Examination and Design Considerations of the Refugee Applicant Experience
from within Canada

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Abstract

This study investigates the refugee experience for in-land applicants in Canada, with results suggesting that their experiences may be influenced by the design of associated processes and environments that refugee applicants encounter. The path a refugee applicant follows in their quest for stability and security can be long and comprehensive. This investigation of refugee experience in relation to design includes their application for asylum in Canada, up to their tribunal hearing for refugee status. Although the interactions with the tribunal space and associated environments represent only a few touch points in the experience of the application process, this study documents how the design of tribunal spaces and associated processes may be impacting the refugee applicant's experience, from the perspective of stakeholders working with or on the behalf of refugee applicants. Due to the potentially traumatic experiences refugee applicants may have encountered, the investigation of these "closed environments" documents the perspectives of subject matter experts working closely with refugee applicants and experts who specialize in design related to this field. Future, more comprehensive studies should move beyond this review to include the first-hand perspective of refugee applicants.

This study provides insight on the possible influence of judicial government environments and associated spaces on applicant experiences while receiving legal, social and economic support. A review of these environments, their design and the influence of the design from the perspectives of subject matter experts led to the development of a framework for understanding the potential impact of these space types and associated processes. The analysis also resulted in physical or systematic recommendations to improve the experience of refugee applicants in Canada. At a broader level, this study aims to provide a context for future policy and design development.

Keywords: Refugee, Stress, Architecture, Design, Judicial Space, Resilience, Trust, Phenomenology, Methods.

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Nomenclature

Acronyms¹

People

RA	Refugee Applicant or Asylum Seeker – in-land.
GAR	Government Assisted Refugee, UNHCR vetted refugee who is assigned to Canada after several years of vetting and security checks while living in refugee camps.
ID	Internally Displaced – person forced from their home, but still within their own country.
CR	Convention Refugee – Successful refugee applicant granted residence in Canada. Receives residence status similar to a PR.
PR	Permanent Resident – Successful immigration application as a skilled worker, or as a family member of a skilled worker.
WI	Witnesses – People called upon to provide testimony supporting a refugee applicant’s experience.
SP	Support Person – friend or community service worker who may come with the applicant to the tribunal hearing for emotional support. Applicants with children need to bring someone to watch their children in the waiting room, during the hearing. In some cases, the support person provides medical or mental health support.
LA	Lawyer for the refugee applicant.
MC	Ministers counsel – Representative of the Canadian Government, questions and clarifies any concerns about the applicant, the validity of the claim, and security questions. Works with CBSA if needed.
IP	Interpreter – provides translation services if the RA does not speak English or French sufficiently.
BM	Board Member – Neutral third-party who hears the case, and makes the final decision regarding the asylum application.
SW	Support worker such as shelter workers, legal aid, employment counselors.
CMO	IRB Case Management Officers – assigned to each case, providing a single point of contact for each applicant. However, the role of a CMO is specifically to coordinate the scheduling of the tribunal hearing itself, not to answer detailed legal questions.

¹ The acronyms list provided has been organized to illustrate the interconnectedness of stakeholders, contexts, processes and policies. If only one group of stakeholders is studied, aspects of the process could be missed and important relationships may be undocumented.

Organizations

CBSA	Canadian Border Services Agency
IRB	Immigration and Refugee Board
IRCC	Immigration, Refugees and Citizenship Canada
MACAD	Monitoring, Analysis, and Country Assessment Division (IRCC)
OMC	Operational Management and Coordination Branch (IRCC)
OPMB	Operations Performance Management Branch (IRCC)
RAB	Refugee Affairs Branch (IRCC)
RAD	Refugee Appeal Division (IRB)
RCC	Refugee Claimant Continuum
RPD	Refugee Protection Division (IRB)
RRPMO	Refugee Reform Project Management Office (IRCC)
RCMP	Royal Canadian Mounted Police
UNHCR	United Nations High Commissioner for Refugees
RCO	Refugee Community Organization
CLEO	Canadian Legal Education Organization
CO	Community Organizations such as religious groups, ethnic groups, shelters.
CCR	Canadian Council for Refugees

Process Designation

ASR	Automatic Stay of Removal
BOC	Basis of Claim Form
DCO	Designated Country of Origin
FESS	Front-End Security Screening
FTE	Full-Time Equivalent
H&C	Humanitarian and Compassionate Considerations
ICAS	In-Canada Asylum System
POE	Port of Entry
PRRA	Pre-Removal Risk Assessment

Policies

IRPA	Immigration and Refugee Protection Act
BBRA	Balanced Refugee Reform Act
PCISA	Protecting Canada's Immigration System Act

Definitions

Convention Refugee (CR): The result of an accepted claim, which provides status in Canada similar to a permanent resident, and allows application for citizenship, in time. While living in Canada as a CR, one has the same rights to healthcare, education and social supports while paying taxes.

Ready Tour: The Ready Tour occurs at the tribunal spaces in Toronto. It is free to attend for any refugee applicant and consists of a presentation in a tribunal room that covers the following questions; how to navigate the refugee hearing process, what a refugee hearing is, what to expect at the hearing, and who may be participating. Volunteer interpreters attend the session to allow multiple groups of applicants the chance to receive the information in the language they are comfortable with.

First Contact Program: This charity was begun in 2001, and was created after several support agencies for refugees noted that there was a gap in services especially immediately after new applicants were processed at the airport; and have nowhere to go. This program is operated by the Canadian Red Cross.

SIN: Social Insurance Number – used to access government services and monitor income for tax purposes.

Ontario Works: Provincial social assistance program that provides a monthly stipend for daily living expenses.

Refugee Tribunal Spaces: These are the offices in which refugee cases are heard, and from which a decision regarding the status of the applicant is generated.

Psychological Fragility: A term used to describe the fragile state of mind of an asylum applicant while entering the tribunal hearing.

Vicarious Trauma: The emotional residue of exposure that subject matter experts have from working with people as they are hearing their trauma stories and become witnesses to the pain, fear, and terror that trauma survivors have endured. It is important not to confuse vicarious trauma with “burnout” (American Counseling Association, 2008).

Social Capital: An economics concept that places value on the connections and networks we form in relationships. This allows access to work opportunities, housing, and other forms of self-sufficiency

Survival Job: A form of employment that is usually physically demanding, low skilled, and underpaid. In some instances, this is undocumented work below minimum wage and without any health or safety considerations.

Language Clarification

During the course of the study, it became apparent that not all stakeholders used terminology the same way. Please see Appendix A for clarification of commonly used terms.

1. Introduction

The definition of a refugee, as per the United Nations 1951 Convention, is “a person who has a well-founded fear of persecution, and is unable to return to their country” (United Nations High Commissioner for Refugees, 1951). In order to design a space that supports the needs of a refugee applicant in their quest for asylum, understanding the process and wider context of their experience in relation to the built environments they encounter prior to, during, and after their tribunal hearing, is important and valuable².

Immigration has, historically, been a crucial aspect of nation-building in Canada, and refugee applications have traditionally been incorporated under the umbrella of immigration. As the global refugee crisis reaches previously unseen levels (United Nations High Commissioner for Refugees, 2016), Canada is experiencing increased numbers of asylum seekers; people who are bypassing the external application and processing period, and applying for asylum at the border or through the in-land application stream. The uncertainties many refugee applicants experience combined with a global political shift to the right (Ekström, 2017) have created a volatile climate for refugee applicants.

The Canadian Immigration and Refugee Board (IRB) has four locations for refugee tribunal hearings. These locations are in Montreal, Toronto, Edmonton, and Vancouver.

² The entire experience of refugees, starting from country of origin, could not be studied as it exceeds the scope of this study timeframe and also brings various levels of complexity depending on the country of origin. Further, as the study is focused on understanding the current thinking on designing Canadian tribunal spaces and how to improve the design approach, the scope has been limited to the documentation of refugee applicants who apply for asylum from within Canada, or at a border port of entry (POE).

Toronto is the largest processing center, handling approximately 70%³ of Canadian in-land refugee tribunal hearings.

In 2016, Immigration, Refugee and Citizenship Canada (IRCC) expressed interest in redesigning the refugee tribunal space in Toronto, and in research that could inform the design process. Refugee tribunal spaces are the offices in which refugee cases are heard, and from which a decision regarding the status of the refugee applicant is generated.

This expression of interest was the impetus for this research, however the IRCC was not involved in this study, other than facilitating access to tribunal spaces and as participants in data collection. The researcher was not directly affiliated with the IRCC during the course of this study. It is anticipated that the study results will be of interest to the IRCC, to support a better understanding of the existing tribunal space design, and its influence on potential refugee applicant experiences. The study can also assist architects and policy makers who design spaces, processes and systems for refugee applicants, and similar vulnerable populations.

By understanding the impact of design on applicants in their largest tribunal spaces, the IRB and other relevant stakeholders (e.g. architects) will be able to incorporate the lessons learned in this study into the design of future refugee tribunal spaces across the country.

For readers not familiar with the history of the IRB as well as further details regarding the process of refugee applications, please see appendix C, and for more detailed explanations of the study participants, please see appendix B. Please note that due to the nature of the various roles taken on by the study participants, In relation to working with or for refugee

³ Statistic confirmed through interview process.

applicants, the terms 'client' and 'refugee applicant' are used interchangeably throughout the thesis.

There is currently very little published information on best practices in related areas of design such as judicial design, or information on design specifically related to the design of tribunal spaces and general information on this topic is even less common. This points to the need to investigate how federal judicial designs, and tribunal designs as a subcategory, are created in the absence of such principles of inquiry.

A review of IRB sources indicates that the focus of the IRB is to provide efficiency and speed of processing (Immigration Refugees and Citizenship Canada, 2016). On the other hand, the focus of the applicant is to receive protection, assistance with the process, and also respect (Rousseau et al., 2002). This disconnect between the two priorities has inspired this study to develop a better understanding of how these two views are considered while designing the process/experience of refugees during a tribunal hearing.

1.1 Fundamentals

The term 'refugee' refers to a person who has been forced to leave their country in order to escape war, persecution, or natural disaster. Prior to the events that forced their relocation, these individuals were living a normal life, and suddenly were required to flee, often losing everything (Lacroix, 2004; Simich, Hamilton, & Baya, 2006).

