

# DRAFT: IRCC Ombudsperson Office feasibility study

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## Overview

In the last two years, the Standing Committee on Citizenship and Immigration (CIMM) published three reports on IRCC operations related decision-making and client outcomes. These included the *Immigration in the Times of COVID-19: Issues and Challenges* (May 2021 and re-tabled in February 2022) report, the *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest Of Canada* report (May 2022) and the *Promoting Fairness in Canadian Immigration Decisions* report (November 2022).

All three reports contained recommendations for IRCC to implement an Ombudsperson Office in order to provide greater oversight of operations and policies, as well as review complaints related to racism and discrimination related to clients as well as IRCC employees. Namely:

- “That the Government of Canada introduce legislation to create an Immigration Ombudsperson to oversee Immigration, Refugees and Citizenship Canada and to receive complaints.”
- “That Immigration, Refugees and Citizenship Canada establish an Ombudsperson office to oversee the department’s immigration operations and policies.”
- “That Immigration, Refugees and Citizenship Canada provide the appropriate resources for the establishment of an ombudsperson’s office to review the department’s policies, receive and review complaints, review regular reports on racism and training procedures; and that the office be empowered to take appropriate enforcement measures in relation to these activities.”

In response, IRCC committed to exploring the feasibility of establishing an Ombudsperson office. To determine whether an Ombudsperson Office would be appropriate for IRCC, the Client Experience Branch (CEB) conducted this in-depth feasibility study. The study includes an examination of the issues raised by the CIMM, the measures currently in place to address them, an accompanying gap analysis, and best practices in other jurisdictions. This will be considered in relation with the potential mandate, scope and creation of an Ombudsperson Office. The study also includes a recommendation on whether or not an Ombudsperson Office is recommended for IRCC to bridge the gaps relating to the issues raised by the CIMM. Should an Ombudsperson Office be recommended, CEB would outline next steps to pursue implementation (such as the need to develop an implementation plan for an IRCC specific model, explore appropriate authorities required and identify funding needs) in a subsequent analysis.

## Executive Summary

[...]

### Key questions addressed

- What are the challenges directly connected to IRCC services that the CIMM reports have highlighted?
- What challenges raised in the CIMM reports are being or will be addressed based on current or planned mechanisms?
- How would an Ombudsperson Office help address the challenges raised in the CIMM reports?
- How are other jurisdictions addressing these issues and utilizing their Ombudsperson Office?
- What are the key considerations? What would be the next steps?

## Methodology

In response to the last three CIMM reports, IRCC conducted an in-depth study to identify the challenges directly relating to IRCC services and operations, how the identified issues are currently being addressed, and if the remaining gaps would be best addressed through the establishment of an IRCC Ombudsperson Office.

The study was carried out in three parts. The first of these focused on pinpointing and identifying issues through the analysis of the three reports and their testimonies. The issues found were then divided into themes, summarized and will be presented next. The second part consisted on confirm the extent to which these issues were addressed by IRCC. For this purpose, the team leading the study consulted with the internal stakeholders responsible for many of the initiatives listed in the Government Responses associated with each of the CIMM reports and conducted internal research on our website. The stakeholders included the Anti-Racism Task Force, the Communications Branch, the Litigation Management Branch and the Conflict Resolution Office, among others.

Following the analysis stemming from the reports and the collection of information from relevant sources, and referring to our government responses to these CIMM reports, this study goes on to highlight the current gaps that IRCC has not yet addressed. As a third part of the study, the team leading the study reached out to other government departments

and the immigration departments of the other

) to learn more about the way in which these other jurisdictions addressed these issues, their client complaints and utilized their Ombudsperson Office (if applicable). The information from these sources was then summarized in order to assess whether an Ombudsperson Office would be recommended for IRCC to bridge these gaps.

Notably, the scope of this study is limited to IRCC's visa application processes and systemic IRCC issues that affect application processes. Other challenges highlighted within these reports, including those related to settlement, resettlement and citizenship, fall outside of the scope of this study.

## Sections

The challenges highlighted in these reports and its accompanying testimonies have been divided into four sections. The first of these two sections contains two themes, both of which relate to the issues faced by IRCC clients. The second section only contains one main theme, and relates to employees of IRCC. Each of the themes in both sections is analyzed and the corresponding IRCC measures that are currently in place to address these issues are presented. The third section contains an overview of other jurisdictions' Ombudsperson Offices and complaint mechanisms aiming to address similar challenges, and the fourth section indicates the remaining gaps and our preliminary recommendations for next steps.

## Section One

### 1.1 Racial bias and discrimination towards clients

The most highlighted challenge in the three reports was the perceived racial bias, discrimination and unfairness towards certain IRCC clients by IRCC employees and visa officers. The fairness of immigration policies and their implementation was put into question by witnesses in the reports, pointing to their perception that immigration system operations may systematically and unjustifiably disadvantage certain populations based on characteristics such as race and country of origin.

This overarching theme can be broken down into two levels which may each influence the resulting differential outcomes for applicants. The two levels are the challenges at the systemic level, visible through regional patterns, policy guidelines, resource allocation and strategies, and the challenges at the individual level, relating to visa officer decision-making in application processing and policy implementation. As part of its commitment to addressing unconscious bias, systemic racism and discrimination within its client service delivery, and as part of its anti-racism strategy, the IRCC has put in place varied initiatives for the continued optimization of its client services which will be included below.

### Systematic Issues in the Department

Among the issues brought forth in the three reports, some directly alluded to a more systemic difficulty to address racial bias, discrimination and unfairness towards applicants. The systematic issues discussed henceforth include consistent high refusal rates at certain locations, inequitable requirements, arbitrary delays, and uneven modernization efforts.

The two latest CIMM reports highlighted high refusal rates of applicants, especially pertaining to study permits. Pointing to a 40% global average study permit application refusal rate in 2021<sup>1</sup>, the November 2022 report highlights that despite being accepted at Designated Learning Institutions (DLIs) in Canada, 72% of students applying from African countries with significant French populations and 68% of students applying from African countries with significant English populations were rejected. Meanwhile, the refusal rate drops to 35% for applicants applying from outside of Africa<sup>2</sup>. While preliminary IRCC data and witness testimonies suggest that francophone Africa's high refusal rates is shared by applicants across the African continent.

Witnesses from a variety of organizations and post-secondary institutions, including CEGEPS, came forth to speak of the difficulty of bringing in students from Africa and francophone students due to the lower acceptance rates in student visa applications in comparison to other areas<sup>3</sup>. The high refusal rates for applicants in the African region are further highlighted with testimonies such as the one pertaining to the difficulty of applications being accepted at the visa office in Nairobi, Kenya, which "is particularly "infamous" for denying study permit applications"<sup>4</sup>.

Not only do these applicants seem to be refused consistently, but testimonies indicate a regional disparity creating a systematic discouragement of applicants from Africa through uneven resource allocation to the region. Pointing to the need to look further into the processing office in Dakar, several witnesses in one of the reports hypothesized that refusal rates may be higher in overwhelmed and underfunded visa offices. The accompanying testimony<sup>5</sup> highlighted there seems to be a lack of resources for visa offices in Africa conversely to visa offices from major source countries such as China, India, the Philippines, and the United States, where applications are processed locally. Some of these countries

<sup>1</sup> Report 2. Page 36. Testimony.

<sup>2</sup> Report 3. Page 23. Example linking to testimony.

<sup>3</sup> Report 2. Page 47. Example.

<sup>4</sup> Report 1. Page 71. Example linking to testimony.

<sup>5</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-3/evidence> Testimony 1105

even have more than one visa processing office. Furthermore, witnesses also have pointed to the limited number of Visa Application Centres (VACs) available in the African region. These VACs are contracted to the Government of Canada for services required for all immigration applications, such as biometrics, photograph and fingerprints collection, and difficulty accessing them within the required timeframe creates unequal access and further delays for potential applicants in the region<sup>6</sup>. Notably, there are currently 25 VACs for the entire region, out of the 167 VACs that can be found worldwide. Moreover, a witness pointed to the already extended delays for the processing of applications in the region, indicating that India and Pakistan benefit from timely processing, whereas the students from French-speaking Africa do not<sup>7</sup>.

In a similar vein, the May 2022 report highlighted the existence of unexplained requirement differences between programs, with the IRCC sometimes requiring different documents for similar programs for applicants of different parts of the world—a difference in requirements that critics argue is not justified<sup>8</sup>. Witnesses pointed to the disparity between the Student Direct Stream (SDS) and the Nigeria Student Express (NSE), specifically relating to the financial requirement as an example. They noted that applicants from Nigeria are required to show proof of funds that are three times more than those of the applicant from the SDS countries, and call for this financial requirement to be reviewed or harmonized with the other programs for international students<sup>9</sup>. This disparity highlights IRCC policies that make it difficult for people from Africa to be able to secure study visas to pursue education in Canada<sup>10</sup>.

While the three CIMM reports touched upon processing delays and application backlogs, the latest CIMM report included a witness who called the wide disparity between the Student Direct Stream (SDS) and other study permits discriminatory, pointing out this stream takes up to 20 days for the currently listed 14 countries, while processing times under the regular study permit can take from anywhere between 90 and 300 days<sup>11</sup>. Witnesses brought forth were divided about how much conscious or unconscious discrimination, namely racism and racialized inequalities between applicants, affected related backlogs in visa processing<sup>12</sup>, one of the witnesses suggesting this reflects the racism and bias ingrained in the immigration system.

In matters related to processing delays, though in the realm of humanitarian resettlement, the latest CIMM report also pointed to the need for implementing a consistent approach to emergency responses as shifting government priorities and quotas for refugee resettlement lead to different groups of refugees being subject to shorter or longer wait times to be accepted and resettled. It noted that the difference between outcomes for refugee groups can be stark, as refugees one year may bump other refugee applications to the following year. It also highlighted the case of privately sponsored refugees, who can wait up to 46 months to be processed, which leads one to believe that those refugees are not a priority for the Government of Canada<sup>13</sup>.

