pas d’ordinateur à la maison. Certains ne savent même pas comment utiliser un ordinateur. Plusieurs de mes dossiers sont en attente pour une audience en personne.”
- There is a contradiction in the IRB refusing to hold in-person hearings due to COVID but then pressuring lawyers to organize for several people to come to their office and sit together in a small room, when clients don’t have the technology.
- Diffusion of responsibility on to claimants and lawyers: the IRB is expecting the lawyer to take care of ensuring their client’s technical participation in the virtual hearing (providing a computer, sorting out technical challenges). “Avec le nouveau système d’audience virtuelle, la SPR met une pression incroyable sur les avocats afin que ceux-ci s’assurent que leurs clients aient un ordinateur, que l’application Teams fonctionne, qu’ils soient disponibles rapidement à fixer une date, que les enfants ne fassent pas de bruit, que tout fonctionne bien. Un commissaire m’a même dit que c’était ma responsabilité de m’assurer que mon client soit prêt à procéder quand mon client a eu du mal à se connecter. La ligne d’aide technique ne fonctionne pas car la majorité des demandeurs d’asile ne parlent pas français-anglais donc ils ne peuvent pas appeler pour demander de l’aide.”
- The IRB should provide support with the technology for claimants who need it, including access to a computer.
- In some cases, the Member at a virtual hearing did not have earlier disclosures (especially if they were submitted in paper before the pandemic).

## 11. Recommendations

In light of the findings of the report, and taking into consideration also the experiences on the ground of our members, the CCR has formulated a number of recommendations.

### Further research needed

We recognize that the sample in our study is not representative, and that specific issues relating to the current context mean that realities are likely to evolve over time. We therefore note the need for further and ongoing research.

- Continue to research perspectives of claimants in virtual hearings, particularly people who are unrepresented, unsupported by NGOs/lawyers or have counsel that offer limited support. Attention should also be given to claimants who have received negative decisions.
- The IRB should continue to accommodate feedback from external sources, including the CCR. It may be useful to consider a regular (perhaps quarterly) check-in to receive feedback based on experiences with virtual hearings.
- Research should also be considered on how the virtual format shapes Board Members' experiences and performance.<sup>3</sup> Do Members perceive and respond to trauma differently when presented in a hearing room versus in a square box on a screen? Does the format have an impact on how implicit bias factors into the decision-making process? What is the impact of seeing people in a small picture only, rather than the whole body? How will Board Members adapt to the format and behave over the longer term? (We note that many respondents spoke favourably of the Member's attentiveness – will this be maintained, or might it wane as the virtual format becomes routinized and Members become desensitized and fatigued by the format?) Implications for training may follow from such research.
- The IRB should keep comparative statistics on hearings virtual versus in-person, including by country of origin, region in Canada and results. Reports should be presented regularly, including identification of trends.

### Recommendations to the IRB

#### In-person versus virtual hearings

- **Give claimants the option to choose a virtual or in-person hearing.** (We note that the survey suggests that many claimants may opt for virtual hearings, so it may well be possible to give claimants an open choice, and still have a significant number of virtual hearings, if that is the IRB's preference.)
- **Options need to be clearly presented to claimants and an open choice offered.**

---

<sup>3</sup> See Ciaunica, A., McEllin, L., Kiverstein, J., Gallese, V., Hohwy, J., & Wozniak, M. (2021, September 21). Zoomed out? Depersonalization is Related to Increased Digital Media Use During the COVID-19 Pandemic Lockdown. <https://psyarxiv.com/8jver>, and Bailenson, J. N. (2021). Nonverbal Overload: A Theoretical Argument for the Causes of Zoom Fatigue. *Technology, Mind, and Behavior*, 2(1). <https://tmb.apaopen.org/pub/nonverbal-overload/release/2>

- At a minimum, in-person hearings should be granted where the case is made, or a preference expressed.
- Unrepresented claimants should be scheduled for in-person hearings (unless they prefer a virtual hearing). There may be other categories for whom the default should be an in-person hearing (such as people living with disability and the elderly).