[r]efugees are people with an identity, a past, a history and a cultural heritage. They are people who have been forced out of their countries by political turmoil, ethnic wars, religious, social and gender persecution (Lacroix, 2004).

According to the United Nations High Commissioner for Refugees (UNHCR), one in every 113 people globally is now either an asylum-seeker, internally displaced, or a refugee. Prior to November 2016, the number of in-land applicants in Canada was relatively low (Hou, 2005). The current levels of global displacement are unprecedented (United Nations High Commissioner for Refugees, 2016), and its effects are globally felt (see Figure 1). The most recent movement of refugee asylum seekers across the United States (US)-Canada border over 2017 has demonstrated that this is not a phenomenon exclusive to Europe and the Middle East, and Canada will need to plan for this influx.

Figure 1 Global Displacement (United Nations High Commissioner for Refugees, 2018)

A review of design and human factors literature yields limited⁴ documentation on the refugee applicant experience. However, literature on the social factors of health (CLEO Centre for Research & Innovation, 2015) illustrates the wider context of experience that should be considered, and provides an alternative approach to understanding this phenomenon through frameworks such as healthcare experience design.

Healthcare design shares many similar requirements with tribunal hearing spaces, including security considerations, waiting areas for people who may be experiencing a stressful situation, reception, submission of documentation, and consultation areas. As there were few⁵ resources in judicial design to draw upon, both secondary and primary research in such related topic areas were important to this study.

1.2 Research Question

This study does not put forward a hypothesis to be tested or evaluated. The aim of this study is to better understand the issues that may help inform design principles and practice needed to create refugee tribunal spaces in Canada. To achieve this, a wider understanding of refugee applicant experience as it relates to the interactions, environments and processes they experience helps provide a context for future design development. In order to evaluate the experience of refugee applicants, the process the applicants go through should be better understood, and the spaces used relevant to stakeholders also identified. These are illustrated in Figure 4 (Asylum Application Process).

⁴ Direct searches in literature databases do not provide results for 'refugee' and 'human factors', however this does not exclude the possibility that they exist. Please see appendix D for keyword search results.

⁵ An initial search for "judicial design" in architectural periodicals provides 117 results. Of these, 4 are identifiable as related to this field.

1.3 Study Contribution

This study's primary contribution is on improving our understanding of design and architecture that can support the refugee applicant experience in tribunal spaces. However, the examination of how design can help improve the experience of individuals entering a stressful situation regarding discussions on their livelihood is not limited to immigrant processing in judicial spaces, and may extend to other populations. CLEO notes that through academic discussions of social determinants of health, policy changes are able to impact factors such as health literacy in vulnerable communities. By drawing on such examples, designers may be able to improve their approaches by considering the social determinants of health.

Further, in the current media climate that debates the place of refugees in Canadian society, pursuing the question of what applicants from within Canada experience may contribute new information to the national discussion. Finally, at a broader level, the results of this study may contribute to the fields of government policy, education, and process/operations design through:

1. The documentation of refugee experience from the perspective of associated systems stakeholders (noting existing gaps).
2. An analysis of how design may be supporting or failing the tribunal experience.
3. Recommendations to support improvements in Judicial Space Design.
4. Methodological considerations in conducting design research with vulnerable populations.

The benefit of this research study includes documenting the perspectives and experiences of subject matter experts, and making that knowledge available to architects,

design professionals, policy makers and other users or providers who are designing spaces or policies related to this topic.

1.4 Overview of Thesis

This thesis begins with an introduction to relevant topics through a literature review. This review creates a basis of understanding of the refugee application process in Canada, and how it relates to the wider journey of a refugee applicant globally. Further to understanding the process, the literature review continues to examine topics that relate to the experience of refugee applicants in Canada, such as trust, mental health considerations, social capital, literacy, agency and control, the current political climate, and principles of judicial space design.

The study development is then explained, with a review of design process theory, outlining why phenomenology was selected as an approach for this study, and the rationale for creating stakeholder maps, using semi-structured interview techniques, natural observations, and the types of coding and theming selected for final analysis. After this basis of understanding, an outline of the methodology and summary of the stakeholders selected for this study is provided.

The findings from the primary research are presented in the context of the themes that emerged through analysis. These themes include: protection and security; the application process for refugee applicants; and how these experiences relate to the design and spaces of this study. The discussion then amalgamates the primary and secondary sources to provide a framework of recommendations that can be used to address the issues identified through this study.

2. Literature Review

2.1 Background: Who is a refugee?

The legal definition of a refugee, as per the UNHCR Convention and Protocol Relating to the Status of Refugees is someone who:

[o]wing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (United Nations High Commissioner for Refugees, 1951).

Canada is one of the United Nations (UN) member countries that has ratified this Convention. Applicants to Canada are from a wide variety of countries, speaking many different languages. They also come from different environments within each country; those from rural backgrounds have a different set of challenges than those from urban locations. However, while each experience leading to a person becoming a refugee and applying for asylum in Canada is unique, shared concepts of trauma and violence are sadly consistent. (Cho, 2012; Hynes, 2003; Richmond, 2001; Simich et al., 2006; Watters, 2001)

As Lacroix (2004) notes, “it [refugeeness] is universal in that crossing of borders and uprootedness is shared by all who are forced out of their countries and as such constitutes an irreversible element in the construction of their present subjectivity.”

Figure 2 Refugees Landed in Canada (UNHCR, 2015)

2.1.1 Are Immigrants the Same as Refugees? (Refugees are Not the Same as Immigrants.)

Convention Refugees and Refugee Applicants are all statistically documented by IRCC under the umbrella of “immigrants”. Therefore, statistics regarding refugees are enveloped within immigrant statistics. But this method of reporting, where refugee statistics are combined with immigration statistics, fails to provide an accurate picture of a population that has a variety of experiences. As Simich (2003) explains: “In Canada and internationally, bureaucratic imperatives and political interests are competing with meeting refugees’ social needs”. In other words, processing volumes of people may not address the needs of refugee applicants⁶.

⁶ We know for example, that in (2012-2014) “refugees represented 16.6% of all immigrants to Ontario, the second largest proportion among all provinces and territories after Newfoundland and Labrador (17.4%)” (Martel & D’aoust, 2016). Refugee applicants may be a significant portion of the population of Ontario, however when categorized under ‘Immigrants’ it can be difficult to separate the needs of refugees and other immigrants. This difference is even more stark when the requirements for legal immigration are considered, requiring high levels of language, education, skills and moving to Canada with significant resources to live independently.

Related to this, Lacroix (2004) claims that new policies tend to ‘stereotype refugees’, and that policies are written from a security perspective. In comparison to ‘skilled immigrants’ who bring immediate economic benefits to Canada, refugees are not perceived as valuable immigrants.

2.1.2 Identity, Experience and Design

Experiences influence our perception of ourselves and of others. Without the same frame of reference, it can be difficult to conceive of the experiences of others and know how to most appropriately assist. According to Watters (2001) many refugee applicants do not fit into pre-defined categories recognized by social services models, and therefore, do not often receive a holistic service or solution to issues they may be experiencing.

The recent renaming of the Citizenship and Immigration Canada (CIC) to Immigration, Refugees and Citizenship Canada (IRCC) signals a change by the Canadian government to be more proactive or positive regarding refugees. However, the existing statistics collection systems in Europe and even recently in Canada, focus on highlighting the number of applicants rejected rather than accepted. According to Hynes (2003), portraying statistics in this way implies a subtle message that many applicants are not refugees, but rather illegal immigrants or “economic migrants”.

Policy is largely informed by quantitative measures such as statistics, and while such methods are understandable and have their place, they may not adequately represent the human experience, or the voices of those struggling in the system. If policy design and decisions

focus on statistics without examining the experiences of those involved, there is a risk that important issues will not be taken into consideration nor resolved.

Prior to a tribunal hearing, a refugee applicant must present their case to either a Canadian Border Services Agency (CBSA) officer or an Immigration, Refugee and Citizenship Canada (IRCC) officer in order to begin their application. As this follows the format of a legal process, paperwork must be filled in, and evidence of their case presented. As noted by Lacroix (2004), “we need to ask what function the papers serve? The papers become the material expression of subjectivity: their ‘file’ is who they are in the eyes of the bureaucracy”.

For a group of people who, by definition, have had to flee under duress, there is tension between arriving in a place where they feel that the hardship should end, and then realizing that they may not be able to stay if their story is not accepted. “The realization of the contradiction between considering themselves to be refugees and having to prove it. This new set of rules, which are unknown, creates anxiety as they do not know what to expect from the process but more importantly, they do not know what is expected of them” (Lacroix, 2004).

Herein begins the potential for communication problems. Generally, people communicate the aspects of their story that are most important to them at the time, which can be different from the details sought by officials. Rousseau et al., (2002) note that cultural differences can also result in miscommunication. For example, translation can change the use of ‘we’ and ‘I’, or ‘he/she’. Language and cultural idiosyncrasies change the meaning of how a phrase is understood, and can make a statement appear inconsistent. As refugee applicants attempt to communicate their experiences, their identity is called into question as their story is probed and questioned – and an attempt to verify these questions can be perceived by the

refugee applicant as disbelief in their story. Both officials and refugee applicants experience stress during the initial interviews (Simich, 2003). Refugees perceive the initial interview as a high-stakes negotiation (Simich, 2003) whereas immigration officers are tasked with expediency, trying to process the thousands of applications received each year. This contrast in goals and expectations is illustrated in the following quote from an Afghan refugee:

“In some countries the encounter of bureaucracy with the civilian population is harsh and mostly arbitrary So I don't trust you, just as I don't trust them. Therefore, I'm hesitant with you, cautious and maybe not very direct, as I am with them. Because I don't want to get caught in a word that I don't know then how to retract I may have been a little bit more slow in my answers, because if I, as a human being, speak to you slowly then I have also a chance to see the impressions that what I am saying makes on your face. And perhaps in the process of being this slow maybe you will ask a couple of questions. And if you do that, then also I may become a bit more informed about how I should act, how I should proceed further. Whereas if I speak fast, you don't have a chance to ask questions. It's all finished and I've already submitted myself. Then what happens? It's worse because once the embassy says no, there's no appeal. Your chance is finished” (Simich, 2003).