As part of IRCC's effort to modernize immigration to Canada, a growing number of applications are now digitized. While this may lead to certain advantages, several witnesses point out that IRCC has not applied this technology consistently to all streams, which creates a gap in accessibility. Furthermore, IRCC continues to require, among others, in-person interviews (for spousal sponsorship), paper filing and wet signatures for Permanent Resident (PR) cards, as well as for permanent resident and temporary resident visas to be physically affixed to passports – a contrasting difference for those applicants who can receive an electronic travel authorization (eTA)<sup>14</sup>. A witness in one of the reports also called for the continued digitization of applications, placing an emphasis on Permanent Residence (PR) applications, so that these may be processed anywhere within the IRCC network, and therefore lessen the onus on overseas missions who work in relative isolation<sup>15</sup>.

Modernization has also led to the use of technology in the processing of applications themselves at IRCC, including Chinook, the purpose of which is to increase efficiency, consistency and to improve client service by reducing processing times by decreasing the impacts of system and broadband latency<sup>16</sup>. The November 2022 CIMM report also sustains that IRCC needs to be held to a higher accountability by way of transparency, pointing to the program Chinook. The tool is perceived impacting visa refusal rates, with one of the testimonies noting that the overall refusal rate for student permits for the year 2020 was 53%, compared with 34% in 2018, when the tool first started being used by IRCC<sup>17</sup>. The witness points to a form of systemic discrimination further enabled by this program, sustaining that Chinook may change how applications are viewed, encourage visa officers to read applications in less depth, and making it possible for

<sup>6</sup> Report 3. Page 55. Example linking to testimony.

<sup>7</sup> Report 1. Page 71. Example.

<sup>8</sup> Report 2. Page 61. Example.

<sup>9</sup> Report 2. Page 23. Example leading to testimony.

<sup>10</sup> Report 3. Page 21. Testimony.

<sup>11</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-11/evidence>

<sup>12</sup> Report 3. Page 38. Example linking to testimony.

<sup>13</sup> Report 3. Page 16. Example linking to testimony.

<sup>14</sup> Report 1. Page 17. Example linking to testimony.

<sup>15</sup> Report 1. Page 18. Example linking to testimony.

<sup>16</sup> Report 2. Page 67

<sup>17</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-13/evidence> Testimony 1210

processing officers to bulk refuse and finalize applications<sup>18</sup>. Furthermore, the May 2022 CIMM report also flags the Department failing to subject the software to the rigorous quality assurance that it applies to the Advanced Analytics Program before its release since it did not consider Chinook to be AI and able to affect decisions, rather focusing its quality assurance on efficiency, privacy and addressing possible litigation, rather than on possible effects on decision-making<sup>19</sup>.

## IRCC Actions to date

At the Departmental level, IRCC's Anti-Racism Strategy 2.0 (2021-2024) includes five pillars and subsequent priority actions, including the following: Leadership Accountability - making senior management accountable for results; Policy and Program Design - addressing systemic racism and bias in IRCC's policies and program designs; Service Delivery - addressing systemic racism and bias in IRCC's implementation of policies and programs; Data and Research - strengthen the integration of intersectional analysis in IRCC research.

Activities under the Strategy include a series of racial equity reviews as part of its action plan, including targeted reviews of identified policy and programs to establish the current state of systemic racism. Early work in this area includes publication of a research paper that summarizes published work on inequities in the treatment of temporary foreign workers "[Racism, Discrimination and Migrant Workers in Canada: Evidence from the Literature](#)".

A certain number of initiatives and measures have been implemented following the raising of these issues in the CIMM reports. In terms of looking into the different refusal rates among the IRCC offices, the IRCC expanded its overseas Quality Assurance program to include annual refusal reviews in 2021. Notably, IRCC also started mapping client race-related data in June 2021 to determine operations baseline and future data needs necessary to identify possible bias, systemic racism and barriers in programs and procedures. The Anti-Racism Task Force, created by IRCC in 2020, created a Racial Impact Assessment Tool in 2021-22, with the objective to encourage and guide an anti-racist approach and analysis in policy-making. This tool is currently being piloted. IRCC's approach to anti-racism is intersectional and it considers race, geography, gender and other social factors that can shape differential experiences of clients with IRCC's policies, programs and operational decision-making. GBA+ is included in program design and operations. It is an essential requirement used in policy development assessment and included in IRCC annual reports. IRCC also has a dedicated Equity Policy and GBA Plus Secretariat whose mandate is to foster a community of practice where equity and intersectional analysis becomes a mindset ingrained within Canada's immigration system.

In response to high refusal rates in the African region, and perceived systematic discrimination of African applicants, two main initiatives have been undertaken. Focus groups were hosted in February 2021, following an IRCC anti-racism survey, by an independent research company to discuss how racism can be eliminated in the Department. The report coming out of this work indicated that there is racism towards clients, with participants citing Nigeria specifically as an example. In response, the Department piloted a targeted business and risk intelligence assessment of refusal rates in Nigeria using the Institutional Bias and Racism Identification Method (IBRIM), a method developed by the Department, and plans to conduct additional analyses of other Black majority countries. IRCC also requires all its employees, middle managers and executives to take mandatory unconscious bias training, which over 80% of the department had completed by the end of January 2021. The department confirmed to the Committee that all decision-makers processing applications from Africa had completed this training. Furthermore, decision makers in the Departmental network also receive country-specific training. With growing inventories and admission targets, the Department will continue to use the integrated network to achieve targets and support work-sharing between regions.

In the last two years, to better serve applicants in the region, IRCC opened two new offices in Africa, one in Addis Ababa, Ethiopia and one in Yaoundé, Cameroon. During this time, IRCC has also created 16 new foreign service officers and seven locally-engaged decision maker positions in Africa to increase capacity in underserved regions, leverage local expertise, and combat bias. These have increased IRCC application intake capacity of both English-speaking and French-speaking African applications. To continue to address challenges for underserved regions, the Department is also set to create 21 new overseas positions in Africa and Asia, out of the 36 total positions being added world-wide in 2023. While the report points to a low number of VACs available, IRCC currently has a global presence with visa processing offices in almost 40 countries around the world and one of the most extensive Visa Application Centre (VAC) networks in the world, counting 167 VACs in 112 countries, 25 of which are located in the African region.

In response to unfair delays, timely processing can be difficult to achieve as it can include the processing of a high number of applications, complex cases, and immigration targets, among others. To provide a better service to applicants and reduce backlogs, the Department increased its presence overseas in the last five years (225 new positions, 75% in Africa and Asia) for a total of 1,598 positions at the end of 2022. IRCC is also working to digitize all of its application streams to the extent possible, the latest development of which was beginning to accept spousal sponsorships applications in September 2022, and will continue to assess technology implementation in application processing in light of security concerns. Moreover, IRCC's continued expansion of digitization allows for more remote work sharing of

<sup>18</sup> Report 3. Page 52

<sup>19</sup> Report 2. Page 68. Example linking to testimony.

caseloads, which may have an effect on processing times for overwhelmed centres, potentially effecting processing times in Africa come into line with Global processing times.

As part of the above mentioned integrated network initiative, offices in the Middle East and Sub-Saharan Africa are working together to address the privately sponsored refugees (PSR) caseload by assigning Migration Officers with refugee processing experience from non-Sub-Saharan African regions to assist with interviews and processing refugee files in Africa. IRCC is also addressing the PSR caseload by increasing the number of temporary duty officers available with training and refugee processing experience, via a support team in IRCC headquarters. Additionally, in response to critiques of differential treatment due to race/religion from within and outside the Department in the adoption of special measures developed in response to the war in Ukraine and the crisis in Afghanistan, IRCC is developing a new Crisis Management Framework that would improve IRCC's ability to anticipate, respond to, and comprehensively manage emerging crises where a variety of protection needs may be present. The Framework would reflect the Department's commitment to crisis response that is appropriately rooted in evidence-based decision making, consistency, and fairness.

The Department agrees with the necessity for transparency, independent oversight, and consultations to ensure the responsible use and ethical management of IRCC's digital technologies. Chinook does not fundamentally alter the decision-making process nor does it utilize artificial intelligence (AI), advanced analytics (AA) for decision-making, and there are no built-in decision-making algorithms, but IRCC is completing an Algorithmic Impact Assessment (AIA) and Gender-Based Analysis Plus (GBA Plus) assessment to ensure transparency and due diligence. In the Government Response to the CIMM report 12, IRCC proposes a technical briefing and demonstration of Chinook to the CIMM to clarify the suitability and usefulness of such measures. **IRCC also complies with the TBS Directive on Automated Decision-making (DADM) requirements to publish Algorithmic Impact Assessments (AIAs)** on the Open Government Portal and ensure transparency regarding the use of automation in its operations. While the Department maintains that Chinook is a basic tool with no impact on the visa officer decisions, to further improve transparency and accountability, IRCC is currently tailoring its GBA Plus and Privacy methodologies to better inform the implementation and assessment of automated decision support tools such as Chinook. The Department is committed to publishing the results of these assessments in conjunction with the AIA, the first of these was published on the [Open Government Portal](#) in August 2021.

### Issues with individual applications: bias at the decision making level

Another level of racial bias and discrimination highlighted in the three reports was the one relating to individual applications. While visa officers may differ among themselves on their decisions regarding applications, these are trained professionals who follow standards and procedures which determine an applicant's eligibility and admissibility. Drawing on testimonies from clients who applied for work permits, study permits and family sponsorships, the reports point to bias and discrimination at the decision making level, namely from the interpretation and implementation of policies by visa officers. This includes perceived racism and discriminatory bias by individual visa officers affecting visa office refusal rates, processing delays and accompanying adverse effects, and unequal policy implementation.

