



PROTECTED

Our File #: A-2007-00023 / de

JUN 21 2007

Mr. Sean Rehaag
5022 Rue Clark
Montreal, Quebec
H2T 2T8

Dear Mr. Rehaag:

This is in response to your Access to Information Act request dated May 15, 2007, which was received by this office on May 22, 2007, for ***“Information concerning principle claimants decided by the RPD of the IRB where a decision was mailed to the claimant in 2006: (1) File Number (2) Claim Type (3) Claim Type Details (4) Country of Origin (5) Gender of the Principle Claimants (6) Decision (7) Date the Decision was Mailed (8) Name of the Board Member”***.

Please find attached 177 copies of records that were provided to us in response to your request. No severances or exemptions have been applied.

Also attached for further clarification is an “explanatory note” on the topic of acceptance rates, which you may find useful.

As for your particular request, the following are further clarifications. Concerning the claim type level, there are 17 categories and 4 sub-categories (claim type *details*), which are: 1-Acknowledged economic migrant; 2- Fear is unspecified/unclear; 3-Generalized violence; and, 4- Other. The 17 categories are: Age/Health, Criminality/Corruption, Gender, Gender/Domestic, Military Service, Nationality/Ethnicity/Race, Nationality/Ethnicity/Race/Religion, Non-Specific Persecution, Other, Other State Policy Issues, Political Activism, Political Activities/Occupations, Political Organization, Prosecution, Religion, Sexual Orientation, and State.

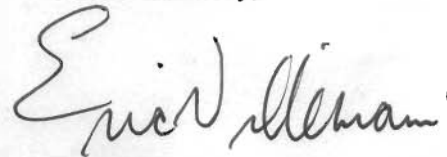
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Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Information Commissioner of Canada
112 Kent Street, 22nd Floor
Ottawa, Ontario
K1A 1H3

Should you have any questions concerning this matter, please do not hesitate to contact me at (613) 995-3514 or Debora Eisl at (613) 992-2684.

Yours sincerely,

A handwritten signature in black ink that reads "Eric Villemaire". The signature is written in a cursive style with a large initial "E".

Eric Villemaire
Director,
Access to Information and Privacy

Att.

MEMBERS' ACCEPTANCE RATES

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 and 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 acceptance rate varies 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. A few of these 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 a third country before coming to Canada without claiming refugee status in that country; and the evidence presented (or not presented) by the claimant or their counsel. Moreover, each claimant has an individual right to present their own case as they see fit, so the evidence presented may vary widely from claim to claim, even among similar claim types. Also, different claim types may exist within the same country. For example, 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.

Also, the 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, people could claim protection on the basis of their 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.

Members of the RPD are often grouped into specialized geographical teams so that they can develop expertise in specific country conditions. They may be assigned to a different team at any time depending on the operational needs of the organization.

Some members, by the nature of their particular assignment, may do a large number of expedited cases. Expedited cases will bring about mostly positive decisions since they involve cases that appear to have a manifestly well-founded basis. Expedited cases must

meet specific criteria and involve an interview and recommendation for either acceptance without a hearing or determination at a full hearing. The final determination always rests with the member deciding the claim.

The statistics provided on claim types are not necessarily reliable for determining the basis for a decision on a claim for several reasons. The information is collected as a case management tool to triage case load. Reports reflect the data *as it was entered* in the database system. Changes are not made to this information once a file has been triaged.

“Claim type” categories are generic and may not be accurate for any specific case, but may be the “best fit” given the categories. Claim types may change along the way. For instance, the information contained in a personal information form may identify a fear of persecution that, during the adjudication of the case, may not be the determining factor. The IRB’s practice is not to go back and change the information in the database as its usefulness as a case management tool would have expired once the case had been adjudicated. The information in this report cannot, therefore, necessarily inform the reader of the basis for the decision in a particular case.

In summary, the number of claims that an individual member may accept or reject is related to the nature of the claims that the member hears and the countries of origin involved. Conclusions or inferences should not be drawn from acceptance rates. For example, a member with a large caseload for countries that are democratic with a respect for the rule of law may have a lower overall acceptance rate than a member with a large case load from countries where the rule of law is not respected.

A member’s acceptance rate for a given country can even vary from year to year. In fact, a member’s acceptance rate can vary based on the various factors already mentioned, such as changes in the conditions of the country in question and changes in the type of refugee protection claims from that country heard by the member.

Consequently, high acceptance rates or high rejection rates are not synonymous with competence or incompetence.

Members in all three Divisions must make their decisions in accordance with the law as our mission statement indicates: “Our mission, on behalf of Canadians, is to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly, and in accordance with the law.” IRB decisions are subject to review by the Federal Court of Canada.

For more information, please contact Dominique Forget, Manager of Media Relations, Public and Parliamentary Affairs, at (613) 995-9856.