Officials also perceive the interview process as one of negotiation. However the immigration officers have to operate within the constraints of a bureaucracy that is directed by a wider political agenda. “The problem is that the bureaucratic imperative - filling predetermined refugee targets for various provincial communities - sometimes takes precedence over satisfying refugees' needs” (Simich, 2003).

The data collected by officials is used to create the policies that operate the refugee applicant systems. These policies influence the creation of the spaces and also impact the experiences of both the processes and the spaces. IRB employees and refugee applicants can share similar experiences within the tribunal spaces, however the qualitative data resulting from these experiences is rarely used in the initial stages of the policy and space design. When the opportunities for communication noted above are not documented in the data used for process design, it continues to influence the experience without being incorporated into policy.

Figure 3 below illustrates how refugee applicant experiences may be influenced by policy, processes, spaces and relations or events resulting from this system.

Figure 3 Existing Data Collection System – Limited Qualitative Data Input

The processes and spaces within which these events take place may impact relations and the experience in the initial interview, and subsequent tribunal hearing, but also have the potential to impact the waiting period between these two events. This is an extremely stressful waiting period of many months, during which refugee applicants are in limbo, and when they rely on a support community to provide information (Simich, 2003).

2.1.3 Global Asylum and In-land Application Process

Applicants processed externally arrive in Canada pre-approved, and do not interact with IRB, IRCC spaces or processes such as the tribunal hearing. This external process is beyond the design mandate of Canadian government policies; thus it has been excluded from the scope of this research. An in-land claim occurs when the refugee applies for asylum upon reaching a Canadian border crossing, or while in Canada through legal (such as visitor, student or work visa) means or otherwise. It is through this process that the applicant will experience the Canadian government system, organization and its representatives or process in person. These processes are outlined in Figure 4 below.

Figure 4 Asylum Application Process

Port of Entry (POE) applications can lead to detainment if the Canadian Border Security Agency (CBSA) is not sufficiently satisfied with the security status of the applicant, which may influence the experience leading up to and including the tribunal hearing.

Figure 5 In-land Asylum Application Process⁷

The CBSA reviews asylum applications within three days. When an applicant is deemed to be eligible, a hearing date is set, occurring in approximately two months from the date of the asylum application. Although eligibility for a hearing is decided within three days of an asylum claim, according to procedure, in many cases eligibility is decided immediately.

Whereas any POE or IRCC office throughout Canada can receive applications, there are only four locations that host hearings. In Eastern Canada, hearings are hosted in Montreal. In

⁷ RPD Refugee Protection Division is a department within the IRB. DCO Designated Country of Origin sorts applicants into regions that have already had a decision applied to the application process.

Central Canada hearings are hosted in Toronto. In Western Canada hearings are hosted in Vancouver and Calgary.

While the application process is different for in-land and external applicants, the experience that leads to a person becoming a refugee tends to have some common characteristics. Uncertainty, fear and violence, combined with a fractured social identity, as well as separation from friends and family can contribute to great stress on the part of refugees (Simich, 2003). However, the resilience of refugees has been noted by organizations who work with refugees such as the Center for Addiction and Mental Health (CAMH). In order to extricate themselves from dangerous situations and seek asylum, refugees draw on this resilience and it becomes a great source of strength. Hynes (2003) describes the difficulties experienced by refugees entering the United Kingdom in some detail below:

“A thorough understanding of the refugee experience requires viewing the entire process of becoming a refugee rather than focusing only on their experience upon arrival in the UK. This process model includes: the period of threat; the decision to flee; in flight; reaching safety and a place of asylum; the refugee camp experience; reception into a host country; resettlement; and post-resettlement”.

Caution and mistrust of organizations, systems and the people involved may become a part of daily survival, and become normalized. It is therefore important to recognize why “Canada’s immigration policies and its treatment of refugees cannot be considered in isolation from the global context and actions of other countries and agencies” (Richmond, 2001). In other words, the Canadian government cannot assume that simply providing benefits such as a safe environment will automatically lead to trust in the system on the part of refugees.

2.1.4 Overview of Tribunal Hearing Stakeholders, Process and Space

A refugee who seeks asylum in Canada will submit their background information and receive a hearing date. Prior to the hearing, all documentation provided by applicants in order to support their claim must be submitted, so that the Board Member can review it prior to the hearing. The tribunal hearing is a chance for the applicant to tell their story in their own words, making their case for refugee status. Figure 6 below illustrates the layout of a typical tribunal hearing. The “applicant” icon represents either an individual, or a family who would fall under the same case file. In this case, all applicants sit together, with the exception of children who are required to stay in the waiting room with a guardian.

Figure 6 Tribunal Hearing Room Layout

Figure 7 Tribunal Hearing Layout (CLEO, 2018)

A Board Member is similar to a court judge, in that they will hear the case and make a final decision. A minister's counsel is similar to a prosecutor, in that they will examine the case and request clarification if aspects of the story are not clear. The minister's counsel can draw upon the resources of the Canadian Border Services Agency (CBSA) for information if they were involved with the initial asylum application.

2.2 Factors Influencing the Refugee Experience: Social Determinants of Health

A review of literature and other sources revealed several themes that may assist with understanding the refugee experience in Canada, and help inform relevant research and design considerations. The issue of trust is an important theme, as researchers noted the difficulty that many refugee applicants have in trusting authority figures. In some instances, refugees also have difficulty integrating into the wider community due to issues of trust (Hynes, 2003; Mason, 2010; Simich et al., 2006). A literature review and participation in workshops on refugee mental health also revealed that the medical community considers social capital to be a significant factor in enabling the mental and physical health of refugees (Simich et al., 2006;

Watters, 2001). Social capital consists of the basic tenants of survival, for example the ability to communicate in a language that permits one to navigate a city, communicate with medical professionals, and find work. Finding employment and being able to support oneself, provide shelter and food are all the building blocks of a healthy physical and emotional life, which fall under the category of social capital. Researchers have noted that literacy, social capital and agency⁸ impact the ability of a refugee applicant to navigate the legal channels they must proceed through to become a Convention Refugee, as well as for daily tasks such as seeking shelter and employment. Other relevant themes (also see Figure 8 below) include mental health considerations, the impact of inclusive design considerations, judicial design approaches or principles, the current political climate, and how such factors may influence refugee experiences.

Research Path through Literature Review

Figure 8 Research Themes

⁸ Agency is the ability to control ones environment, support oneself and make decisions for oneself.

2.2.1 Trust in the System

Refugees have a fractured existence. Their lives were disrupted by their experiences before they were forced to flee. Applicants for asylum are often uncertain of their future for years to come (United Nations High Commissioner for Refugees, 2016) while they either hope to return home or try to settle in a safe place. The act of applying for asylum in Canada, is simply another component of the overall journey and reflects continued uncertainty (Hynes, 2003). Trust is regarded as a universal emotion (Hynes, 2003), however the ability to have confidence (trust) in someone or something becomes eroded with particular experiences (Richmond, 2001). Refugees, are at risk of losing trust in the very systems that should have protected them.

Many refugee applicants have been betrayed by their governments, by the systems that are meant to protect them, and even neighbours and friends (Hynes, 2003). Throughout their journey to Canada, many refugees have encountered groups or systems that take advantage of them or even forcibly take what few possessions they may have (Hynes, 2003).

Institutions that assume it is easy for refugees seeking asylum in their country to trust their system, demonstrate a fundamental misunderstanding about the ability of the refugee applicant to trust (Hynes, 2003). The spaces in which these events happen may become associated with these emotions. Further, this feeling may be compounded by a government response to refugees that can be “characterised as being distinctly “service-led” rather than “user-led” (Watters, 2001)”. Upon first seeking asylum, a refugee is required to immediately defend their story to an official or immigration officer. A negative or hostile encounter with officials (Hynes, 2003) may perpetuate feelings of mistrust. Levels of discrimination and

mistrust experienced by refugee applicants in their official encounters with government, service providers, and the general population all feed into this experience (Richmond, 2001)⁹.

Asylum seekers are typically in a fragile mental state by the time they make their application within Canada. As well as being reluctant to trust officials, nervousness and fear contribute to difficult interactions with officials that may not have mental health training, creating the potential for miscommunication and mis-interpretation¹⁰. Hynes (2003) has noted that refugees have learned not to trust the system or officials through past experience, and mistrust can be compounded by a fear of anyone in uniform. Hynes discusses the relationship between the representation of “officialdom” and its impact on trust when she states “Whilst individuals may begin to trust, it is unlikely that the world of officialdom will regain the trust of refugees, even if this were the intention”.

2.2.2 Mental Health Considerations

CAMH is a Toronto-based research and treatment facility that also provides an online course for social workers and mental health practitioners on the social context that refugees are navigating. The course discusses the challenges refugees are facing in Canada, and highlights concerns with the lack of social capital among the refugee population. According to CAMH, many refugee applicants are particularly resilient, but social and economic factors pose concerns for their health. Many refugee applicants arrive in Canada after a long and arduous

⁹ Trust has been shown to break down along lines of perceived differences between people⁹, with examples in Zimbabwe or the former Yugoslavia demonstrating this (Hynes, 2003). Perceived differences include tribal, cultural or religious differences that were accepted in their previous homeland.

¹⁰ In the UK, refugees begin the process of asylum application with immigration officials who question their right to seek asylum, and require them to fill in paperwork to complete their application. A similar process happens in Canada, and officials may not trust those that they perceive as being outside of definitions for eligibility or model the perception of who deserves to be admitted as a refugee, even for refugees who fit the definition under the 1951 Convention (Hynes, 2003).

journey, typically with physical and mental health conditions that need to be addressed. Many applicants struggle to address their mental health concerns while they are trying to provide for themselves or their families, and until they receive secure standing in the country they do not trust that they will be permitted to stay (Centre for Addiction and Mental Health, 2015).

“Psychological fragility” is a term used to describe the state of mind of an asylum applicant while entering the tribunal hearing. Despite their extensive resilience, an attribute that helped get them to the Canadian in-land application system, recounting the events that led them to the application can trigger anxiety. Rousseau et al., (2002) state that this fragility needs to be acknowledged when a refugee encounters the bureaucratic system. Further to this, “those refugees who had experienced the higher levels of trauma in their country of origin were more susceptible to experiencing mental health problems as a result of post-migration stressors” (Watters, 2001). Figure 9 below illustrates some of the connections between social capital and mental health.