### **Technological assistance in virtual hearings**

- The IRB should acknowledge a greater responsibility to support claimants in participating fully and safely in virtual hearings. The burden should not be put on lawyers or NGOs. We note that people appearing before the RPD are very nervous about things going wrong – it is not enough to tell them that it won't affect them negatively if there are technical issues – anxiety levels may remain high. There may also be subconscious impacts on the way the Member perceives the claimant or their lawyer if there are technical problems.
- More IT support should be offered by the IRB, including prior to hearing. Better access should be available to IRB assistance for technical issues, not limited to English-French, prior and during the hearing.
- The IRB should routinely arrange a practice session with claimants in advance of the hearing to check that they can open Microsoft Teams, have the bandwidth and are comfortable with the format.
- The IRB should facilitate full access to a space and computer at the IRB for anyone who does not have a computer, good internet access and a private room, or cannot easily go to their lawyer's office. (The IRB currently mentions it as an option, but it is not readily accessible and claimants are often unaware of the option).
- The IRB should consider supporting NGOs to offer a space and computer for claimants to safely do their hearing. This may be particularly relevant in locations further from IRB hearing rooms and for claimants who are unrepresented or represented by a lawyer who is not able to offer much support.
- Smart phones should not be allowed. (There are too many issues with a smart phone – claimants can't see everyone at once, can't readily read documents, might be receiving calls or notifications on their phone.)
- The IRB should provide training and practice on Microsoft Teams for interpreters and lawyers who have not yet participated in an IRB virtual hearing.
- The IRB virtual hearing guide should be made more accessible (it is not that easy to find on the website) and should be translated into more languages.

### **Board Members**

- Board Members should receive ongoing training on access to justice issues in the virtual format. We note that it makes a big difference to claimants when Board Members are sensitive and attentive – there is a concern that once virtual hearing are no longer seen as new, and following sustained exposure to the virtual environment, there will be desensitization and this attentiveness will be lost.

### **Interpreters**

- Interpreters should be required to participate by computer, in a private and secure location.

- Interpreters should be required to have cameras on, unless the claimant requests to have them in audio only.

### **Recommendations to lawyers**

- Offer claimants full information on choices with regards to their hearing format (in-person versus virtual, going to IRB space for virtual hearing).
- Ask clients about their needs and desires on the hearing format - don't assume you know what would be in their best interests.
- Support claimants in preparation for hearing (including referring them to Ready Tour and/or mock hearings).

### **Recommendations to NGOs**

- Consider offering a secure and private space, with computer, for claimants to use to participate in virtual hearings.
- Provide support to claimants preparing for hearings, taking into account the input from claimants in this report on how they benefitted from NGO support.

## Appendix A: Copy of Claimant Questionnaire

### Interviewer information

s1. Name of interviewer

2. Email of interviewer

*(The above is confidential and for contact purposes only – for example, so we can send you a copy of the final report.)*

### About the claimant

3. Age

-20

21-30

31-40

41-50

51-60

61+

4. Gender

Male

Female

Other

5. Applicant's name

6. City *(Current city of residence.)*

7. Fictional name (optional) *(Would you like to suggest a fictional first name for yourself to use in the report?)*

8. Profile and background information

*(As the interviewer, please take a moment before or after the interview to provide any additional information you may have about the participant as it relates to diversity factors like country of origin, level of education, socioeconomic and lifestyle conditions, language abilities, and physical and mental abilities. If you do not know or gather this information during the interview, please do not worry or ask about them directly. Answer this question to the extent that you are able.)*

### Consent

9. Participant has consented to interview for use in CCR report?

Yes

No

### About the hearing

10. Was this a hearing with the IRB (Refugee Protection Division) or a PRRA hearing?

IRB

PRRA

11. Was the hearing just for you or also for family members?

Just me With family members

12. If a family group, which family members attended the hearing with you?

13. How long ago was the hearing?

Within last 2 weeks                      3-4 weeks ago                      2-3 months ago

More than 3 months ago

14. Who was present at the hearing? (Select all that apply.)

Lawyer or immigration consultant                      Interpreter

Minister's representative                      Witness

Observer (e.g. support person for claimant or UNHCR representative)

15. How long was the hearing?

16. Did it take place in one single session? Or over multiple days?

Single session                      Multiple days

### **Preparation for the hearing**

17. How did you get information about and prepare for the hearing? (Select all that apply.)

Information from IRB website                      Information at READY Tour

Information from lawyer or consultant                      Information from NGO

Mock hearing/practice session                      Other (please specify)

18. Is there anything you wish you had done, or had known, before your hearing to help you feel more prepared?

Yes (please specify)                      Unsure                      No

21. How were the technical preparations for the hearing (like scheduling, identifying a device to use to connect to the hearing, and submitting documents)?