While certain visa application processing office locations may experience a higher refusal rate due to ineligibility and inadmissibility of applicants, testimonies in the latest CIMM report revealed a wide difference in the percentage of applications approved by one visa office in comparison to another. For instance, two witnesses argued that candidates applying from South Asian countries also experience very high refusal rates. This is illustrated by looking at applications for work permits under provincial nominee programs, where the refusal rate of work permits is an estimated 83% in the New Delhi office, in comparison to an estimated 34% refusal rate for provincial nominee applicants to the same work permit applying in the Australia office. To investigate the underlying reasons for which this may be the case, the latest two CIMM reports pointed to the need for further research to examine the relationships between visa offices and refusal rates<sup>20</sup>, and to consider the auditing of offices with high refusal rates<sup>21</sup>.

Similarly, while also part of a systemically discriminated group as analyzed in the previous section, the reports highlighted African applicants could also be subject to bias and discrimination due to decision-maker bias because of the few visa processing offices in the region. The reports highlight the disconnect between IRCC visa offices and applicants themselves, with visa offices processing applications stemming not only from the country where they are located, but also receiving applications from neighboring countries with differing local realities. An example of the systematic distribution of resources creating circumstances which may increase the chance for applicants to face bias at individual officer levels based on where processing takes place. A witness notably attributed the processing challenges faced by student visa applicants in Africa to be due to the centralization of visa processing in Africa<sup>22</sup>. Even though locally engaged people are staff who do not usually, except for a few cases, make decisions on applications, the report also put into question potential "inter-African racism" (discrimination based on nationality, race, ethnicity, language, etc.) as an

<sup>20</sup> Report 3. Page 29. Testimony.

<sup>21</sup> Report 2. Page 62. Recommendation 20.

<sup>22</sup> Report 1. Page 71. Example leading to testimony.

additional factor in a certain number of refusals<sup>23</sup>. The testimony<sup>24</sup> pointed out that that the majority of applications of French-speaking Africa are processed in Dakar, and questioned the high refusal rates at this location and the existing measures to prevent bias at this office.

The first CIMM report also put into question racial bias and discrimination by individual visa officers, especially towards applicants in the family sponsorship stream. One of the witnesses in the November 2022 report pointed to officer biases naturally being reflected in their assumptions and predisposition against people who they think want to cheat the system<sup>25</sup>. Two of the reports pointed to the unequal levels of visa officer scrutiny in family reunification applications<sup>26</sup>, which further delay their processing, a witness indicating that the number of resources that are sometimes put into trying to prove that these relationships are not real is disproportionate<sup>27</sup>. In spousal sponsorship cases, these “complex case” couples include mixed religion couples, mixed race couples, couples with an age gap between them, couples judged to be mismatched in terms of physical attractiveness, couples who met online, couples where the applicant comes from a comparatively poor nation and applications from racialized sponsors, which all seem to be subject to more scrutiny and requirements. The couples flagged as “complex” cases by visa officers must then answer detailed questions in a follow-up interview. Testimony indicated that timelines often do not exist for these interviews, and while they are often brief when they eventually happen, IRCC can take years to schedule a time. The existing elongated delays in family sponsorship applications do not only affect partners forced to stay apart, but can also have adverse consequences for those involving children, which can lead to those children aging out of the program as dependents. Furthermore, witnesses noted that racialized applicants—especially those from Africa—are often asked to provide expensive and sometimes hard-to-obtain DNA tests for children<sup>28</sup>.

Regarding the consistent implementation of policy, the report also pointed to directives not being implemented at the discretion of visa officers. It highlighted the dual intent directive given out in October 2020, meant to allow someone applying for permanent residence to also come for a temporary stay under a visitor visa. Pointing out the 90% refusal rate of these TRV applications, a witness highlighted how an applicant is being asked to provide proof of an authentic marriage and then prove that those ties are not “strong ties” for each type of application, this resulting in officers being asked to assess this contradiction and make a decision<sup>29</sup>. While recognizing the challenge these clients face in trying to address this perceived conflict, IRCC’s objective is not to exclusively assess the applicant’s ties to their country of origin but the applicant’s willingness to comply with restrictions of the TRV and their willingness to comply if required to leave.

## IRCC Actions to Date

To address the potential of individual bias and discrimination by visa officers having an impact on high refusal rates, IRCC has specific measures in place that are applicable to visa processing offices around the world. Apart from its mandatory unconscious bias and GBA Plus training for all its employees, the Operations Sector of IRCC has set up mandatory training to support decision makers’ understanding of procedural fairness and impartiality, and all foreign service officers receive cross-cultural training. Also in 2021, IRCC piloted an anti-racism program to promote fair and informed visa officer decisions, resulting in 250 middle managers completing the pilot program by May 2021. In the fiscal year 2022-23, IRCC expanded this program as part of the Department’s people management plan. Anti-Racism has been included as a departmental learning priority for management, including the prioritization of cross-cultural competencies for all middle and senior management. Additionally, IRCC’s international network started offering Anti-Racism in people management and bias in case decision workshops to locally engaged staff and decision-makers, and is currently developing a “train the trainer” program to support overseas missions discuss themes around anti-bias and Anti-Racism.

In 2021, IRCC also initiated its practice to provide more information, tools and guidance to visa offices abroad, which allowed for the systematic assessment of processes and practices across the network of international offices. IRCC’s purpose for these new measures is to help ameliorate visa officers decision making processes for more unbiased and equal application processing. The Department acknowledges that the dual intent directive guidelines created in 2020 did not have the effect that was expected, and commits to update Program Delivery Instructions to include further clarification, as well as ensuring that decision makers access a wider range of formal training. In addition, temporary resident decision-making training packages and all training packages are to be reviewed to ensure that the language is more facilitative.

Furthermore, regarding unfairness in the levels of scrutiny for family sponsorship applications, IRCC is currently working to tailor unconscious bias and anti-racism training for specific decision making processes. Similarly, collaboration with external stakeholders in developing training and guidelines is ongoing, including working with community stakeholders

<sup>23</sup> Report 3. Page 54. Example linking to testimony.

<sup>24</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-3/evidence> Testimony 1105

<sup>25</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-17/evidence> Testimony 1105

<sup>26</sup> Report 1. Page 32. Example leading to testimony

<sup>27</sup> Report 3. Page 32. Testimony.

<sup>28</sup> Report 3. Page 39. Testimony.

<sup>29</sup> Voices4Families, *Brief*, p. 3. (Report 3)

to develop culturally sensitive best practices for spousal sponsorship interviews. Work is also underway to examine differential outcomes in immigration decision-making. To further research on inequities and bias in departmental operations, IRCC's Anti-Racism Task Force (ARTF) created an Anti-Racism Survey in 2020, and a subsequent one in 2022, the latter of which included employee responses to Operational questions. The findings from this latest survey indicate that less than 50% of IRCC employees believed that the collection of biometrics, issuance of visas and documents and the intake phase of the application process, among other service delivery activities, are delivered equitably to all clients. Findings such as this led to a few initiatives and measures previously mentioned, but also to more training in order to address these issues in relation to client applications. For instance, as part of the wider IRCC anti-racism strategy, IRCC conducted "Operations Sector Integrity Management Authority workshops exploring bias and GBA+ in immigration processing" in November 2020. Lastly, IRCC included questions as part of its 2022 annual voluntary client experience survey. These questions, aimed at improving IRCC's data collection relating to issues of accessibility, gender, and race for the first time. This will allow IRCC to look at clients' service experience by demographic group to see if the outcomes differ by gender, ability and race, and ultimately address inconsistencies in a systematic way.

Current IRCC digitization of application processes referenced above - including remote processing, using a risk-informed approach to decision making, and working towards digital intake solutions – are meant to lower processing delays and curb systematic discrimination through the remote work sharing of caseloads.

## Remaining Gaps

Taking into account IRCC actions to address the issues raised in these last three CIMM reports, certain gaps still remain. Areas in which more action seems to be needed include

Areas where more action appears to be needed include:

- Disaggregated data collection from visa offices abroad on refusals and delays
- Distribution of VACs, while IRCC taking steps to increase the number of VACs and locations there is still disparity for certain countries with high applications volumes (e.g. Nigeria)

Solutions developed have not been fully implemented across streams/locations (e.g. digitization of all application streams, access to electronic visas vs. physical visas)

- Arbitrary delays: *Unequal levels of visa officer scrutiny*
- Difficulty communicating with IRCC:
  - Clients often cannot contact anyone at IRCC with questions
  - IRCC does not offer applicants explicit documentation of their implied [maintained] status regarding work permit renewal processing
  - Ineffective feedback and service complaints mechanism
  - Reconsideration not easily accessible after refusals
  - Solutions developed have not been fully implemented across streams/locations



## 1.2 Communication and refusal reconsideration

Another important challenge brought forth in the reports, specifically the first two reports analyzed in this study, was the one of ineffective IRCC communication. The reports maintain that communication with and from IRCC is difficult and unclear, creating additional hurdles for applicants.

The reports point to unclear or unfounded reasons for refusals, conflicting messaging and lack of communication from IRCC, and an onerous process to have these decisions appealed. IRCC is working to optimize its communication strategy and outreach, and also works with other departments, such as the Department of Justice, to address the challenges in relation to appealing visa officer decisions. The current measures to address these challenges will be indicated at the end of this section.