Figure 9 Interconnections between Social Capital, Mental Health and other Needs

(Centre for Addiction and Mental Health, 2015)

Despite significant pre-migration trauma, the psychological distress experienced by refugees after their arrival in Canada can further impact their mental health. Research shows that experiences of economic disadvantages and powerlessness while waiting for the tribunal hearing outweigh the impact of the pre-migration trauma. Lacroix (2004) and Simich (2006) support this view, stating that claimants are already insecure because they may not fully understand how the process works, but they all understand that their narrative may not be accepted.

2.2.3 Social Capital

Social capital is an economics concept that places value on the connections and networks we form in relationships. This allows access to work opportunities, housing, and other forms of self-sufficiency. With regards to refugee claimants, Lacroix (2004) notes “the capacity to work is deeply tied to his professional subjectivity. It is not simply his capacity to work to fulfil subsistence needs, which is possible in the tertiary sector, but his capacity to have a meaningful role in society, something he previously enjoyed”. Refugees are no different from other Canadians, wanting to support themselves as soon as possible. Self-sufficiency becomes a symbol of regaining control; however, this is often not possible while awaiting a tribunal hearing. Employers are wary of investing in an employee that may not remain (Hynes, 2003), and this impacts upon their ability to connect socially, to pay for housing and other needs, and leads to a “deprivation of identity” from which they cannot escape (CLEO Centre for Research & Innovation, 2015; Lacroix, 2004). The lack of control over a situation that continues their feeling of displacement is one that tends to inform the psyche of a refugee as they try to establish a new home. While seeking a way to sustain oneself with a meaningful income, a refugee will encounter many barriers to finding employment. While awaiting the tribunal hearing, and then,

the results of the hearing, an applicant is in a precarious legal and financial situation. For example, Lacroix (2004) notes “only three out of 10 claimants would work each month. Average income from work was CAN \$290 a week in four main industry sectors – manufacturing other than clothing, clothing, restaurants and other service industries”.

Studies have shown that racial and ethnic diversity are negatively related to social capital, creating inequalities that further reduce trust (Mason, 2010). These studies demonstrate that in renting accommodation, applying for jobs, and in the treatment by law enforcement agencies, including immigration officers, “visible minorities are likely to experience subtle forms of differential treatment, explicit discrimination, and sometimes outright violence” (Richmond, 2001). Discrimination may be based on perceptions that refugees are a burden to society, and a drain on resources for competing opportunities (CBC News, 2018). Studies show that 36.9% of refugee applicants had postgraduate degrees, contradicting concepts of refugees as poor, uneducated, and destitute (Lacroix, 2004). Addressing social determinants of health, and in particular the importance of social capital, may be just as important to someone’s health as receiving basic healthcare services. For example, requesting that a patient seek counselling or psychiatric health may not be perceived as beneficial or helpful when the patient is more concerned about being homeless or finding work. The acknowledgement of social determinants of health in the field of medicine has led to a more holistic approach to diagnosis, and support for people in such situations. As shown in Figure 10, disadvantages can feed into a “negative feedback loop” which for many refugees may be difficult to escape or break out of. Studies showing that overall, refugee claimant families receive less than 5% of total social assistance payments made in Canada (Lu, et al., 2015), challenge common views that refugee applicants receive assistance without attempting to work (United Nations, 2016).

Figure 10 Personal Capability and other Factors Influencing Experiences of Disadvantage
(Adapted from CLEO, 2015)

Recent immigrants are more vulnerable to becoming homeless. One third of homeless people in Toronto are immigrants and 10% of these individuals have lived in Canada for less than 10 years (Chui et al., 2009). The barriers to refugees awaiting their tribunal hearing are a concern for Lacroix (2004), as without work, 90% are on social assistance by the third month after they have made their claim. Typically, a hearing will happen within 2-6 months, and the number of refugees on social assistance drops to 44% by the 36th month from receiving Convention Refugee status in Canada (Lacroix, 2004).

2.2.4 Agency and Control

Becoming a refugee implies or means that you are no longer safe in your home, and that the only other option for survival is to relocate. Media reports often use terms such as “economic migrant” which may imply that asylum seekers have chosen to leave their homes, seeking economic wealth. However, the reality is that in becoming a refugee one has decided to seek help and safety. Lacroix (2004) explains that for many,

“[I]eaving is seen as accepting defeat, renouncing the ideal which fueled the struggle.

This leads to a profound rupture in their political subjectivity and diminishes their sense of who they were, creating a derivative, as one claimant put it, of the men they were.

These feelings were accompanied by the realization that to become a refugee was something which was out of their control, and had come at a time when their lives were solidly in place.”

After arrival in Canada, refugees experience a “structured inequality” due to racialization, language difficulties, non-recognition of qualifications, limited social networks, as well as explicit discrimination (Richmond, 2001). It is understandable how this may create an

unstable environment and state of continued stress. Although safety may no longer be a concern, losing social support, money and property leaves the refugee group at a distinct disadvantage in comparison to other immigrant groups who are 'selected' by the immigration process (Richmond, 2001).

The concept of agency and control are closely tied to social determinants of health. The ability or perceived ability to maintain control of one's self sufficiency is directly connected to literacy concerns, as being able to read or understand things such as signage, pricing and navigation provides independence. The ability to maintain agency over daily activities can impact confidence, and is further connected to social capital. Refugee applicants immediately face a challenge to find gainful employment when they arrive in Canada, but the uncertainty of their status and associated time lag further compounds their ability to become self-sufficient prior to a tribunal hearing result (Lacroix, 2004; Richmond, 2001).

2.2.5 Political Climate

Global political upheaval from the Middle East, Africa, and South America have created a movement of humanity caused by events such as the Arab Spring, religious violence and war which have created a refugee crisis unlike any other in recent human history (United Nations High Commissioner for Refugees, 2016). The global rise of xenophobia and nationalistic tendencies have also led to a negative presentation of refugees (United Nations, 2016). Countries such as Hungary have built fences to stem the flow of refugees. The United Kingdom

has voted to leave the European Union, and openly discussed prejudices such as racism (Boutilier, 2018; Oppenheim, 2017), and Islamophobia are now commonplace¹¹.

During the process of this study, the election of Donald Trump, 45th president of the United States of America drastically changed the zeitgeist and polarized views about refugees in North America (Lind, 2017). The effect of this on refugee applicants in Canada is in process and as yet cannot be fully understood. However, it needs to be acknowledged as literature regarding this effect is still emerging.

2.2.6 Inclusive Design Considerations

Accessibility is typically viewed as the ability of users with physical disabilities such as visual impairment, wheelchair requirements, or hearing impairments, to access a space or use products. In the field of architecture and interior design, inclusive design is usually associated with the barrier-free requirements of the Canadian National Building Code (NBC) or municipal accessibility standards, but these standards and guides present only a partial picture of inclusive design and perhaps neglect to address individuals experiencing less obvious barriers of social inclusion.

Inclusive design can benefit from Human Centered Design frameworks (Giacomin, 2014) which take a qualitative research approach focused on communicating with people to understand and prioritize their needs in designing products, spaces, services and systems. This differs from a traditional design approach in which the creativity of the designer and their

¹¹ A recent Canadian example is campaigns such as that led by Kellie Leitch, where she proposed screening newcomers for 'Canadian Values'. A UK example of similar sentiment is exemplified by UK politician Nigel Farage, who blames immigrants and multiculturalism for all terrorist attacks throughout Europe.

accumulated experience becomes the foundation of the design. Human Centered Design can also include the end user as co-creator, recognizing their authority on the issues and possible solutions, integrating their perspective into the process.

Despite limited documentation of refugee experiences in judicial spaces, healthcare research has been exploring the impact of design on health. An inclusive design or space accommodates the known requirements of the population to support a goal or positive outcome. For example, Ziegler (2015) illustrated the impact of sound on participants: relaxing sounds or music can have positive and healing effects, while “unwanted” sounds can conversely have a negative impact creating a stressful environment. Sound is only one aspect of the atmosphere that also encompasses many other senses. This multisensory design approach “shows how a person’s relationship with a given space can be positively (or negatively) influenced simply through light, sound, color, and smell. Atmosphere is what connects subject and object, their common reality” (Ziegler, 2015).

The ability to choose aspects of your environment is known as the control theory, and fundamentally reflects principles of inclusive and Human Centered Design with regards to adaptation (Imrie, 2012). The ability to influence your environment reduces perceived helplessness and feelings of insecurity (Ziegler, 2015)¹². This can be as simple as choosing a seat that provides you with the ability to maintain a line of sight with a doorway, in order to see the person you are waiting for, or maintain situational awareness about the dynamics of the space.

¹² According to Ziegler (2015) colour and light are also significant factors in stress reduction. In his study, cool white light created higher levels of stress, whereas specific colours such as “cool-down pink” reduced aggressive behaviour.

The ability to effect change on your environment, adapt an environment to your needs, and maintain choices is crucial for mental health. The experienced loss of control and perceived loss of autonomy can be stressful (Ziegler, 2015).

Physical factors outlined in the NBC but also less obvious environmental factors need to be considered in the design of inclusive spaces. This is particularly relevant to spaces supporting immigration as after 2002, significant changes to Canada's immigration policy allowed people of all abilities to apply to live and work in Canada. This was also reflected in revised hearing practices, accommodating limited medical or mental health requirements.

2.2.7 Judicial Space Design

The Refugee Tribunal spaces have a specific purpose. While providing elements that are similar to other government spaces such as a waiting area, reception/administrative services, and office space for IRB employees, the tribunal space accommodates a specific population on a daily basis. The content of a tribunal may create tension and expose participants to trauma. As a result, the principles of inclusive design and Human Centered Design are particularly important under these conditions or situations. The nature of a tribunal hearing lends itself to a judicial layout, with spaces based on traditional courtroom design, perhaps supportive of workers and officials but at the possible expense of claimants. Claimants may have low literacy levels or cultural expectations that are not supported by the design of the environment. Similarly, the processes that occur in these spaces or the work of officials may be negatively impacted by the design of the space. Power dynamics are inherent to spaces that reflect a hierarchical process, and may affect how one feels and reacts within a space.

