

Tighter timelines for refugee claims come with a \$34 million price tag

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Tighter timelines for refugee claims brought in as part of the Harper government's controversial new refugee laws could cost up to \$1 million in computer updates alone.

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The Immigration and Refugee Board is looking for two consultants to help them update its case management, case tracking and hearing schedule systems, according to a notice of proposed procurement posted on a government contracting website last week.

The work is valued between \$500,000 and \$1 million and is part of \$34 million in funding the board was given to implement Bill C-31, which became law this past spring.

The law, entitled "Protecting Canada's Immigration System Act," seeks to deport so-called "bogus" refugees sooner and to crackdown on human smugglers and illegal arrivals. It allows the minister to designate "safe" countries, which are those deemed unlikely to produce refugees.

As part of the changes, the government is tightening up the timelines for processing refugee claims and is setting up a new refugee appeals division at the board.

The law raised the ire of many immigration lawyers and refugee advocates who argue it puts too much power in the hands of the minister, politicizes a process meant to be fair and impartial and puts impossible timelines in place for refugees.

The need for better IT systems comes as the law blows up old processes and enforces strict new deadlines.

Refugees under the new system would have just 15 days, instead of 28 days, to submit their basis of claim to the IRB after being referred to the board.

Hearings would go from a processing time of 19 months to between 30 and 60 days depending on if the refugee was coming from a "safe" country.

The law also introduces a new refugee appeal division at the IRB. Refugees would have 15 days to file and perfect their appeals and the appeal division would have to make a decision within 90 days.

“The IRB must review and make changes to some of its processes and supporting systems in order to comply with this new legislation,” said a statement from the board about the procurement offer.

The analysts would work for 2.5 years as part of the contract, subject to funding approval. The IRB will have a total of \$34 million to spend over three years to develop new rules and processes, hire and train staff, buy materials, update computer systems, create communications materials and ready office space.

Citizenship and Immigration Canada estimates the price tag for implementing the new immigration laws across government will cost \$551 million over five years as the government reforms the asylum system, brings in more government-selected refugees and reduces the backlog of pending refugee claims.

But the department contends the price tag should not be considered a cost.

“The provinces and territories are expected to save in the range of \$1.65 billion over five years in social assistance and education costs. These bill are a net cost saving, not a new cost,” the department said in a statement.

NDP immigration critic Jinny Sims said she asked about the costs of the bill and didn’t get any answers before it was “rammed” through amidst throngs of criticism.

“Now they tell us this is the additional cost. I want to know what other costs we are going to find out about as time goes by,” she said.

Veteran immigration lawyer Lorne Waldman said computer upgrades at the IRB are welcome.

The real problem, for him and other critics, is spending money on a flawed refugee system.

“All of us want a fair and efficient refugee determination system, but this one quite frankly doesn’t meet the bill,” said Waldman.

Waldman predicts the new rules and timelines will result in major legal challenges – and costs – because they compromise a refugee’s right to a fair hearing. He adds past refugee reforms have been met with budget cuts, increased claims and other unforeseen issues.

“The people in government that say it’s going to save us billions of dollars are dreamers,” Waldman said.

Another immigration lawyer Ed Corrigan called the new laws a “big step backwards.”

“It is going to affect the quality of the decisions at the refugee board and it is going to lead to serious problems getting proper representation for the refugees,” he said.

Corrigan called the new timelines absurd and said they would lead to court challenges.

“Virtually every lawyer says the same thing: The timelines are virtually impossible to deal with,” he said. “I do not see where the savings are going to come from.”

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