### Communication, outreach and access

While the May 2021 CIMM report highlighted the difficulties of immigration processes during the COVID-19 pandemic, a witness pointed to the even higher difficulty of obtaining clear information from the IRCC website during this time, which is the main source of information for applicants. The witness noted that the IRCC website often contains **conflicting information and unclear policies**, pointing to the international students area of the website saying completely different things. She stated as an example that there is a question of whether someone could study online if they had already applied for their study permit but had not obtained an approval in principle, the answer to which one IRCC webpage was saying yes, and the other was saying no. Additionally, she also pointed to the lack of clarity on certain policies/terms meaning, taking as example the term “approval in principle”, where it is unclear if applications would be approved pending medical and criminal checks, or if there will be additional checks<sup>30</sup>. The report then turns to inconsistent messaging from different sources, stating that **communication and consistency can break down among IRCC and other government and partner institutions and services** (e.g. Canada Border Services Agency (CBSA) officers, Members of Parliament), whose inconsistent answers led to applications being refused or delayed<sup>31</sup>. The issue of faulty communication was also touched upon in the November 2022 report, which even included a recommendation for IRCC to **improve the application forms and update their website with as much detail** as possible<sup>32</sup>. The difficulty to clear up confusion is also highlighted by two witnesses, which stated that **clients often cannot contact anyone at IRCC with questions**. Additionally, the report also pointed to the issue relating to work permit renewal processing, stating that the fact that IRCC **does not offer applicants explicit documentation of their implied status** [now known as maintained status] creates delays in starting or continuing work, and hardships in getting housing and extended health care because Service Canada will not renew a social insurance number without a valid work permit<sup>33</sup>.

Expectations set by general IRCC messaging was also highlighted in the May 2022 CIMM report. The report juxtaposes the statement made by the Minister that “international students are excellent candidates for permanent residency. We have increased our targeted efforts overseas to promote and attract francophone students and immigrants to Canada” with witnesses’ narrative on dual intent, including a testimony stating the difficulty in **stating the discrepancy between the recruitment of international students with a desire to seek permanent residency and the commonly given reason for refusal that IRCC does not believe that the student will return to their own country upon completion of their studies**, with a “Catch 22” situation. This type of misinterpretation is made more difficult by the limited pathways applicants and current visa-holders have for communicating with the Department. For instance, the November 2022 CIMM report pointed to the **Live-in Caregiver Program**, which incidentally had some of the longest wait times for application processing, a witness also naming racism as one of the reasons for this extended delay, as a program with unclear information. This program has since then been replaced by two programs in place today, however, before the current programs were put in place, many caregivers were unaware that if they accepted work as temporary foreign workers on simple work permits through this program, they would not automatically be on track for permanent residence. This type of situation where there is a **breakdown in communication between IRCC and applicants** is very problematic<sup>34</sup>.

### IRCC Actions to Date

The Communications branch of IRCC continuously works on optimizing the Department’s website. It has two teams that work on the external-facing IRCC website, which are the Web Directorate and the Digital Workplace. To review, update and make changes to web pages, at least three sub-teams within these teams are involved in reviewing and approving the content. This content comes from the relevant policy, operations and functional guidance branches/divisions responsible, which **ensure the information remains accurate**.

<sup>30</sup> Evidence - CIMM (43-2) - No. 6 - House of Commons of Canada (ourcommons.ca) 1615

<sup>31</sup> Report 1. Page 40

<sup>32</sup> Report 3. Page 75

<sup>33</sup> Report 1. Page 34

<sup>34</sup> Report 1. Page 18

In matters of keeping information up to date and accessible, the website is regularly reviewed and updated, especially when new programs are being launched. Notably, the External Web team is currently doing a scan for usability issues associated with eligibility for all immigration programs in preparation of their new Program Finder tool launch. Web pages are also reviewed in response to an issue being flagged through feedback stemming from page-level feedback tools, the Client Support Centre (CSC), the Client Feedback Mechanism (CFM), among others.

The templates and components used by the Communications branch are regularly usability tested by the Digital Transformation Office at the Treasury Board Secretariat, and it continuously works with IRCC's Client Experience Branch's Service Insights and Experimentation Division (SIX) to conduct usability testing on the website. They also conduct unmoderated A/B testing and provide tailored user experiences based on factors such as a user's geographic location and previous pages viewed on the website.

As a new section or page is launched, a Web advisor will scan the website to determine which sections need to be updated and which sections require cross-links, making the necessary cross-referencing. The Web coding team validates that all links are functional and will update or remove any broken links whenever a page is updated, and the team ensures that clients can download forms from the website.

To continue to optimize the website, the Web Directorate is creating a new team dedicated to identifying and resolving client pain points on the website. A pilot project is also currently underway to eliminate the need for separate application guides and optimize application guidance across the website, making it more user friendly and easier to download forms and navigate application instructions. Lastly, the Communications team is taking steps to review the GC Task Success survey data and identify changes that could improve the user's experience on the IRCC web presence. In addition, **IRCC has mechanisms in place to review its policies, service delivery and business processes**. Nonetheless, due to the high number of actors working with and within Web Comms [how many units and sub-units exist that work on getting something approved for a Web page?], IRCC recognizes the need for better alignment between the different internal offices/units within IRCC that are responsible for information that goes to clients.

For the purpose of improving the transparency of criteria that is used during application processing, IRCC currently makes much of this information available to clients on its public-facing website – including the Program Delivery Instructions IRCC uses to assess the relationship between spouses, common-law and conjugal partners. Wherever possible, IRCC strives to ensure transparency of application processing information to ensure eligible and admissible clients are successful in their application journey. In addition, IRCC's review mechanisms also ensure that program guidance and training is adjusted to account for potential bias and discrimination.

The Department recognizes that more work needs to be undertaken, and is making efforts to expand the reach of its public engagement and the frequency of communication with external stakeholders. For example, IRCC proactively presented to key stakeholders in the Private Sponsorship of Refugees Program on the Department's planned use of automation to accelerate the processing of refugees through the Program, and remains in contact with these stakeholders in a written exchange on questions in line with the tool's launch. IRCC will also continue to look for new opportunities to deepen dialogue with academics, technology experts and immigration stakeholders with respect to the use of automated decision support tools.

In terms of receiving guidance, clients can turn to the [IRCC Help Centre](#), the chatbot available 24/7 in English and French on 76 unique pages of IRCC website or through Twitter - IRCC Communications supports clients with functional application guidance via Twitter Direct Message, in 2022 issuing 66,159 responses to IRCC clients via the platform. The only way for clients to communicate with IRCC to receive personalized guidance is by turning to the Client Support Centre (CSC) through email or call. On the other hand, to better attend to people's **need for information on their application**, over the last two years IRCC has launched the Citizenship Application Status Tracker and the Permanent Residence Application Status Tracker for family class spousal, common law and dependent clients. These trackers enable applicants in these programs to view up-to-date information on the status of their application at any time. IRCC expanded the **Application Status Tracker to additional programs to for Permanent Residents and Temporary Residents by March 2023**. Other improvements underway include **developing human-centered design of application forms, aligning IRCC web content with application kits, and advancing the Digital Platform Modernization (DPM) programme**, which will modernize both "back office" and client-facing aspects of IRCC's IT platform. One of the key elements of IRCC's DPM programme will be to ensure that client-facing digital services are continuously reviewed and upgraded to ensure accuracy, clarity and utility. These initiatives will improve the accessibility of applications, provide more consistent and effective correspondence and online content for clients, and enhance the transparency of application status information.

## Refusals and avenues for review – access to recourse

The May 2022 CIMM report discusses the matter of ambiguity further, in relation to refusal decisions to applications. This report includes witnesses from learning institutions pointing to stories of qualified students waiting several months

for a decision on their study permit only to have it rejected, **often for “unclear and unfounded reasons”**. The testimony also points to 2021 student permit refusal rate being almost 75%, and only pertaining to the Université de l'Ontario français, about **30% of international applicants to this institution never got a response from IRCC in order for them to enroll into the university**, since when students apply for a study permit, generally they wait to hear back before they enroll at a university<sup>35</sup>. Another witness highlighted the need for refusal letters to provide more details and to facilitate access to agents for the purpose of obtaining more information on the reasons for refusal, through greater cooperation with the institutions and better information sharing<sup>36</sup>. Another witness also stated that while ad hoc communications between learning institutions and visa offices clear up misunderstandings, but a **more sustained dialogue would be helpful to speed up processes and establish a clear picture**<sup>37</sup>.

Additionally, the May 2022 CIMM report also included witnesses recounting many students **receiving contradictory reasons, or different reasons when they re-applied and were refused a second time**. Still others pointed to the **high success rate of students who challenge their refusals in Federal Court** as an indicator that **decision makers at IRCC are issuing refusals on an arbitrary or even discriminatory basis**<sup>38</sup>. This ambiguity and lack of information not only creates barriers to the recruitment of valuable new temporary or permanent residents, but can be **costly for the government, as it exposes IRCC to costly litigation**. Witnesses in the report pointed to having study permit applications adjudicated by the courts as a waste of taxpayer dollars and judicial resources<sup>39</sup>. Another testimony in the report then turned to this difficulty in communication leading to the **difficulty to fix mistakes**, which leads in turn to appeal to the Federal Court<sup>40</sup>. The witness pointed to there being no easy mechanism to get a clear mistake made by an officer fixed, stating that the **whole system to request for reconsideration system is broken and Members of Parliament are far too often put in the difficult position to act as intermediaries**. They went on to state that while it is easy to request an appeal to Federal Court, **judicial reviews expend a huge amount of time and resources** for both the applicants and the government<sup>41</sup>. The difficulty in fixing small mistakes and communicating with IRCC results in dissatisfaction and a need for an improvement of the Department's communication pathways and refusal reconsideration system.

## IRCC Actions to date

IRCC is currently working on addressing a large number of the challenges identified by these testimonies. In order to improve the clarity on reasons for refusal, an Officer Decision Note (ODN) pilot was launched in February 2022, aiming to proactively release officer decision notes to some temporary resident visa (TRV) applicants at the time of an application decision. These notes provide clients with detailed information as to why their application was refused, including a breakdown of the officer's rationale when finalizing the application. Preliminary findings indicate that proactively providing applicants with ODNs associated to their refused TRV e-Application has led to a 57% reduction in ATIP requests and has not contributed to an increase in client enquires, reconsideration requests or litigation requests. Options to expand this initiative to more applications are currently being explored.

