



Summary of RPD Virtual Hearing Monitoring Project Report 4 October 2021

Context

Since the pandemic, the Immigration and Refugee Board (IRB) is holding virtual refugee hearings at its Refugee Protection Division (RPD). In the spring of 2021, the Canadian Council for Refugees decided to carry out research, with the goal of learning about the positive and negative aspects of virtual refugee hearings through interviews with refugee claimants, and using the results to advocate to the IRB for best practices and principles for future virtual refugee hearings.

Research Methodology

60 semi-guided interviews with refugee claimants were conducted in the summer of 2021, to gather their account of remote refugee hearings. The CCR also invited refugee lawyers to respond to an online questionnaire. 30 lawyers completed the survey.

Key takeaways

- Most claimants indicated a preference for virtual hearings, but 22% said that they would prefer an in-person hearing.
- Key concerns related to virtual hearings included access to technology, technical problems, need for a private space, communication and access to support from counsel.
- Some lawyers felt that virtual hearings work well for all or most clients, but others took the position that virtual hearings only worked for some limited categories of claimants, or that they should be avoided altogether.

Recommendations

1. Further research is needed, particularly given that the sample is not representative, and that realities are likely to evolve over time.
2. The IRB should give claimants the option to choose a virtual or in-person hearing.
3. The IRB should provide better technological assistance in virtual hearings.
4. Board Members should receive ongoing training on access to justice issues in the virtual format.
5. Interpreters should be required to participate by computer, in a private and secure location, and have cameras on.
6. Lawyers should offer claimants full information on choices with regards to their hearing format and support claimants in preparation for the hearing.
7. NGOs should consider offering a secure and private space, with computer, for claimants to use to participate in virtual hearings, and provide support to claimants preparing for hearings.

The full report is available at <https://ccrweb.ca/en/rpd-virtual-hearing-monitoring-project-report>