No problems and difficulties                      Few problems and difficulties

Many problems and difficulties (please elaborate below)

22. In the days leading up to the hearing, how were you feeling? What were your main concerns?

## Perceptions of the hearing

*Ask the person to look back on and describe their experience of the hearing. Indicate that it is not expected, necessary and/or even recommended for them to tell us about their claim, and that we are interested in their experience of the virtual hearing format. Reassure them that their input is relevant and can make a difference moving forward. The person may be comfortable giving a full account of their experience, and the following questions can be used as a checklist for the interviewer to see if everything has been covered. Alternatively, the person may prefer to answer specific questions. If the interview seems to lose focus, we suggest that you follow the questions as guidance, and redirect the exchange to the issues explored through these questions.*

23. Where were you for the hearing?

At your home      At your lawyer's office      At a public place      In a shared space  
Other (please specify below)

24. Did you have any concerns about the space? (Select all that apply.)

Lack of privacy      Children present      Too much noise      Other (please specify below)

25. What device were you using?

Laptop      Desktop      Tablet      Smartphone

26. Did you have any technical issues? (*For example, connection lost, audio/microphone issues, video delay.*)

Some minor issues      Some major issues      No issues

*Tell us about the issues, if any. What happened? How were they dealt with? What impact did they have on your experience during the hearing?*

27. Using this device, did you feel you could understand and be understood during the hearing?

Yes, very well      Mostly yes      Somewhat      Mostly no      Not at all

28. Were you able to see everyone present on your screen at one time?

Yes      No      Unsure

29. Were you given information on everyone's whereabouts to reassure you about confidentiality?

Yes      No      Unsure

## Interpreter

30. Was there an interpreter?

Yes      No

31. Could you see and/or hear the interpreter clearly?

Yes                      Somewhat                      No

33. Were you satisfied with how the interpreter helped you understand and be understood?

Yes                      Somewhat                      No

**Your lawyer/consultant**

34. Were you in the same location as your lawyer/consultant?

Yes                      No

35. Did you and your lawyer/consultant talk to each other during the hearing? *(For example, during a break.)*

Yes                      No

36. If yes, how did you communicate with each other?

37. Were you satisfied with how your lawyer/consultant was able to support you during the hearing?

Yes                      Somewhat                      No

**Board Member**

*If it was a PRRA hearing, the questions below refer to the IRCC official, rather than the IRB Board Member.*

38. Could you see and/or hear the Board Member clearly?

Yes                      No                      Somewhat

39. What was your impression of the Board Member? How was your interaction with the Member?

40. How did you find the Board Member's non-verbal communication?

*(For example, eye contact, expressions, gestures, tone of voice, speech rate.)*

41. Were you satisfied that you and the Board Member were able to understand each other well?

Yes                      Somewhat                      No (please elaborate any problems below)

42. Overall, what did you like or not like about how the Member ran the hearing?

**Minister's representative**

43. How did the Minister's representative (or government representative) participate in the hearing?

44. Did you feel that you could understand the Minister's representative and respond to their comments?

Yes                      Somewhat                      No (please elaborate any problems below)

### **Observer**

45. Leading up to the hearing, were you told that you could have an observer and/or support person?

Yes                      No                      Unsure

46. If present, where was the observer located and how did they connect to the hearing?

47. If an observer was present as a support person, did you find their presence helpful to you?

48. Did the virtual hearing format impact your ability or inability to have a support person present?

Yes                      Somewhat                      No

49. If yes, would you have liked to have someone present?

Yes                      No

50. If yes, what would have made this possible? (For example, the ability to have an observer connect from a different location, a larger space to hold the hearing – like a lawyer's office.)

50a. Was anyone else present at the virtual hearing (e.g. UNHCR representative, witness)? Do you have any comments about their presence?

### **Experience of virtual hearing**

51. As you recap the experience of your virtual hearing, do you feel that you were well-prepared?

Yes                      Somewhat                      No

52. Overall, do you feel you had a full opportunity to explain your case at the hearing?

Yes                      Somewhat                      No

52a. Overall, do you feel that you were treated respectfully by all parties and that the hearing process was carried out fairly?