A traditional courtroom design places the judge at the center of the space, in an elevated position. Defense lawyers and prosecutors are on opposing sides, and the applicant is in the defendant position, between all three. This traditional cross (+) shaped layout creates a natural sense of opposition (Rousseau et al., 2002).

Hearing Room

1. Coat of Arms / Canadian flag
2. Board member
3. Board member's door
4. Microphone
5. Minister's counsel
6. Your lawyer
7. Holy book
8. Refugee claimant
9. Interpreter
10. Adult claimant
11. Observers

Figure 11 Tribunal Hearing Room (CLEO, 2018)

The existing tribunal spaces are private, however the information shown in Figure 12 is available online, through the CLEO foundation. This is publicly available, and partially funded by the IRB to provide additional information to the applicant. While there is little explanation of the actual process, the graphic representation of the spaces provides claimants with access to an unfamiliar space prior to their hearing. A similar graphic for the waiting room is shown in Figure 13.

Waiting Room

1. Security Guard
2. Reception
3. Refugee Claimants
4. Refugee Claimants
5. Witnesses
6. Child Claimant
7. Caregiver
8. Lawyer
9. Support Person

Figure 12 Waiting Room (CLEO, 2018)

2.2.8 Social Determinants of Health, Refugee Experience and Maslow's Hierarchy of Needs

Maslow's (1943) theory on the Hierarchy of Needs outlines the basic requirements for human fulfilment (Figure 14 below). Many refugees struggle to maintain the basic requirements such as biological needs, and safety (Watters, 2001). Therefore, achieving those at the top of the pyramid can be out of reach. Without self-actualization, trust becomes even more fleeting (Giacomin, 2014).

Figure 13 Maslow's Hierarchy of Needs and Positioning of Refugee Applicants in Canada

As noted in the preceding sections, many factors influence the experiences of a refugee applicant. The complicated ability of a refugee applicant to trust the system, and the people within the system may affect the extent to which refugee applicants will request and receive help. When combined with potential literacy issues, a lack of stable work and therefore income can limit the amount of control a refugee applicant has over their stability and security. These are all factors to be considered when designing the research study.

2.3 Study Scope, Design and Limitations

Examining the in-land application process and associated processing spaces limited the study to the four Canadian geographic locations that can conduct tribunal hearings. As this study is being conducted in Ottawa, the nearest geographic locations that were accessible to the researcher considering distance and time limitations, were Montreal and Toronto. Another

limitation of this study was the researcher's French language proficiency, therefore Toronto became the most suitable location to focus the investigation for these reasons, as well as being the potential space slated for renovation. In addition, Toronto is the first "Sanctuary City" in Canada - enabling and supporting refugee applicants. As a result, there are several community service organizations that support applicants outside of the official judicial system, which provided additional resources for the study.

Some of the organizations noted in Figure 15 below are legal clinics, shelters, and general support spaces that encompass mental health, language training, assistance with food banks, and social assistance funding/programs for refugee applicants. Many of these subject matter experts were unable to commit to an interview, due to their overwhelming workload.

Figure 14 Map of Selected Refugee Support Environments - Toronto, ON (Google, 2018)

A qualitative approach to the study was selected as the most effective way to document the environments during the tribunal hearing, as well as associated environments, and related perspectives of subject matter experts (SME) working with refugee applicants, or involved in the design of such environments. These experts have extensive experience working with applicants, and could therefore share their experiences of the processes refugee applicants endure within a variety of environments. The study is primarily focused on the downtown tribunal environment in Toronto, complemented by interviews conducted throughout Ontario and one interview from Alberta.

In planning the study, the researcher discovered that there are few judicial design experts in Canada that can speak specifically to tribunal space design. However, finding experts that had experience with similar archetypes such as courthouse design, as well as secure government spaces provided some insight into how judicial spaces are designed.

The vulnerability of the refugee applicant population required a study design that acknowledged the fragile emotional and mental state (Rousseau et al., 2002) that refugee applicants are in prior to their hearing. Secondary research, including interviews with subject matter experts, and observations of tribunal spaces and associated environments provided a preliminary contextual understanding. The risks involved with interviewing successful refugee applicants include potential re-living of traumatic events, and the stress associated with the tribunal itself. Interviewing refugee applicants currently going through the tribunal process also presents the risk of additional stress, if the researcher is perceived as being part of the tribunal process, or having a potential impact on the outcome. In addition, it is unclear as to whether the successful refugee applicant would be clear that an interview for this study would not affect

their status in any way, therefore refugee applicants were not directly interviewed for this study.

2.4 Rationale for Study Framework Development

2.4.1 Design Process Theory

Keyword search results for “refugee”, “judicial design” and “refugee Canada” within architectural publication databases demonstrate that there are a limited selection of publications for review¹³. Due to the dearth of information available about designing judicial spaces in Canada, a rationale for creating a framework for studying judicial design in the context of the refugee applicant population in Canada was developed.

Design projects may begin with a design problem and defined goal to support people impacted by the problem or the design problem may not be well defined or clear. In order to define the problem accurately, it must be researched (Discover). When the Discover and Define aspect of the problem has provided sufficient information, then informed ideation and solutions can be developed and presented to the client (UK Design Council, 2005).

Yet this process is not always seen as valuable to a client, and the lack of funding to support such a process is often reflected in procurement for services. However, the preliminary phases of this process are often the most crucial stage, even more so in fields where little documentation or evidence is available. In the design/architectural industry, research may be conducted, however it is not uncommon for clients to rely on the cumulative experience of design specialists rather than fund research studies to support the informed development of a

¹³ See Appendix D for search results.

design project. This study would be considered part of the 'Define and Discover' phase of the Double Diamond approach (see Figure 16 below).

In order to develop an appropriate design response to the refugee applicant experience, and specifically as it pertains to this research focused on the design of associated environments, a wider understanding of the complex issues experienced by refugee applicants is necessary. It is not uncommon for designers to focus solely on the ideation and solution aspect of the process: Develop and Deliver. But in order to define the complex experience of refugee applicants and develop requirements that can better inform ideation and solutions, the Discovery process needs appropriate attention. This in turn will lead to more responsive, supportive and responsible developments and deliverables.

Figure 15 UK Design Council Design Process

Understanding the conditions that the applicant was living in prior to the tribunal hearing may provide valuable background context to better understand the experience. For example, participants who were self-sufficient at the time of the hearing may have had a different experience. Self-sufficiency has the ability to affect confidence, stress levels, and therefore becomes a component of the wider experience (Watters, 2001). Without

understanding the context of experience, the risk to policy makers, designers of processes or operations and designers of judicial environments is that significant needs may not be properly addressed. This may result in a process, products, environments and spaces that do not function well. This may negatively impact a variety of stakeholders, with a primary concern for the well-being of refugee applicants, as well as government employees whose main objective is to assist the applicants.

2.4.2 Benefits of a Phenomenological Approach

Phenomenology¹⁴ is a method that helps researchers focus on the experience and emotional aspects of phenomena including processes and physical settings. As a qualitative approach, phenomenology captures “rich descriptions of phenomena and their settings” (Groenewald, 2004). Design is increasingly looking at the value of understanding experience (usability, emotion, functionality, inclusiveness, cultural considerations, technology interactions, etc.) to develop informed design proposals. Groenewald (2004) notes that “the operative word in phenomenological research is *describe*. The aim of the researcher is to describe as accurately as possible the phenomenon, refraining from any pre-given framework, but remaining true to the facts” (Groenewald, 2004).

2.5 Study Rationale

In designing spaces and services for people, a qualitative research approach can be valuable as the narratives provided by people provide more depth to their descriptions and

¹⁴ According to Welman and Kruger (1999, p. 189) “the phenomenologists are concerned with understanding social and psychological phenomena from the perspectives of people involved”

lived experience, compared to a statistical analysis for example. This type of narrative is understood by fellow humans on multiple levels, unlike the abstract data inherent in a numerical or quantitative approach (Robson, 1994). Phenomenological research techniques can help capture rich descriptions of peoples experience and can be applied to the experience of spaces and “understanding social and psychological perspectives of the people involved” (Groenewald, 2004). Groenewald discusses ‘memoing’ as one of these techniques, providing a balance between descriptive and reflective notes. As this study did not document first-hand experiences of refugee applicants, the phenomological approach conveys descriptions of refugee applicant experiences from the perspective of subject matter experts as well as descriptions of their own experience in working with applicants or designing environments for such vulnerable populations.

Memoing is a system that both tracks the evolution of research questions throughout the study, as well as the questions brought up by the research itself. Memoing is a useful way to form the basis of the research study, as well as provide a resource to track the evolving nature of a study. Memoing begins during the pre-research stage, and is used throughout the study as a bridge between data collection and analysis (Birks et al., 2008).

2.5.1 Stakeholder Maps

Stakeholder maps are effective at showing connections between various stakeholders, and are useful for qualitative research when designing a study to understand which stakeholders should and can be included, or participate in a study. Due to ethical concerns with directly engaging the refugee applicant population in the study, and the potential psychological risks associated with undergoing or reliving the tribunal hearing process, this study was limited

to participants who either work closely with refugee applicants, or work in areas related to the design of such spaces. Interviewing a variety of subject matter experts offered descriptions of diverse, collective experiences. By examining the various components and connections of stakeholders, this can help structure an approach to interviewing, and guide the development of research questions to be used in interviews.

2.5.2 Interviews

Interviews are recommended for qualitative research (Hanington & Martin, 2012) to allow people to express themselves easily in conversation, and help researchers learn what they want to know more easily than through written questionnaires (Robson, 1994).

Semi-structured interviews allow the natural narrative of a person to flow (Lacroix, 2004). This can lead to new information previously unknown by the researcher, and allow the interview to focus on specific items as appropriate. Semi-structured interviews with subject matter experts can help researchers gain an understanding of the wider picture or systemic processes. When participants are allowed to speak naturally, and the interviewer combines that approach with directed storytelling techniques (Saldana, 2016) the participant can provide rich sources of data.

