



## Country: Canada

### Good Practice: The short-hearing and file-review processes

**Implementation dates: continuous.**

#### **General Description:**

The Immigration and Refugee Board of Canada (IRB) is committed to deciding claims for refugee protection fairly and efficiently. To achieve this goal, it seeks to allocate the appropriate level of resources to the case being decided.

The Refugee Protection Division (RPD) of the IRB is responsible for the initial decision to grant asylum. It has two separate processes for finalizing less complex claims from its inventory: the short-hearing process and the file-review process

These processes, described in the [Instructions Governing the Streaming of Less Complex Claims at the Refugee Protection Division](#), aim to allocate an amount of preparation and hearing room time that is proportionate to the complexity of each unique claim.

The RPD, relying on its knowledge of country conditions and claim types and its experience in deciding claims, assesses each individual claim to determine if it is suitable for a short-hearing or a file-review process. Although not all claims are suitable, all claims are automatically considered by the RPD for either process.

This is a good practice in triage and differentiated processing.

#### **Activities:**

- File-Review Process

The RPD can, in specific circumstances, accept a claim for refugee protection without a hearing. Accepting a claim without a hearing is called the file-review process, and it allows RPD decision-makers to accept the claim after a review of the evidence in the file, which includes confirmation of security screening, the Basis of Claim Form, identity documents and other relevant evidence and submissions.

Any application that meets the criteria established in the aforementioned Instructions may be processed by a file review without a hearing. The process focuses on those requests that appear to be manifestly well-founded upon initial review and can be fairly determined without the allocation of resources for a hearing.

- Short Hearing Process



Under certain circumstances, the RPD may decide a claim for refugee protection after a short, focused hearing. A refugee protection claim that is suitable for the short-hearing process has only one or two issues which appear to be determinative of the claim. The hearing of such a claim can usually be concluded within two hours.

Any claim that meets the criteria set out in the Instructions Governing the Streaming of Less Complex Claims at the Refugee Protection Division can be processed under the short-hearing process. Country and claim types that are considered appropriate for processing under the file-review process may also be processed under the short-hearing process.

#### **Results / Impact:**

- Allows for faster processing of certain applications and more efficient triage of cases. It is a good tool to reduce backlogs.

#### **Implementation challenges:**

- Trained staff are required in the registry to triage cases.

#### **Partner(s):**

The Immigration and Refugee Board of Canada (IRB) is responsible for this good practice.

#### **Impact of the COVID-19 Pandemic on Implementation:**

During COVID-19, the IRB expanded the use of case triage through the file review and short hearing process.

#### **Use of the Asylum Capacity Support Group mechanism:**

No.

#### **Additional information:**

[Summary of good practice.](#)

[Instructions governing the streaming of less complex claims at the RPD](#)

[Procedures for Implementing the Instructions Governing the Streaming of Less Complex Claims at the DPO](#)

[Country and Claim Type Criteria - Instructions Governing the Streaming of less complex claims](#)