

Vacancies plague refugee board

Canwest News Service, Thursday, December 28, 2006

Byline: Meagan Fitzpatrick

OTTAWA - The Conservative government is damaging an already problematic Immigration and Refugee Board of Canada (IRB), according to the former head of the tribunal.

Peter Showler said the government should immediately fill the 41 vacancies on the 156-member board and that failing to do so would be detrimental to all parties involved in the refugee-claimant process.

"It would be understandable to wait if there wasn't an urgent need," said Showler, who was IRB chairman from 1999 to 2002 and involved with the board for years before that.

"Sins of omission can be as damaging as sins of commission. If they continue to not appoint people, they are certainly drastically undermining the board," he said.

The Conservative government has made more than 20 appointments and 15 re-appointments to the board since it took power nearly a year ago, but Showler said it's not enough.

Applicants for jobs on the IRB are screened using a merit-based evaluation system and if successful, they enter a pool of candidates from which the government can choose.

However, the chairman of the IRB does not have the authority to hire or fire people, and despite the merit system, the door is left open for patronage appointments, Showler said.

He described the patronage during his years at the IRB as "horrible" and reforms introduced in the late 1990s and in 2004 have done little to ensure selections are purely based on merit.

Showler said the board has some weak members who got their jobs because of who they know, not what they know.

"There is a significant minority of members who are inappropriate and should not be making refugee decisions," Showler said, while stressing that the majority of IRB members are competent and committed to their jobs.

The Conservative appointments to date don't appear to be pay back for political favours, Showler said, but the slow pace at which the spots are being filled has fuelled his concern that future ones will be patronage appointments.

"The only reason I can think of (for the delay) is they are waiting for Conservatives to come through the assessment system," said Showler, who teaches a course in refugee law at the University of Ottawa.

Of the 156 positions on the IRB, 119 of them are in the Refugee Protection Division, which decides whether to accept or reject refugee claims. There are currently 35 vacancies in that division.

Those vacancies mean the caseload increases, hearings may get cancelled, the backlog grows, and decisions can be rushed or poor, Showler said.

A spokeswoman for Immigration Minister Monte Solberg said the department is in the process of filling all of the vacancies on the IRB and it accepted more than 350 applications in the fall after placing newspaper advertisements for the openings.

“The minister is confident that we'll be able to fill vacancies while maintaining the timely processing of claims,” Pema Lhalungpa said.

However, Showler said there should be a pool of available candidates who already gone through the assessment system, as well as current members whose terms are up who should be re-appointed.

Lhalungpa was not able to comment further on the vacancies and Solberg was not available.

According to the current IRB chairman, Jean-Guy Fleury, the vacant positions are causing a slowdown in processing claims, which will number about 22,000 in 2006.

In October, Fleury told a House of Commons standing committee that “in the absence of appointments and re-appointments I cannot fulfil my promises to this committee on processing times and innovative reforms.” His goal for processing claims is six months and the average time in October was 11 months.

Long waits, patronage appointments and incompetent employees are among the problems that Showler identified with the IRB in his recently published book *Refugee Sandwich: Stories of Exile and Asylum*.

The lack of a proper appeal system and inadequate legal counsel for claimants are also among Showler's criticisms of Canada's refugee system.

He wrote *Refugee Sandwich* to try to shed light on how the IRB works and in so doing he exposed some of its flaws. He said the system is no better off under the Conservatives than it was under the Liberals.

Taking months to fill the vacancies will have long-term effects, he added.

“The Conservative government definitely has done damage to the board. We don't know how serious that damage is until we see who they appoint,” Showler said.