By creating a loose interview structure, the researcher can keep the interview on track, while allowing the participants to express themselves freely, expressing what is important to them (Robson, 1994). Casual, unrecorded conversation allows the participant to access memory more easily, providing more accurate data (Black et al., 1981). Simich (2003) notes that allowing the participants to dictate the direction of the interview allows the participant control of the conversation, and the ability to avoid potentially traumatic topics. A contextual inquiry

recommended by Hannington and Martin (2012) allows subject matter experts to be interviewed in their office space, allowing them to be inspired by the environment of use (for them).

The limitations posed by engaging a potentially vulnerable participant population can create risks for audio or video recording, and associated ethical considerations requires cautious approaches to interviewing and observation¹⁵. Reviews with participants about notes taken can ensure that their voices are reflected accurately prior to analysis. Such research strategies combined with the aforementioned phenomenological approach to acknowledge the potential bias of the researcher through “descriptors” and memoing were deemed appropriate for studying these contexts. Sampling methods for selecting participants may be limited by the number of specialists available in the field. A stratified purposeful sampling (Groenewald, 2004) approach allows researchers the ability to create a list of preferred participants based on experience with the assistance of specialists and experts in the field. Participants can provide other experts (snowballing technique) to generate a wider pool of inquiry (Groenewald, 2004; Rousseau et al., 2002; Simich, 2010), which in turn can assist with creating a sample representative of those working in their respective fields. Hynes (2003) notes that snowballing provides a wider, more diverse group of experts than if one just relied on community contacts.

2.5.3 Observations

Natural observations in public places may provide valuable behavioural data without the need for consent forms which may alter the behaviour of participants. This data provides

¹⁵ The potential to trigger anxiety, and associated reviewing of traumatic events for those working with refugee applicants or those working in sensitive areas of design.

further insights that can be coded during analysis (Robson, 1994; Hanington & Martin, 2012).

Due to the sensitive nature of the tribunals, access to the hearings are strictly limited¹⁶.

However, the waiting room is accessible to the public. As the final environmental touch point before beginning the tribunal hearing, this is potentially an important space to observe the experience.

2.5.4 Coding and Theming

Coding data after it is collected can help researchers evaluate findings or provide insights. Descriptive coding is useful for observations, and assigns labels in the form of nouns; useful for social action (Saldana, 2016) Emotion coding can be a technique to categorize this data, and creates a richer subset of emotional description. Holistic coding breaks down a large unit of information and data collection in interviews into overall concepts. This can become a precursor to theming and develop a framework of understanding. Theming is appropriate in a phenomenological approach to data analysis, in that categories for emotional experiences, beliefs and identity are created from the data (Lacroix, 2004; Saldana, 2016).

Affinity diagramming is used to group the associated themes and elements distilled through the coding into a visual pattern that can be used to further research and find insights. These techniques were deemed useful in this particular study in order to identify which areas in particular will have an impact on refugee applicants.

¹⁶ Access is possible if the permission of the refugee applicant provides it, however as refugee applicants are deemed a high-risk population it was determined that the presence of a researcher would cause undue stress. Immigration hearings are public and can be viewed without prior appointment. The researcher experienced one such hearing, and the resulting stress of the applicant upon seeing that there would be an audience. This contributed to the decision to stop pursuing access to a refugee hearing for this particular study.

Using design process theory¹⁷ and phenomenology as a conceptual framework, supported specifically by techniques such as interviews, observation, coding and affinity diagramming, a picture of refugee applicant experiences can be documented to develop important themes related to the design of tribunal spaces and processes.

¹⁷ Study of methods and techniques used instinctively by design industry professionals to create a solution to a problem.

3. Method

The research plan designed for this study is shown in Figure 17 below.

Below is the research plan designed for this study:

Phase 1 - Planning: Build primary understanding of overall picture. Pre-Research/ Literature Review. Co-Discovery with Subject Matter Experts: build interview questions for Interviews. Ethics application and memoing throughout.

Phase 2 -Research: Conducting Semi-structured interviews and Observations. Snowballing leads to more participants and further observations. Memoing throughout.

Phase 3 - Analysis: identify issues and opportunities through coding and development of a framework of understanding. Memoing throughout.

Phase 4 – Develop recommendations based on findings and framework.

Figure 16 Research Plan

3.1 Pre-Research/Planning

The pre-research and planning phase included:

1. A literature review and memoing.
2. Reviewing publicly available data regarding the refugee application process to Canada.
3. Informal discussions, and feedback sessions with IRB and IRCC officials to gain a preliminary understanding of the asylum application process in Canada.
4. Participating in CAMH Mental Health Training for people working with refugee applicants.
5. Completing Tri-council Policy Statement on the Ethical Conduct for Research Involving Humans (TCPS2) training for ethical conduct in research.
6. Developing and submitting an ethics application to Carleton University's REB.

Figure 17 Visualization of Research Activity

3.2 Fieldwork Methods

This research study received ethics clearance from the Carleton University Research Ethics Boards (CUREB). As the researcher was based in Ottawa at the time of the study, interviews and observations in Toronto had to be scheduled in advance and planned to accommodate both the requirements of the participants, and sufficient time between interviews to adequately document a summary of each interview. A decompression time for the researcher was also planned into the interview schedule after the first few interviews were conducted, as often the interviews revealed intense and traumatic stories. Fifteen interviews were conducted in total. Four from the architectural and design community, five from the IRB, four social workers and two lawyers. Where possible, interviews were conducted in the workplace of the participant in Toronto, with one interview conducted in Ottawa. If an in-person meeting was not feasible, interviews were conducted over the phone.

Semi-structured interviews were planned for 30 minutes, however one hour was allotted per participant if they wanted to speak for longer. The majority of interviews were approximately one hour long. Interviews were not recorded, and only hand-written notes were taken during the interview to maintain the comfort level of the participant, and allow a natural flow of conversation, which may have been undermined by using a recording device. Immediately after the interview, the researcher wrote out everything she could remember in order to capture any further information that may not have been recorded during the interview itself. Both sets of notes were then collated into a digital document, with all potential identifying data such as gender, specific notes about the participant, and names removed. This document was then sent by email to the participant for their review, and they were asked to

make changes or add to the notes based on their recollection of the interview (Groenewald, 2004; Lacroix, 2004). This confirmation process was done to ensure that the researcher's understanding of the content aligned with the understanding of participants.

Observations were conducted in spaces frequented by refugee applicants awaiting their hearing, and were visited throughout the study. Observations were conducted in approximately half hour sessions. The observations occurred in the following locations:

- Refugee Tribunal Waiting Room
- Ready Tour (at Refugee Tribunal Space)
- Immigration Hearing Waiting Room
- Immigration Hearing Room
- Immigration Detainment and Hearing Building
- Provincial Law Clinic and Waiting Room

Observations in waiting areas took place from a seat at the back of the space, or during walking tours, where the researcher could write notes without being highly visible. In many cases, conversations were easily overheard despite this location. Notes of people, movement, potential emotions, and where possible conversation summaries were noted with time stamps in chronological order. Immediately after the observation was conducted, the notes were reviewed and additional notes were added to observations if needed. No photography or video was used during the observation sessions due to ethical considerations. Memoing was conducted throughout the observations. The IRB provided after-hours access to photograph spaces while empty.

3.3 Participant Subject Matter Experts / Observation Feedback Participants

Coding	Affiliation	Notes
A1	Architect	A1 is an architect with 27 years' experience in judicial design, specifically new courthouse design and build in the United States of America. Experience with diverse forms of judicial design is the expertise that A1 brings to their company.
A2 & A3	Interior Designer	A2 and A3 are both registered interior designers, specialized in healthcare and community service spaces across North America. The firm states they support a collaborative approach to design, with a user-centered approach.
A4	Architect	A4 is an architect specialising in "justice architecture". A4 has direct experience with designing IRB hearing spaces in the wider context of justice architecture projects. A4 has worked on justice architecture with multiple companies, and has experience with both federal and provincial governments in Canada.
G1	IRB Coordinating Member	G1 works for the Immigration and Refugee Board (IRB) in the Tribunal Hearing as a 'Coordinating Member'. This is managing a group of 10 board members, while also hearing claims when required. Additionally, a coordinating member will decide administrative matters for their team, such as presiding over a "Change of Date and Time" court hearing.
G2	IRB Case Management Officer	G2 is a Case Management Officer (CMO) at the IRB. A CMO is assigned to each refugee applicant when their case is accepted for review. CMO's are arranged into teams of 4, and there are approximately 25-30 in the Toronto office. The primary role of the CMO is to keep a hearing on track, and prevent issues from derailing the hearing.
G3	IRB Reception/CMO	G3 is assigned to the reception area of the tribunal space. Reception handles phone inquiries, and triages calls before they get to the CMO group. Many phone calls are not intended for the IRB, as applicants are confused by different government departments. Additionally, receptionists receive documents for filing. The receptionist is separate from the duty desk, although they sit in the same area. The duty desk handles the daily operation of the hearing such as check-in and questions.
G4	IRB Ready Tour	IRB Employee – Conducted Ready Tour, and provided access to security corridors of tribunal area. Provided feedback during sessions.
G5	IRB Employee	IRB Employee – Conducted tour of Immigration hearing spaces in Detention Center. Provided feedback during sessions.
L1	Lawyer	L1 has exclusively been a refugee lawyer for almost 20 years. L1 is aware of the impact of space on clients. As each case is unique, it is impossible to determine how many hours it takes on average to prepare adequately, however it is always more than the 16 hours funded by the government. Currently L1 is the director of a large legal aid clinic.