Yes                      Somewhat                      No

53. Thinking back, and setting aside the final decision, how were you feeling during the hearing?

Not nervous at all                      Somewhat nervous                      Very nervous

54. What helped ease your nerves, and what did not?

55. Do you have any other comments on the virtual hearing?

*This is an opportunity for you to add anything we may not have addressed yet.*

**After the hearing**

56. If you received a decision, when did you get it? What did you do next?

57. How did you feel immediately after the hearing?

58. Finally, if you could do it again, which hearing format do you think you would prefer?

In person

Virtual

59. Why would you prefer this hearing format?

**Post-interview (for interviewer)**

60. How long did it take to complete the interview?

*(From start to finish.)*

61. Do you have any feedback on the interview questions included in this questionnaire?

62. Do you have any suggestions for improving this interview guide?

## Appendix B: Overview of Participants

Pseudonym	Location	Age	Gender	Hearing Date	Claim	Lawyer	NGO Support
Jenn	Toronto	31-40	Female	3 months +	Independent	Yes	Yes
Tadeo	Mississauga	31-40	Male	3 months +	Independent	Yes	Yes
Philip	Markham	31-40	Male	3 months +	Independent	Yes	Yes
Juliana	Mississauga	31-40	Female	3 months +	Family	Yes	Yes
Joanna	Mississauga	41-50	Female	3 months +	Independent	Yes	Yes
Larisa	Toronto	31-40	Female	3 months +	Independent	Yes	Yes
Egan	Sudbury		Male	3 months +	Family	Yes	Yes
Anna	Toronto	21-30	Female	3 months +	Independent	Yes	Yes
Bram	Toronto	51-60	Male	3 months +	Family	Yes	Yes
Eliana	Brampton	31-40	Female	3 months +	Family	Yes	Yes
Wolverine	Vancouver	41-50	Male	3 months +	Family	Yes	No
Daniel	Vancouver	21-30	Male	3 months +	Independent	Yes	No
Esperanza	Vancouver	31-40	Female	3 months +	Family	Yes	Yes
Vera	Calgary	31-40	Female	2-3 months	Family	Yes	No
Mskibe	Surrey	41-50	Female	2 weeks	Independent	Yes	Yes
Resilience	Surrey	41-50	Female	2 weeks	Independent	Yes	Yes
Ava	Coquitlam	41-50	Female	2-3 months	Family	Yes	No
Jazelle	Toronto	31-40	Female	2-3 months	Independent	Yes	Yes
Adriano	Vancouver	51-60	Male	3 months +	Independent	Yes	Yes
Aria	North York	21-30	Female	3 months +	Independent	Yes	Yes
Mia	Coquitlam	51-60	Female	3 months +	Family	Yes	Yes
Carlos	Toronto	41-50	Male	2-3 months	Family	Yes	No
Ari	Vancouver	41-50	Male	2-3 months	Family	Yes	Yes
Gianna	Vancouver	41-50	Female	3 months +	Family	Yes	Yes
Vidoun	Toronto	41-50	Female	3 months +	Family	Yes	Yes
Ali	Brampton	41-50	Male	3 months +	Family	Yes	Yes
Josef	Brampton	31-40	Female	3 months +	Family	Yes	Yes
Ohan	North York	31-40	Male	3 months +	Independent	Yes	Yes
Jax	Toronto	31-40	Male	3 months +	Independent	Yes	Yes
Dahl	Toronto	51-60	Male	3 months +	Independent	Yes	Yes
Seph	Scarborough	41-50	Male	3 months +	Family	Yes	Yes
Alex	Maple Ridge	21-30	Female	3-4 weeks	Independent	Yes	Yes
Saad	Vancouver	31-40	Male	2-3 months	Independent	Yes	Yes