If a client believes that they have experienced discrimination in the processing of their application, they can submit a request for reconsideration, file an application for judicial review to the Federal Court of Canada, and/or submit a complaint to the Canadian Human Rights Commission. IRCC applicants who receive a negative decision currently have access to these recourse mechanisms. The first is a **Request for Reconsideration**, applicants or their representatives often submit information after a refusal and request that an officer reconsider the decision. This does not require any fee payment. If an office receives a request to reconsider a decision, an officer must consider the request and decide whether or not to exercise their discretion to reconsider the previous decision. The second recourse avenue is **Application for Leave and Judicial Review (ALJR)**, which allows applicants (or the Minister) to challenge a decision rendered by IRCC, under the Immigration and Refugee Protection Act or the Citizenship Act, in front of the Federal Court. The Application for Leave and Judicial Review (ALJR) has two stages: the leave stage, and the final stage. In 2022, the Federal Court of Canada received 12,564 applications for leave for Judicial Review of IRCC decisions. This process has a standard cost of \$50 which is separate from any additional legal representation costs clients may incur while seeking to have their applications re-assessed by IRCC. Conversely, the number of Requests for Reconsiderations received by IRCC in 2022 was only 9,591. While this was a drop from the previous years (with an all time high of 19,474 requests in 2019), it is an indication that this existing free recourse option after an IRCC refusal is not well known or accessed by IRCC clients, especially taking into account that IRCC processed an all-time high 5.2 million applications in 2022. This shows that while it is accessible, both the reconsideration mechanism and the ALJR procedure have a very low number of clients using them. Notably, the web page detailing this has had [*Number of hits for the web page*] of visits in 2022.

<sup>35</sup> Report 2. Page 33. Testimony.

<sup>36</sup> [Evidence - CIMM \(44-1\) - No. 8 - House of Commons of Canada \(ourcommons.ca\)](https://ourcommons.ca/DocumentViewer/en/44-1/No.8/HouseofCommons) 1115

<sup>37</sup> Report 2. Page 56. Testimony

<sup>38</sup> Report 2. Page 58

<sup>39</sup> [Evidence - CIMM \(44-1\) - No. 3 - House of Commons of Canada \(ourcommons.ca\)](https://ourcommons.ca/DocumentViewer/en/44-1/No.3/HouseofCommons)

<sup>40</sup> Report 1. Page 42

<sup>41</sup> <https://www.ourcommons.ca/DocumentViewer/en/43-2/CIMM/meeting-6/evidence> 1710

The IRCC Litigation Management Branch (LMB), was created in August 2021. Previously, Litigation matters were dealt with by the Litigation Management Division which was set within the Case Management Branch – Litigation Management has been an official part of IRCC since the mid-1990s. Serving as a liaison between the Department of Justice and IRCC, most Litigations dealt by LMB are Applications of Leave and Judicial Review (ALJR). The ALJR process allows applicants (or the Minister) to challenge a decision rendered by IRCC, under the Immigration and Refugee Protection Act, the Citizenship Act or the Passport Order, in front of the Federal Court. The ALJR is a two stage process: there is the Leave decision and the Judicial Review Hearing and Decision<sup>42</sup>. Among other things, the LMB is responsible for the ALJRs that are referred by the Department of Justice and acts as the liaison between IRCC and DOJ litigators. LMB provides day-to-day instructions and input on issues/submissions as litigation progresses.

Out of all the applications between January 2018 and December 2022, IRCC consented to reconsider 30% of the applications at the leave stage. At this first stage, 17% of applications were successful for the applicant to go to the next stage, and out of these applications, 24% of these were successful for the applicant at the Federal Court and therefore sent back to IRCC for redetermination (where a new decision maker reassesses the application and renders a new decision). Regarding Study Permits and Study Permit extensions between 2018 and 2022, almost 43% of applications are being consented for redetermination at the leave stage. Following this, the data showed that less than 10% of applications were granted at leave stage, which means that the Federal Court gives permission for the decision challenged/litigated to continue to the judicial review (final stage), and from this 10%, only 20% of these applications were successful for the applicant at the Federal Court, resulting in being sent back to IRCC for redetermination.

IRCC litigations at the Federal Court amount to a total of 12,564 in 2022, which represents 79% of the litigation cases at the Federal Court for the entire year<sup>43</sup>. Notably, only a grand total of 15,912 applications from abroad went through the ALJR process between 2018 and 2022. Nevertheless, since 2018, the Federal Court (FC) and the Litigation Management Branch (LMB) have received an increasing number of ALJRs referrals related to immigration and citizenship matters (will add numbers to give perspective). The calendar year 2020 shows a lower number of ALJRs due to the pandemic and its significant impact on the amount of litigation submitted to, and heard by, the Federal Court. While the absolute number of litigations appear low, to curb the necessity for reconsideration and ALJRs, the Department is continuing to explore ways to ensure that procedural fairness and cultural sensitivity are built into the interview process through updates to standard operating procedures used across Canada and abroad. IRCC commits to further exploring other options to ensure procedural fairness, cultural sensitivity, and accuracy in interviews while maintaining the privacy of clients.

[As mentioned in the previous section on clients communicating with IRCC, their only avenue for receiving tailored information or instructions is through the IRCC Client Support Centre. Also add the info on comments linked to this sentence.] Regarding the call for more direct lines of communication between visa offices and designated learning institutions, the Department already has a dedicated group to oversee stakeholder engagement on international students. Through these channels, IRCC keeps in regular contact with DLIs through the national associations responsible for education, namely Colleges and Institutes Canada and Universities Canada, who communicate with the department on behalf of their members on education and immigration issues related to the attraction of selection, attraction and retention of students and the role the Government plays in focusing on francophone students. IRCC also has formal communication with provincial and territorial ministries responsible for education and immigration through multilateral fora and also participates in conferences such as those hosted by the Canadian Bureau for International Education, Language Canada and Canadian Association of Public Schools – International.

Regarding utilizing and responding to client feedback, IRCC recognizes that the Client Feedback Mechanism, which was created in 2014 and took the form of a basic Webform for recording information received, was not being well utilized to improve our services. This year, the Client Feedback Unit have begun to take steps to optimize their services, creating two new units within the Client Experience Branch at IRCC. The first is a Client Feedback Unit with the goal of effectively analyze the clients' feedback to identify pain points and drive business decisions, including the use of an automatic triaging tool in order to better record and pinpoint clients' business needs. The second is a Client Correspondence Unit will aim to eliminate the clients' pain points, through designing/redesigning outgoing correspondences that delivers complete, concise, and unambiguous information.

## Remaining Gaps

While efforts to improve the following are underway at IRCC, these communications and transparency challenges continue to significantly impact on the client experience:

- Lack of communication streams between applicants and IRCC to answer questions during the application process. IRCC has to
- Links and forms are outdated or not working
- Documents of applicants to prove status only sent through mail or inaccessible

<sup>43</sup> rec'd from the Department of Justice on March 15, 2023 - LMB

Information sharing and alignment between the different offices/sections that provide information accessed by clients (web, decision letters, forms) needs to be improved

## Section Two

### 2.1 Racial bias and discrimination within IRCC

Another challenge brought forth in the reports, specifically the latest two CIMM reports, was the one of discrimination and bias within IRCC. The CIMM reports referenced results from Departmental surveys which included the view that racism is deeply rooted in Departmental practices and results in differential outcomes for employees at IRCC.

In particular, these reports highlight internal surveys conducted at IRCC that show racial discrimination and bias is a systemic issue impacting racialized and other minorities in their day-to-day workplace operations and in their career advancement. As part of its commitment to addressing unconscious bias, systemic racism, and discrimination within the Department, IRCC has implemented measures to directly address these challenges.

#### Identifying racism, bias and discrimination

Since 2020, the Department has delved into the topic of racism and discrimination within IRCC through a number of surveys. These included the initial Anti-Racism (AR) Survey from 2020, the March 2021 follow-up focus groups with 55 mostly racialized employees, and the AR Survey 2.0 and its sector-level breakdown from 2022. Other studies on this topic were the 2020 Pollara anti-racism focus groups, an independently-conducted follow up survey to complement the first AR Survey, and the Public Service Employee Survey from 2020, which included certain aspects on this topic.

The November 2022 CIMM report highlighted two important findings of the Pollara Strategic Insights focus group report; firstly, noting that **perceptions of racism largely fell along racial lines**, and secondly, pointing to significant proportions of **racialized respondents considering racism to be a problem in the Department**<sup>44</sup>. This was in line the May 2022 CIMM report which also referred to the Pollara report, stating that respondents had highlighted a lack of culture of, and processes for, addressing racism within the organization. The respondents noted **racial biases in hiring**, and a lack of racialized employees in management roles<sup>45</sup>, pointing to the simultaneous diversity of IRCC staff and the **overconcentration of that diversity in entry-level, rather than intermediate and senior, positions**. The CIMM report also pointed to the data it received from IRCC, which confirmed the impressions of respondents to the AR surveys and the focus groups that racialized employees are overrepresented in entry level positions<sup>46</sup>. This 2022 data found a **trend of decreasing representation of racialized employees in middle- and upper-level positions, and an even more marked downward trend in the representation of racialized women than for racialized men**<sup>47</sup>. Relating to the way in which racism in the organization affects decision-making, one of the testimonies to the Committee in the November 2022 CIMM report highlighted that this imbalance, namely a lack of racialized employees in higher positions, decreases the likelihood of racialized employees being employed in decision-making and visa evaluation positions<sup>48</sup>. One of the witnesses advocated for looking at this issue through an equity lens, where equitable, not proportional representation, should be the objective for the racialized community representation at all levels of IRCC<sup>49</sup>.