L2	Community Legal Worker	L2 is a community legal worker at a legal aid clinic specializing in representing refugee applicants and immigration cases. With a background in psychology and social service work, L2 specialized as a social service worker for immigrants and refugees. L2's responsibilities include a combination of legal drafting for paperwork, some intake documentation for new clients, and largely visiting clients at detention centers. If required, L2 will communicate with other industry contacts to provide assistance to refugee applicants and other legal aid clients searching for health care, housing, etc.
S1	Settlement Orientation Coordinator (Social Worker)	S1 is a team leader for social services at an organization in Alberta. S1 coordinates outreach services for both youth and adults, for educational services such as Canadian cultural courses (for example family law), career and life management, social integration, and registration for schools. S1 previously worked as a translator and attended many tribunal hearings. Alberta does not provide any services to refugee applicants. Without status, refugees are not eligible to receive services. This makes refugee applicants a unique group that are hard to serve without funding in Alberta.
S2	Refugee Shelter Program Manager (Social Worker)	S2 is a program manager at a house operating as a shelter for refugee applicants. S2 also volunteers at the Ready Tour. The house is in downtown Toronto, and operates with a small staff; 2 full time, 1 part time, as well as some volunteers, with 21 refugee claimants living in the house. The house is set up like a home, with 10 bedrooms, and the living room contains the office spaces.
S3	Employment Consultant (Social Worker)	S3 works for a charity that is partially provincially funded, and partially funded through donations. The charity primarily helps with finding employment and providing assistance to anyone in Ottawa attempting to become employable. S3 is specifically an employment consultant, but has a BA in Psychology, and a Masters in Counselling. 40-50% of the clients seen by S3 are newcomers to Ontario. The center also provides access to computers for working on resumes, workshops for clients, and other sources of information specific to certain groups. Workshops and training can include topics such as workers' rights, and writing in the Canadian style.
S4	First Contact Coordinator (Social Worker)	S4 works for a charity that runs a first contact program for refugees who arrive in Toronto. This charity is an information service, which assists with referrals when possible. This charity operates with 2 full time employees, approximately 5 volunteers, and 1 placement student. With each new client S4 provides an overview of the refugee application process, an orientation package that includes application information as well as housing, maps, transit information and other items. S4 sees approximately 20 cases per week. The goal is to provide a comprehensive initial orientation, and connect applicants with appropriate services, to avoid responding to continuous questions.

3.4 Coding, Theming and Design Recommendations

After participants had reviewed the notes from their interviews, and confirmed that the data was correct, each data set was reviewed for commonly occurring codes. This bottom-up approach using inductive coding led to the development of the subthemes, then larger overall themes, as shown in Figure 19 below.

Figure 18 Inductive Coding adapted from Saldana (2016)

Codes from the data were transferred onto individual notes, and physically arranged into groups to develop the subthemes. Over several iterations, it became evident that patterns of codes and subthemes were in some cases particular to specific groups of participants, so the exercise was repeated with colour coded notes indicating which group the data had come from. From these groupings developed the affinity diagramming, as subthemes were groups into larger categories.

4. Findings

This study revealed a number of key themes and sub-themes that need to be considered in developing design requirements for refugee tribunal spaces and processes. A wider understanding of the refugee applicant experience as it relates to the interactions, environments and processes experienced during a refugee tribunal process in Canada can help inform design principles and practices.

Figures 20 and 21 below illustrate the common themes and connections between themes which were discussed by participants throughout the research. One key theme involves the differences in perspective regarding protection versus security. This is supported by a number of subthemes which include survival needs, status, housing, work and education, healthcare and mental health. Other themes include the refugee application process and subthemes, and design issues in the tribunal spaces. Protection and security are related to social determinants of health. The security of the applicant beyond the tribunal space includes the general feeling of security in the community (in this case Toronto), and impacts all participants. Social determinants of health impact the mental health of refugee applicants, and this is a subtheme that recurs when participants discussed the applicant process and aspects related to design issues. Currently, applicant processing may be influenced by assumptions people have of refugee experiences which may be inaccurate or ill-informed. These assumptions include some participants' perceptions regarding the safety and survival of refugee applicants in Canada, the ability of refugee applicants to communicate effectively, and the ability of front-line workers involved with the refugee applicant population to avoid burn-out despite repeated exposure to trauma, stress and heavy workloads.

Figure 19 Key Themes with Underlay of Subthemes. See Figure 21 for Subthemes.

Figure 20 Key Themes, Subthemes and SME quotes.

4.1 Protection and Security

4.1.1 Survival Needs

While focusing on their claim, participants highlighted some of the other pressing daily living concerns of applicants which include:

- obtaining food and shelter;
- applying for Ontario Works, a social assistance fund which provides a monthly stipend and support to find employment;
- medical exams required for Canadian Immigration which requires navigating the Canadian medical system;
- the safety of the applicant's family either in Canada, and their survival while waiting, or safety if left behind in their home country; and
- trauma, and working through the results of this anxiety.

"There's so much else going on..."

"I will be homeless next month..."

"Survival jobs kill your spirit..."

Interview Excerpt 1: Quotes from participants reflecting issues reported by refugee applicants.

Participants noted that one of the biggest challenges is getting applicants to focus on their legal claim when they haven't eaten that day, or not slept properly (see Figure 22 below).

Clients become overwhelmed and can miss meetings due to their condition.

Language and literacy are another source of concern for meeting basic daily living needs. Even when a client speaks English or French, the context of the message may not be

understood. This may happen a lot with medical care, where the doctor does not realize that the person has not understood care instructions.

Figure 21 Issues Faced by Refugee Applicants When Looking for Stability

4.1.2 Status

Throughout the application process, refugee applicants are unstable as they lack the benefits of status. They are faced with daily uncertainty and must re-live their trauma every time they need to review their case. Frustration with this situation is compounded by having to rely on others for their daily needs. As one participant noted, “they ran from uncertainty, and are continuing to live it daily while waiting for a hearing”. Having left everything behind and living in poverty, being worried about their families, and then suddenly thrust into a racialized community, where they are often “other” than the norm, are some of the issues faced by those without permanent status.

In Canada, within 6 months, most refugee applicants will have had their claims heard. However, this does not detract from the reality that there is a large and growing backlog of

refugee claimants who have yet to be heard. Participants pointed out that some refugee claimants have been waiting for more than 4 years for their claims to be processed. Further to this, participants spoke of some cases where the method of entry into Canada affected their ability to launch their claim, also affecting the timeline, as shown in Figure 23.

*Figure 22 Potential Setbacks Experienced by Illegal In-Land Applicants
Compared to Legal POE Entrants*

4.1.3 Housing

Housing is fundamental to create a sense of protection and security. Finding housing in Toronto is expensive, and in many cases single room rentals or bachelor apartments cost approximately \$600-\$1000 per month. Ontario Works funding for refugee applicants is approximately \$700-\$800 per month. This leads to an inability to find affordable housing and applicants have a difficult time moving out of shelters due to housing market costs.

Participants describe that it is not uncommon for applicants to sleep on the street. Those who cannot find space in a shelter can become completely lost to the shelter system. Applicants living on the street lose access to information found through communication with experienced support workers who only operate through the shelters, and are generally not accessible to the average claimant outside this system. One participant noted that a challenge for many applicants who cannot find shelter involves traveling around the city with their belongings. One shelter participant discussed enforcing a maximum of 4 months stay, due to the overwhelming demand for accommodation. During this time, shelter residents are assisted by support workers with:

- finding a lawyer;
- scheduling a hearing;
- receiving 'street orientation' (i.e., the ability to navigate Toronto and basic self-sufficiency);
- applying for and receiving a work permit; and
- attempting to find housing and moving out of the shelter system.

Additionally, many applicants need to learn English. According to some participants, only 2-3% are able to communicate effectively.

Difficulties for refugee and immigrant applicants may extend to landlord-tenant issues. Participants expressed that landlords may have negative assumptions about applicants who are on welfare and that landlords can be hostile, aggressive and intimidating to refugee applicants. It is illegal to ask a newcomer for a credit check, but participants noted that some landlords are still requesting this information. Applicants may also be required to sign questionable and sometimes offensive rental agreements. Participants described agreements that stigmatize or racialize their experience. One example that was shared involved an African woman with an infant, who was required to sign an agreement stating that she would not have men or drugs in her apartment. Such contractual agreements, one participant remarked, are a “difficult enough system for us as Canadians to navigate, let alone someone who can’t speak English”.

4.1.4 Work and Education

Applying for a work permit can be done online, but is not readily issued or accessible. A mailed in work permit application will take 6 months to be issued, whereas the online application can be issued in 2 months. A participant noted that they had to be trained how to fill in a work permit application “correctly” for example *not* to write in the work permit application “want to stay in Canada”. From the applicant’s point of view, it would be reasonable to assume that they would select “want to stay in Canada” since this is their objective. However, when a non-citizen (i.e. refugee applicant) selects that they want to stay in Canada, this may ironically push the application into a more stringent review, which can take longer to

be processed or be rejected. This can be counter-intuitive for someone also preparing hearing documentation, where they must indicate a desire for asylum in Canada.

Participants spoke of applicants that are motivated to find work, but may find it difficult due to racism, and when they do, typically find precarious work that is physically demanding or unhealthy. When a potential employer hears an accent, this may be detrimental to securing a job. Many of the clients seen by participants are in “survival jobs”. One of the main issues faced by clients who are in survival jobs, is that they do not have the stability to be job ready. Job ready refers to a rested, focused employee who is able to present themselves confidently as a candidate. Job hunting can be a full-time, stressful endeavor. Applicants experience homelessness, physical or emotional health issues, and minimum wage jobs that consume their time, and energy. This prevents refugee applicants from focusing on a job hunt that may provide better working conditions and break the vicious cycle. Participants noted this even impacts their meetings with applicants to the point where they are not focused during their discussions. Participants also shared concerns for refugee applicants being targeted by companies that pay less than minimum wage, and/or do not pay or explain taxes. This often leaves applicants with a tax bill they do not understand resulting in additional stress.

If applying for school, claimants are charged international student fees. The only time that funding can be granted is for a 6-month training program that can be covered by Ontario Works, but not for longer courses. If a student is accepted into a university, there is the possibility of getting a special letter from the university to apply for funding, but it is a complex process. A work-around discovered by the refugee coalition is to get an adult high school study

permit, then use that to apply for university. Some participants were aware of this process, but were unsure of how the process works.

When applying for support such as training, refugee applicants are asked for their social insurance number (SIN), in order to clarify if they are eligible to work in Canada. SIN numbers that start with 9 immediately prompt a request from support administrators for more information. One participant clarified that a refugee applicant (prior to the tribunal hearing) is not provided with the same services as a convention refugee (after the tribunal has provided the applicant with status), because they are ineligible for all the same sources of support. Applicants are excluded from most government funded programs. Student visa status does not provide the same eligibility as a work permit, and within work permit status, there are several different types. Clients have described to participants the stigma of having a “9” SIN number, expressing that the designation can be demoralizing.