<b>Sarita</b>	Edmonton	21-30	Female	3 months +	Independent	Yes	Yes
<b>Afshin</b>	Edmonton	21-30	Male	2-3 months	Independent	No	Yes
<b>Finn</b>	Edmonton	31-40	Male	3 months +	Independent	Yes	Yes
<b>Abe</b>	Vancouver	41-50	Male	3 months +	Independent	Yes	No
<b>Marine</b>	New Market	31-40	Female	3 months +	Independent	Yes	Yes
<b>Hamza</b>	Linton	41-50	Male	3 months +	Family	Yes	Yes
<b>Odile</b>	Edmonton	31-40	Female	2 weeks	Independent	Yes	No
<b>Omo</b>	Toronto	31-40	Female	3 months +	Independent	Yes	Yes
<b>James</b>	Toronto	41-50	Male	3 months +	Family	Yes	Yes
<b>Raquel</b>	Vancouver	31-40	Female	2-3 months	Family	Yes	No
<b>Simon</b>	Edmonton	21-30	Male	3 months +	Independent	Yes	Yes
<b>Ludo</b>	Edmonton	31-40	Male	3 months +	Independent	Yes	Yes
<b>Aiden</b>	Edmonton	31-40	Other	3 months +	Independent	Yes	Yes
<b>Roman</b>	Edmonton	31-40	Male	2-3 months	Independent	Yes	Yes
<b>Sanne</b>	Edmonton	31-40	Female	3 months +	Independent	Yes	Yes
<b>Gary</b>	Vancouver	31-40	Male	3-4 weeks	Independent	Yes	Yes
<b>Salma</b>	New Westminster	41-50	Female	3 months +	Family	Yes	Yes
<b>Emily</b>		31-40	Female	2 weeks	Independent	Yes	No
<b>Kamal</b>	Vancouver	41-50	Male	3 months +	Family	Yes	No
<b>Roberto</b>	Vancouver	31-40	Male	2 weeks	Independent	Yes	Yes
<b>Pim</b>	Burnaby	31-40	Male	3 months +	Independent	Yes	Yes
<b>Gigi</b>	Vancouver	21-30	Female	3-4 weeks	Independent	Yes	Yes
<b>Jonathan</b>	Toronto	31-40	Male	3 months +	Family	Yes	No
<b>Said</b>	Mississauga	31-40	Male	3 months +	Independent	Yes	No
<b>Jorge</b>	Wellington, Ontario	21-30	Male	2-3 months	Family	Yes	No

## Appendix C: Copy of Lawyer Questionnaire

About the lawyer

1. Your city/town
2. City or cities of members with whom you have done hearings

(List all if you have done virtual hearings with members from various regions.)

### Experiences with virtual hearings

#### Technical

3. Approximately how many virtual refugee hearings have you taken part in?
4. How would you rate communication from the IRB about technical aspects in advance of the hearing?

(For example, sending the link to the hearing.)

Excellent      Good    Mixed    Poor    Problematic

5. What are your top concerns about pre-hearing communication?
6. What device(s) do you typically use?

Laptop    Desktop      Tablet    Other (please indicate below)

7. What devices do your clients typically use?
8. Do you need to support them in accessing a device or knowing how to use it?

Often    Sometimes      Never

9. Have you or your client ever run into any technical problems during the hearing?

(For example, difficulty logging in, difficulty screen/document sharing, connection lost, audio/microphone issues, camera issues or video delay.)

Major problems      Minor problems      No problems

10. Have you had success reaching the telephone number given by the IRB in case of problems?

Yes      Sometimes      No

11. How often do you run into technical problems?

Often Sometimes Never

12. What are the main technical issues that you and your clients faced, and were they satisfactorily addressed?

**Comprehension**

13. Do you have concerns related to the virtual hearing format about whether everyone can see and understand each other?

From 1 (no concerns) to 5 (serious concerns)

14. Is the audio quality satisfactory?

Yes Somewhat No

15. Is the video quality satisfactory?

Yes Somewhat No

16. Are you able to pick up on body language and non-verbal cues?

Yes Somewhat No

17. What are your main concerns about seeing and understanding all participants (if any)?

**Confidentiality and privacy**

18. Where do your clients typically join the hearing from?

(Select all that apply.)

Your office Claimant's home Public place Shared space Refugee Protection Division (RPD) office Other (please specify below)

19. Are you typically in the same location as your clients?

Yes No

20. Do you have concerns about confidentiality or privacy?

From 1 (no concerns) to 5 (serious concerns)

21. Do you have any of the following concerns about space? (Select all that apply.)

Lack of privacy Too much noise Children present Reduced formality Other (please specify below)

22. What are your main concerns about confidentiality or privacy (if any)?

**Representation**

23. Do you feel that you can properly make your case in the virtual environment?

Yes    Somewhat    No

24. Are you able to consult with your clients during hearings?

Yes    Somewhat    No

25. What types of cases work well in the virtual hearing format, and why?

26. What types of cases don't work well in the virtual hearing format, and why?

**Interpretation**

Have you, your client or an interpreter experienced difficulties relating to interpretation during a virtual hearing?

- Difficulty of client or interpreter understanding each other
- Possible issue of misinterpretation
- Confidentiality concerns
- Other (please specify below)

**In-person hearings**

27. Have you ever requested an in-person hearing rather than a virtual hearing?

Yes    No

28. If yes, did you get a positive response and if so, in what types of cases?

**Other comments**

29. Do you have any other comments on your experiences with virtual hearings?