While Pollara Strategic Insights states that the results of its report are indicative of racism and its effects, rather than definitive, two witnesses to the Committee saw the report as evidence of the existence of systemic racism at IRCC that affects officer decisions and refusals directly. A witness also argued that training alone would not eradicate racism, but would be instrumental in providing an accountability system so that IRCC can hold its employees to account<sup>50</sup>.

Furthermore, the latest AR Survey 2.0 report found that career advancement continues to be a challenge for Black, Indigenous and racialized employees. The report broke it into three components; a **lack of mentors who share the same personal characteristics or origin as mentees**, a **lack of progress towards meeting IRCC people management representation targets**, especially in middle manager and executive levels, and the behaviour of most employees, especially racialized employees, who are **apprehensive or uncomfortable addressing inappropriate or racist behaviour of other employees**. IRCC's initiative to conduct the AR Survey allowed the Department to uncover key elements for action.

#### IRCC Actions to date

As indicated under Theme One, in the past few years, IRCC has created and supported a wide range of initiatives, programs and training which aim to eliminate systemic inequities and disparities from the Department's operations and policies. Most importantly, IRCC established a dedicated team to provide anti-racism guidance to senior management and employees **through IRCC's Anti-Racism Task Force (ARTF) in July 2020**. The ARTF identified a three-year iterative strategy in 2021 and released the Anti-Racism Strategy 2.0 (2021-2024) to launch the Department on the path to

<sup>44</sup> Report 3. Page 61

<sup>45</sup> Report 2. Page 59

<sup>46</sup> Report 3. Page 64

<sup>47</sup> Report 3. Page 67

<sup>48</sup> Report 3. Page 72

<sup>49</sup> <https://www.ourcommons.ca/DocumentViewer/en/44-1/CIMM/meeting-11/evidence> 1240

<sup>50</sup> Report 3. Page 70

building the foundations for the generational work needed to address these issues. The Anti-Racism Strategy's Pillar 2 includes an Equitable Workplace – inclusiveness and removal of barriers to career advancement for racialized employees.

These are meant to address all levels of racism and bias throughout Department operations and policies. In accordance with these priority actions and to further delve into how IRCC decisions are affecting both IRCC employees and applicants, the 2022 AR Survey also included a new level of questions on service delivery previously unaddressed by the 2020 AR Survey, which found that all IRCC employees regardless of race report strong levels of biases in service delivery and immigration policy.

While the 2020 Public Service Employee Survey (PSES) encouragingly found that 79% of IRCC department employees would feel comfortable sharing concerns about issues related to racism in the workplace with a person of authority. To further improve data collection at IRCC, the AR Survey 2.0 included more specific questions on employee perceptions of racism at the Department. Undertaken in 2022, it included a question on the level of commitment towards anti-racism, in which respondents perceived the organization as a whole to have a 64% commitment on average, this average dropping to 63% for senior leadership, 56% for managers and 49% for IRCC colleagues. Racialized and other minority groups queried in the survey differed on the commitment of each level, the biggest difference being 43% between White and Black employees on the commitment of the organization as a whole. Notably, IRCC will be proceeding with a second round of employee focus group discussions in a similar format to the one used to produce the 2020 Pollara Report in the first half of 2023. IRCC plans to compare both reports' results to assess cultural change in the past two years, and share these results publicly. These data initiatives will continue on a regular basis.

IRCC has largely tried to address these issues through creating the ARTF and IRCC's Anti-Racism Strategy 2.0 (2021-2024), which established: anti-racism sector commitments, , mandatory bias training, mentoring, coaching, and sponsorship programs, leadership development programs for underrepresented groups, employee trust circles, measurable goals, timeframes for results, accountability mechanisms and additional supports to our diversity, equity and inclusion (DEI) employee networks to collaboratively empower cultural change in the workplace. These [Anti-Racism Sector Commitments and Action Plans \(2021-2024\)](#) included, for instance, setting anti-racism objectives in performance management agreements to increase accountability. From 2021 to 2024, IRCC also initiated a hiring and retention strategy to address gaps in its workforce diversity to better reflect Canadian demographics.

The Department established six (6) departmental DEI Champion Networks, with one overarching DEI Champion that supports them. These **networks represent equity-deserving groups from across IRCC**, and includes the Indigenous Peoples Circle, Pride@IRCC, the Black Employees Network, the Racialized Employees and Allies Network, the Persons with Disabilities Employees Network, and the Women's Network. These employee networks at IRCC have been a key driver in identifying barriers and systemic inequities within the Department's work. They have also provided a sense of safety to voice employee-related concerns, including unconscious bias, micro-aggressions, and systemic discrimination in the workplace. The corporate entities leading DEI for IRCC, including the ARTF and the Equity Policy and GBA Plus Secretariat, **collaborate and consult with the Equity Networks on an ongoing basis** in support of departmental planning, projects, monitoring and reporting. IRCC has nonetheless also identified underrepresentation of racialized employees at all levels of its operational divisions, resource gaps in support of employee driven equity networks and limited resources provided for staff-initiated anti-racism training, which may hinder long-term bottom-up approaches to DEI. Gaps in resource and evaluation infrastructure to comprehensively conduct racial equity reviews of policies, programs and service delivery across lines of business have also been raised as a concern. IRCC is committed to addressing these gaps further.

Through its own research, IRCC also identified gaps in the representation of racialized employees at all levels in foreign service employment. To address these gaps, a new Foreign Service Development Program and Appointment Process that focuses on organizational needs and will encourage candidates to self-identify as members of designated groups has been created. To this end, the Department has taken steps to appoint a human resources DEI consulting firm to review the Foreign Service Development Program (FSDP) recruitment and assessment processes, develop tools and to train assessment board members to perform their functions using a DEI lens, and to integrate diversity, equity and inclusion objectives into Executive Performance Management Agreements to ensure accountability and transparency. The Department also plans to target the employment and career development of equity-deserving groups underrepresented in foreign service through information sessions within employee equity networks, targeted recruitment campaigns and working with equity-deserving communities. Additionally, the Department has been making consistent efforts to advance Diversity, Equity and Inclusion (DEI) in visa offices abroad, aiming to increase representation of racialized Canadian candidates at all levels of foreign service and identifying and removing discrimination and other barriers to promotion. Moreover, to better take into account the local context to assure ethnic and cultural diversity complementary to each regional office, IRCC foreign offices are engaging in efforts to improve upon recruitment strategies of Locally Engaged Staff including engaging with governmental partners and stakeholder to diversify recruitment approaches.

The Department has committed to building and fostering a more equitable and diverse workforce by implementing representation baselines to support a workforce composition that reflects the Canadian population by 2024. Hiring goals set in December 2021 to be implemented by end of 2024. A tool has been developed to help managers meet hiring objectives.

In September 2021, a new guideline was announced that in keeping with IRCC's commitment to building a diverse workforce future job advertisements should note that "Preference may be given to under-represented EE Groups. As of April 1, 2022 all assessment board members must have taken the CSPA H205 course entitled 'Inclusive Hiring Practices for a Diverse Workforce'.

The Government of Canada has modernized the self-identification process to be more inclusive, as a result, IRCC will be launching a departmental self-identification campaign to obtain a more accurate picture of its workforce so that strategies can be put into place to address areas of underrepresentation and employment barriers. This engagement campaign will be launched within the next 6 months (pending launch by TBS) and will help IRCC pinpoint where barriers in the recruitment and retention process may exist. In addition, IRCC is in the process of conducting an employment systems review (ESR) for all equity-seeking groups to identify what systemic barriers exist for equity-seeking employees at IRCC. The final report is expected to be completed by December 2023. Following these two initiatives, the DEI Team will be in a good position to review and revamp its departmental ARDEI Plan (currently under development) so that IRCC is focusing its efforts in the right areas.

In 2023, IRCC created a new Diversity, Equity & Inclusion Division within Corporate Services. This division is continually working to identify systemic employment barriers for all equity-seeking groups at IRCC. The DEI is the departmental lead in identifying systemic employment barriers related to people management (i.e. entire employee lifecycle – people management planning, outreach, recruitment, onboarding, retention, performance and talent management, employee development, workplace culture related to DEI, accommodation, accessibility, etc.) and will provide an update through the launch of the next Departmental plan, it is expected to include approaches to barriers for clients on intersecting identifies.

IRCC developed a departmental accessibility plan to identify, prevent, and remove barriers to participation for persons with disabilities. IRCC is in the process of implementing this plan to be achieved over the next 3 years. Ongoing work includes a departmental campaign to be launched for self-identification, departmental employment systems review, plans to launch a pilot talent management project to facilitate the movement of those who are ready for advancement into the EX level positions, exploring the expansion of the IRCC Mentorship Plus Program that IRCC has been piloting, launching the 2nd cohort of the Mosaic Leadership Development Program, engaging with the DEI employee networks to identify barriers following the implementation of the return to office mandate and to develop a departmental action plan to eliminate them, exploring the development of a mandatory competency related to inclusion for all staffing processes, addressing areas of non-compliance for racialized employees following a CHRC audit through the development of an ARDEI monitoring and reporting framework, communications strategy, employment systems review, and a plan specific to racialized employees. The Department will continue to promote, support and implement various diversity, equity and inclusion initiatives in 2023-24 and beyond.

## Remaining Gaps

### Systemic

- IRCC has introduced a number of initiatives that address many of the concerns raised for IRCC employees - through the Anti-Racism Strategy 2.0 (2021-2024) at a systemic level.) The Department has also initiated a 2021 to 2024 hiring and retention strategy to address gaps in workforce diversity to better reflect Canadian demographics. However, many of these initiatives have been implemented over the last few years and outcomes for many are still unknown.
- Some questions remain around approaches to barriers for clients with intersecting identities.
- Limitations on existing structures - OCR can only raise systemic issues if the affected parties agree. Some employees have fears of reprisals so they do not agree to raise issue further.

### Individual

- Employee level fear of reprisals remains a significant concern
- Identifying and navigating the appropriate recourse mechanism also remains a challenge.



## Section Three

### 3.1 What is an Ombudsperson?

For the purposes of this study on the merits of establishing an Ombudsperson office at IRCC, it is important to note the definition and role of an Ombuds, based on International Ombuds Association. There are many different types of Ombuds with different roles, functional responsibilities, and standards of practice, including classical Ombuds, advocate Ombuds and organizational Ombuds. The IOA Standards of Practice and Code of Ethics are the basis on which many of our federal Ombuds offices have developed their standards of practice, (e.g. Innovation, Science and Economic Development Canada (ISED)). The following three definitions and basic considerations will help ascertain whether an Ombuds would be a suitable measure to address IRCC's remaining gaps based on the scope of its potential role. Examples further discussed in Section 3.

#### Definitions

##### **Classical Ombuds**

These Ombuds receive and investigate complaints and concerns regarding governmental policies and processes. The authority and mandate of classical Ombuds are typically provided by statutory language. These Ombuds may be elected by constituents or appointed by a legislature or organization to monitor citizens' treatment under the law. Classical Ombuds generally have authority to conduct investigations and make recommendations for appropriate redress or policy change.

##### **Advocate Ombuds**

An advocate Ombuds may be located in either the public or private sector. They evaluate claims objectively but are authorized or required to advocate on behalf of individuals or groups found to be aggrieved. Advocate Ombuds are often found in organizations such as long-term care facilities or agencies, and organizations that work with juvenile offenders.

An **organizational Ombuds** is an individual who serves as a designated neutral within a specific organization and provides informal conflict resolution and problem-solving support to members of the organization (internal-facing Ombuds) and/or for clients or customers of the organization (external-facing Ombuds).

The primary duties of an organizational Ombuds are (1) to work with individuals and groups in an organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns, and (2) to bring systemic concerns to the attention of the organization for resolution.

#### Basic functions

##### **What an Ombuds Typically Does Not Do**

Because of the informal, neutral, confidential and independent their positioning in an organization, Ombuds typically do not undertake the following roles or activities: participate in formal investigations or play any role in a formal issue resolution process; produce any findings or make binding decisions; institute corrective measures; serve in any other organizational role that would compromise the neutrality of the Ombuds role; receive notice or act as an office of notice for the organization; create policies; create or maintain records; or form any type of formal relationship (i.e., attorney-client).

##### **Ombuds with Investigative Role**

Some items are not relevant as per agreement with requester

While most Ombuds in the Government of Canada follow the parameters of the above [see Annex A: Other Government Department and M5 Relevant Approaches], a few also have an investigative role.

### 3.2 Lessons from other departments

IRCC conducted research on existing Ombudsperson Offices belonging to other government departments to learn from other jurisdictions on how the identified issues from the CIMM reports may be addressed. IRCC received information from nine government agencies/departments regarding their Ombudsperson Office and complaint mechanism.

There are between 26 and 28 Ombudsperson Offices operating at the federal level, depending on the definition of such an Office. The majority of these Offices are internal facing, providing a safe space for employees to raise and seek help for their grievances, while 7 of these are public facing Ombudsperson Offices.

### Federal government departments' internal-facing Ombuds

Many departments have created an Ombudsperson office in the past four years in many cases prompted by the Clerk of the Privy Council's Call for Action through the publication of the report Safe Workspaces: Starting a dialogue and taking action on harassment in the Public Service in 2019. The recommendation was for "Departments to put in place an Ombuds-type function to provide all employees with a trusted, safe space to discuss harassment without fear of reprisal and to help navigate existing systems. For smaller departments and agencies, this could take the form of shared access to an Ombuds-type resource. The model would be custom-fit to each organization, with accessibility by front-line employees in mind". The vast majority of current Ombudsperson Offices at the federal level are internal-facing and focus on internal complaints, mental health, codes of conduct and values & ethics<sup>51</sup>.

The procedure of the complaint mechanism is similar for these departments; it includes a submission of a claim, and the escalation of the claim, where if the claim is not perceived as appropriately addressed by the complainant at the first stage, it can escalate to the Ombudsperson for guidance and support as to find the appropriate avenue to address the complainant's grievance. While some Offices lead programs pertaining to mental health and values & ethics, none of these Ombudsperson Offices undertake investigations concerning the complaints received. Their main mission is to guide complainants through the existing grievance mechanism, report any trends or important issues, and provide recommendations through an annual report or directly to deputy ministers in their department.

To address racial bias and discrimination, a few of these internal facing departments have an equity chief or advisor, which is an executive in charge of optimizing initiatives in equity, diversity and inclusion. Human Resources mechanisms are also sought to address concerns on this topic, along with other initiatives such as employee networks. These networks include the Employees with Disabilities, and the Black, Indigenous, Pride and Visible Minorities Employee networks, which raise issues and identify barriers faces by the employees they represent.

**Some items are not relevant as per agreement with requester**

Internal-facing, the Ombuds addresses only internal staff concerns with the intention of providing a safe space or additional avenue to seek advice and assistance on workplace related issues based on the principals of confidentiality, impartiality, informality and independence. The Ombuds also shares perceived systemic concerns and trends with the Deputies and ultimately makes recommendations for change.

### Federal government departments' external-facing Ombuds

On the other hand, external-facing Ombudsperson Offices were created due to the need for an oversight mechanism to review grievances and systemic issues take action to resolve challenges and a call to be more transparent and accountable, and take steps to ensure better service

Similar to internal-facing Ombudsperson Offices, these Ombuds offices also do their best to work at the lowest level possible to address complaints and seek a resolution. Nonetheless, these Ombuds have broader mandates which include the examination of systemic issues, in addition to examining individual complaints with compelling circumstances, and being in contact with Ministers, either responding to requests for reviews or the Ombudsperson making direct recommendations.

These offices operate in a similar manner, often relying on a first triage of complaints by the Feedback Mechanism of the Department to which they are connected. Every Office consists of teams with distinct functions that are responsible for the filing, tracking actions on each case and reporting back to the complainant. In the case of the Office of the Correctional Investigator (OCI) and OVC, an investigation may be initiated in response to a complaint or on the initiative of the Correctional Investigator or Ombudsman.

All the external-facing Ombudsperson Offices included in this analysis also publish an annual report, which is tabled in Parliament and made public. the Ombudsperson Office also publishes systemic recommendations in formal reports throughout the year, and the Minister or Deputy Minister replies to the Ombudsperson advising as to the Government's / Department's intention to implement these recommendations.

**Some items are not relevant as per agreement with requester**

<sup>51</sup> Chat with IRB Ombuds

Some items are not relevant as per agreement with requester

### 3.3 Lessons from other jurisdictions

Some items are not relevant as per agreement with requester

Some items are not relevant as per agreement with requester

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## Section Four

### 4.1 Considerations

#### Volumes

- In 2022, IRCC processed approximately 5.2 million applications for permanent residence, temporary residence and citizenship. That's double the number of applications processed in 2021.<sup>i</sup> Of those
- IRCC is the most litigated Department in the Government of Canada and also received the most ATIP requests.
  - IRCC received 79.7% of all access to information requests received in 2021–22. In this year, IRCC received over 202,000 ATIP requests concerning 221,380 applications – a new record which represents a 61% increase from the previous year. (ATIP Watch Placemat) Of the 221,380 applications, refused TRV applications accounted for 27,380 (12.4%) of the volume.
  - In 2022, the Federal Court of Canada received 12,564 applications for leave for Judicial Review of IRCC decisions. This process has a standard cost of \$50 which is separate from any additional legal representation costs clients may incur while seeking to have their applications re-assessed by IRCC.
- Interestingly, the number of Requests for Reconsiderations received by IRCC in 2022 was only 9,591. While this was a drop from the previous years (with an all-time high of 19,474 requests in 2019 and noting that we do not have data on the reasons client elect one option over the other, it could be an indication that this existing free recourse option after an IRCC refusal may not be well known or accessed by IRCC clients<sup>ii</sup> as one would expect that clients would avail themselves to a free option before others.

[<https://gcdocs2.ci.gc.ca/otcs/cs.exe?func=ll&objaction=overview&objid=496401233>]

#### Previous IRCC Ombuds was replaced by the Office of Conflict Resolution

IRCC (known as Citizenship and Immigration Canada at the time) was one of a few federal government departments which had introduced an internal “Ombudsman” in 2000<sup>iii</sup>. The Ombudsman office functioned effectively for five years before the legislation to modernize the Public Service was passed which required the implementation of an Informal Conflict Management System (ICMS). This was a key aspect of the changes in human resources management in the Public Service Modernization Act, which received royal assent on November 7, 2003.

In 2005, the Department developed an informal conflict management system (ICMS) for a variety of reasons beyond the requirement in the Public Service Modernization Act to establish such a system. In her reports, the former ombudsman supported the active resolution of conflicts and pointed to the strong desire among staff for a way to resolve issues informally in a safe, confidential environment. Bargaining agents, emphasizing the importance of impartiality and neutrality, supported the informal resolution of employee concerns.

The ICMS at IRCC was developed in 2004 through consultation with human resources specialists, bargaining agents, employees at all levels, the former ombudsman and a specialist in conflict management systems from the Department of Justice. At IRCC, the ICMS is integrated within the existing rights-based system, giving employees more options in managing and resolving workplace issues.

Currently, the Office of Conflict Resolution supports staff at all levels of the organization in preventing, managing and resolving workplace conflicts. Its key roles are to provide confidential, flexible, informal and effective ways of handling conflict as soon as possible and at the lowest possible level.

#### Ombuds vs Office of Conflict Resolution – Duplication or Different Roles?

The Office of Conflict Resolution is limited by its mandate and confidentiality, it can only go as far resolving an issue as both parties want agree to go. If only one party wants to proceed, or engage in the process, the OCR is limited to providing support to the party still interested in engaging and giving them tools to manage the conflict.

A limitation of this office is that it can only raise systemic issues to the attention of senior management if the affected parties agrees. Some employees have fears of reprisals so they do not agree to raise issue further.

An organizational ombuds would be mandated to identify trend and elevate systemic issues without needing the consent of the implicated parties.

## Considerations and Preliminary Recommendations by Theme

### Theme 1.1 Racial bias and discrimination towards clients

CONSIDERATIONS	RECOMMENDED APPROACH
<p><b>Systemic Issues</b></p> <ul style="list-style-type: none"> <li>• <b>Ombuds vs Auditor/Investigator.</b> At times, the CIMM report recommendation for the creation of an ombuds include an expectation that the ombuds would undertake activities which fall outside the scope of general activities of an organizational ombuds, for example “automatically audit offices with high refusal rates as part of their mandate.” It may be more appropriate for IRCC to explore an auditor/investigator role to investigate where there are concerns of systemic processing inequities.               <ul style="list-style-type: none"> <li>○ To address these systemic issues more concretely – with office that has decision making or investigative authorities – would need more of an Auditor or Investigator role rather than an organizational Ombuds as they exist in most OGDs</li> <li>○ Such an auditor/investigator could review systemic issues within IRCC programs, with a mechanism to flag concerns made available to both external clients and internal staff.</li> </ul> </li> <li>• IRCC actions to date, including key initiatives like IRCC’s Anti-Racism Strategy 2.0 (2021-2024) and the racial equity reviews in targeted policy areas, may sufficiently address most of larger systemic issues raised in the CIMM reports. The need for further IRCC action on those issues should only be assessed after at least the early outcomes of these initiatives are known.</li> </ul> <p><b>Individual Issues</b></p> <ul style="list-style-type: none"> <li>• High volume of IRCC applications/decisions make an ombudsperson responsible for individual client concerns/complaints practically unmanageable.</li> <li>• Access and service/program navigation – an argument can be made that more than a complaints mechanism, the client issues raised in the reports may be more concretely/practically addressed by improved service navigation support and improved access to existing recourse mechanisms</li> <li>• CSC can provide navigation for some clients as they go through the immigration application process and available recourse after a negative decision. The call option is only available to clients in Canada with applications in process (apart from special circumstances – Ukraine, Afghanistan), clients outside of Canada have access to the Come to Canada Wizard and Webforms to access assistance. Note: call answer rates are already a challenge with existing volumes (2021-22 answer rate 22%). Expanding access to more applicants would have significant cost and resource implications.</li> <li>•</li> </ul> <p><b>If IRCC must</b> implement an Ombuds for external clients, the Ombuds should be responsible for broader (not for individual client applications) issues that affect a specific population/region. An example to possibly explore would be CRA’s Taxation Ombudsperson model who is responsible for examining systemic issues impacting a large number of persons or a particular segment of the population to assess and recommend service improvements.</p> <ul style="list-style-type: none"> <li>○ Communications for Ombuds office would have to be clear – only assess issues at systemic issue, not individual applications issues which those should be directed to CSC, Client Feedback, Request for Reconsideration, ALJR, CHRC.</li> </ul>	<p>An Ombudsperson is not recommended as the appropriate response for concerns explored under Theme1: Racial bias and discrimination towards clients.</p> <p>Areas IRCC should continue focus resources on to address existing gaps include:</p> <ul style="list-style-type: none"> <li>• Improving access to process navigation support for overseas clients.</li> <li>• Disaggregated data collection from visa offices abroad on refusals and delays</li> <li>• Continue investigation into “infamous for refusal rates” visa application offices</li> <li>• Evaluation of distribution of VACs</li> <li>• Better harmonization of requirements for different programs</li> <li>• Finalize digitization of all application streams</li> <li>• Physical visas vs. electronic visas – gauge if the visa can be affixed upon arrival</li> </ul>

## Theme 1.2 Communication and reconsideration

CONSIDERATIONS	PRELIMINARY RECOMMENDATIONS
<p><b>Systemic</b></p> <ul style="list-style-type: none"> <li>Improvements to IT platforms to be implemented Digital Platform Modernization programme, along with the possible expansion of the Officer Decision Note pilot and other Access to Information Program are expected to address a significant number of the concerns in this theme</li> </ul> <p><b>Individual</b></p> <ul style="list-style-type: none"> <li>Given the large volumes of IRCC applicants and prospective applicants seeking information, addressing inconsistency of information accessed by clients on IRCC web or in communications products and letters would be more appropriately addressed by strengthened quality control processes or regular audits than an Ombuds</li> <li>On the issue of recourse following a refusal, it is beyond the scope of the role of an Ombuds to assess application decisions and set unfair decisions aside. This is the role of the reconsideration or ALJR processes.</li> </ul>	<ul style="list-style-type: none"> <li>Ombuds is not the correct solution to what is primarily Communications and transparency issues.</li> <li>However, better communication and feedback approach is needed both for IRCC processes and for available avenues for review/redetermination of application refusals. Recourse mechanisms should be more accessible and options better communicated.             <ul style="list-style-type: none"> <li>Prioritize improvements to the collection and analysis of client feedback</li> <li>Create an assistance centre for questions on applications accessible to overseas applicants</li> <li>Up to date and accurate information, links and forms within the IRCC website – explore the development and upkeep a mechanism that continuously checks links and validates their accuracy</li> <li>Make digitized documentation available to all applicants</li> <li>Amend status updates in communications trackers so it can include when applicants have maintained status (formerly implied status)</li> <li>Add information on the reconsideration process and appeal process in refusal letters, with links to web pages containing details on these processes</li> </ul> </li> </ul>

## Theme 2.1 Racial bias and discrimination within IRCC

CONSIDERATIONS	PRELIMINARY RECOMMENDATIONS
<p><b>Systemic</b></p> <ul style="list-style-type: none"> <li>A few of IRCC’s existing structures/resources for internal staff concerns – Office of Conflict Resolution, Anti-Racism Task Force, Employee Support Office, and The Office of Internal Disclosures and Reprisal Protection appear to fulfil the roles and duties of typical organizational Ombuds.</li> <li>A separate Ombuds office might duplicate the work of existing structures in the Department. However, the downside of combining some these activities and programs under an Ombuds office is that it may reduce the ability of the ombuds to remain neutral</li> <li>An organizational ombuds would be mandated to identify trend and elevate systemic issues without needing the consent of the implicated parties.</li> </ul> <p><b>Individual</b></p> <ul style="list-style-type: none"> <li>Feasible: An organizational Ombuds could be introduced to address individual employee concerns (with or without mental health/ethics programs) – to provide a safe space for employees to raise issues. Similar to majority of Ombuds offices in GoC. Volumes are manageable for internal staff population.</li> </ul> <p><b>Individual</b></p> <ul style="list-style-type: none"> <li>Volumes for an internal-facing ombuds much more manageable and in line with most federal Ombuds who generally serve a population of between 7K and 15K</li> <li>With respect to fear of reprisals. Note that Confidentiality is one of 4 fundamental principles of Ombuds in the International Ombuds Association Code of Ethics which states that “the identify of those seeking assistance from the Ombuds and all communications with them are confidential to the maximum extent permitted by law.”</li> <li>Another remaining challenge for employees is navigating the available recourse mechanisms. IRCC is attempting to address this through a new tool (<a href="#">Avenues for Resolution: Discrimination roadmap</a>)</li> <li>Role: A one stop/entry point to help employees find the right recourse mechanisms and resources</li> </ul>	<p>There are gaps in supports and recourse options available to IRCC employees that could be address by an Ombudsperson.</p> <p>An Ombudsperson Office could help address are challenges faced by employees in navigating the available recourse system. To address the lack of trust in the system/fear of reprisals for IRCC employees, the Ombudsperson Office would have to be clearly independent of existing HR structures.</p> <p>Timeline consideration - Many of the new initiatives and structures IRCC has introduced to address racial bias and discrimination underway at IRCC have 2024 deadlines and waiting for early outcomes. A 12 months deferral would allow the Department to have a better sense of which issues have been addressed and which require further action. Strategic Immigration Review may also result in structural changes in IRCC.</p> <p>It would also allow time to confirm the best approach.</p> <ul style="list-style-type: none"> <li>Authorities needed - would investigative authority be needed or traditional organizational Ombuds meet IRCC needs?</li> <li>Independence and structure – Including programs (OCR, under Ombuds office, or prioritizing independence and neutrality by having a completely separate structure.</li> </ul> <p>Other areas IRCC should continue focus resources on to address existing gaps include:</p> <ul style="list-style-type: none"> <li>Assess the trend in the number: representation of racialized employees in middle- and upper-level positions. Intersectional lens to assess representation of racialized &amp; women employees. Visibility and accessibility of complaints and recourse mechanisms.</li> </ul>

### Final recommendations

[Based on...

*“many witnesses called for the creation of an independent ombudsperson office to address racism in visa applications decisions and at IRCC. This echoed the same recommendation made by IRCC employees who participated in the Pollara Strategic Insights focus groups.”<sup>59</sup>*

<sup>59</sup> Report 3. Page 73.



*If you run a policy with the assumption that the preponderance of those going through the processes are cheating, that means you are either biased, you are finding what you are expecting to find or the outcome of that process of unification is flawed." Evidence - CIMM (44-1) - No. 17 - House of Commons of Canada (ourcommons.ca)*

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<sup>i</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/news/2022/12/canada-welcomes-historic-number-of-newcomers-in-2022.html>

<sup>ii</sup> Reconsiderations Requests GCMS Data Pull [to be validated by OPPB]:

<https://gcdocs2.ci.gc.ca/otcs/cs.exe?func=ll&objaction=overview&objid=496401233>

<sup>iii</sup> IRCC Intranet link: [Annual Report 2006 \(ci.gc.ca\)](#)