However, there are some programs specifically for non-citizens, such as language training. Language assessment can be provided for free if applicants have the correct documentation (such as the refugee protection document), and this documentation is also required to access mentorship programs. However, without the appropriate documentation, the assessment is not free, and can be out of reach to those with limited income.

4.1.5 Healthcare

Some of the social workers that were interviewed have training as psychologists or counsellors. All of the social workers with this training noted that they are unable to take on any counselling roles due to their own overwhelming workloads.

Refugee applicants are provided a healthcare certificate, which should grant them access to healthcare while in Toronto. However, participants explained that many clinics require payment up-front because the clinics typically do not do the additional paperwork associated with processing the healthcare certificate. As a result, applicants will be selective about seeking healthcare that they cannot pay for.

One of the participants shared experiences in dealing with clients going through a mental health crisis, explaining that there are not enough resources to serve clients in this condition. This participant described escorting clients to the emergency room in order to ensure they received proper medical attention. In general, participants feel there are not enough resources for people without permanent resident or citizenship status.

4.1.6 Mental Health

Some participants working with refugee applicants, discussed anxiety being the overriding emotion refugee applicants experience. Applicants “just want to get settled” noted one participant. While waiting, they must carefully consider every action they want to do. Although provided with a work permit, they often cannot find work, and no income means relying on Ontario Works, which often does not cover basic living expenses.

One social worker described refugee applicants as “the most vulnerable population within the immigrant category”. All the social work and legal subject matter experts interviewed for this study discussed the stigmatization and trauma experienced by the majority of refugee applicants *after* their arrival in Canada, while waiting to have a tribunal hearing for refugee status. The stress caused by this waiting experience compounds previously existing trauma and health issues caused by the experiences that began the refugee claim.

Refugee applicants are concerned about the family they left behind. They expect to be able to bring their family out of danger, and when they learn about the complexity of the sponsorship process, they may become disheartened and depressed about the situation.

The priorities of the refugee applicant as noted by participants are in the following order:

1. Save their family
2. Obtain legal status
3. Survival or looking after one's self

Refugees are used to living without luxury, and can be resourceful and resilient. Participants reported that refugee applicants have a different perception of normal. However, they expect to receive help once they arrive in Canada, and do not always experience this.

During the interviews, participants described a number of situations where applicants have been traumatized, robbed and/or assaulted during their journey to Canada. Other stories they shared illustrate that the trauma continues in Canada. For example, when applicants are sent to homeless shelters, they are often fearful of the shelter environment, and may choose to sleep on the street, which can lead to other desperate situations. These comments taken from conversations with participants in Interview Excerpt 2 demonstrates the fear or precarious situations applicants may encounter.

A single mom with two daughters from Eritrea were smuggled into Toronto and sent to an Eritrean restaurant to seek help. They were turned away at the restaurant, and ended up sleeping in a park where they were approached by drug dealers. They were horrified by the experience and were not able to speak English/communicate.

A group of 16-year-old girls came to Canada with study permits, and somehow ended up staying with a 40-year-old single man. In this case the man was a good person, and they were not harmed, but they put themselves in a precarious position, because they felt that they had no choice.

Interview Excerpt 2: Quotes from Participants Reflecting Situations that Refugee Applicants have Encountered due to Homelessness.

4.1.7 Detainment

One of the subject matter experts in law emphasized that many detained clients who find themselves in provincial prisons rather than the immigration holding centre often have no criminal issues. Being moved from a detention center can happen for any reason that the CBSA officer on duty at the time deems non-compliant. According to participants, reasons for detainment are complex, but often stem from incomplete paperwork, not criminal activity. Participants report that once in the detainment system, restrictions can escalate quickly. Some examples are shared below.

A pregnant detainee is unwilling to go to breakfast because of morning sickness. The guards label her as non-compliant and moves her into the prison system.

Another woman is unhappy with her treatment and verbally responds to the guards – this is also labelled as non-compliance and results in her moving from detention to prison.

"She became a different person"

Interview Excerpt 3: Quotes from Participants regarding issues faced by applicants in detention.

Mental health issues may result from being placed in solitary confinement. Clients have been described by participants as unrecognizable after incarceration. As the spaces encountered by most refugee applicants who are detained are entirely different than the tribunal hearing environment, this is not addressed in this study but this information from participants is included here to provide some context for the extent of conditions refugees may experience.

4.2 Application Process Experience

4.2.1 Communication Needs and Gaps

Often applicants do not feel comfortable enough to share specifics of their case, even details that may help their case. For example, some participants working directly with applicants noted that LGBTQ applicants are increasing. For many, this is a group who have kept their sexual orientation a secret on pain of death. They will not work with translators from their own community because their fear is that the threat of being targeted will follow them. This problem with communication may be compounded if CBSA officers do not attempt to understand why someone will not work with a translator to tell their full story. The quotes in

Interview Excerpt 4 illustrates some of the communication issues expressed by participants working with refugee applicants.

**“Officers do not appear to have much intercultural training”
- Social Worker Participant**

**“You get frustrated because you have so many phone calls asking the same thing, you have to explain the same process over and over, and then when you hang up you still have this huge workload to get through”
- IRB Participant**

**“This presents the impression that it [communication] is not a priority for the Canadian Government”
- Social Worker Participant**

Interview Excerpt 4: Quotes from Participants who work with Refugee Applicants, Reflecting Issues with Communication.

When the system is working well, contact or communication with the IRB after the initial application is minimal. Nothing prevents applicants from communicating with the IRB before, or in person. After the initial application either at IRCC or through the CBSA, the applicant will receive a notice to appear for their hearing. This notice will provide the applicant with a case management officer (CMO), and a phone number to reach the CMO directly. The applicant is able to communicate with their own CMO directly, to ask questions and discuss paperwork. However, the reality is that many CMO officers are overwhelmed by the volume of phone calls, many of which are not related specifically to their job role. The CMO is the only point of contact for refugee applicants but is often unable to answer the majority of bureaucratic questions from refugee applicants. However, most phone calls from applicants to the IRB only begin after their hearing has been missed for whatever reason, and then rescheduled. When first accepted as an applicant, a hearing is scheduled within 60 days. If this hearing date is missed, it can take

up to 2 years to get another hearing. Many refugee applicants struggle to understand why it takes so long to reschedule if there has been an issue with their initial hearing date. A typical phone call after the tribunal hearing has been canceled involves conversation related to the applicant's confusion with the waiting period. Participants reported that when an applicant's hearing is rescheduled, they do not understand why it takes so long to get a new hearing. In such cases phone calls can quickly escalate, as participants report that applicants become hysterical, expressing that they feel they have been forgotten. A participant noted that currently there are 2,500 applicants in the backlog, awaiting new hearing dates.

Figure 23 Snapshot of hearing process experience

One IRB participant noted having approximately 520 active files. With this many files it can be difficult to respond to each person when they inquire about their hearing. Some CMO's are not willing to meet with clients when they come to the IRB offices, due to their workload.

One IRB participant explained that they do meet with applicants estimating that visits occur approximately 50 times a year, but that most inquiries come through phone calls, with each CMO receiving approximately 8-12 calls per day. This is a medium that some CMO's actively ignore in order to get through their workload. The priority of the CMO is to keep a hearing on track, and prevent issues from derailing the hearing. The priority of the applicant is to keep updated, and to receive information about their hearing.

Some of the common sentiments mentioned by participants during these calls, include:

- missing their family in their country of origin;
- concerns with the applicant's work permit expiring;
- concerns with schools not accepting the applicant; and
- applicants being worried about deportation.

Participants also shared that phone calls often begin with a personal narrative¹⁸, requiring the IRB employee to provide structure to the conversation because there is not enough time for a "long story", especially when the IRB is not in a position to help with the issues being discussed. In such cases, the call will then be directed to the appropriate department. Apart from speaking directly with the IRB employee, the general voicemail also serves as a form of triage as it indicates which department to call for specific items. One drawback that was mentioned was

¹⁸A legal assistant will listen to an applicant's story, and together with their lawyer, will help to determine which immigration stream they should be applying under. If a refugee claim is the most appropriate option for this client, the legal clinic helps them to identify how their circumstances fit into the definition of a refugee. For example, while listening to a story of domestic abuse, the category is determined as gender-based violence risk. The legal participant agrees that this is not the way people communicate naturally, but is rather a deduction made through their professional experience.

that “applicants don’t like to leave voice messages”. This in turn, results in applicants calling back until they can speak with a person, further increasing the workload of IRB employees.

Most of the concerns voiced by applicants during these conversations can’t be solved by the CMO. The only inquiry that they may be able to address relates to issues in scheduling the hearing, which is done without providing a specific date for the hearing since the issues must be addressed beforehand¹⁹. Most of the scheduling is completed by the Hearing Support Assistant (HSA) who is not in contact with the refugee applicant. If there are changes to the applicant’s file, such as a change to a hearing date, a letter is mailed to the applicant. However, the IRB will generally rely on the applicant’s lawyer to immediately communicate any changes.

Phone calls to the IRB were described by some participants as being “cold” and “intimidating”, with applicants sharing stories of being “driven off the phone” and referred to a website rather than having their questions listened to²⁰. However, as noted above, this experience may be the result of the IRB not being able to respond to the inquiry as it is managed by another department. Participants noted that the tribunal hearing system is underfunded, with few resources to handle rescheduling which results in an extended wait time for most applicants.

¹⁹ One of the only ways to move ahead in the line is to receive a psychologist’s report regarding a severe issue that requires the hearing to move forward quickly. Simply having an applicant call in and state depression is not enough.

²⁰ Previously, applicants would be asked to call back in 3 months, but then one of the participants realized that giving the applicant hope was ‘cruel’. Now, they will state the number of people ahead of them in the line waiting for hearings. Currently there are 2500 active files in Toronto.

Figure 24 Stakeholder Map, and Estimated Overlap of Communication

Many applicants will have their first experience with the bureaucratic interview process during the initial interview with the CBSA. Participants commented that the applicant's natural form of narrating their story is normally restricted by formal processes that are trying to find specific answers. For example, the lawyers interviewed in this study noted that often during their initial meeting, the client is truly being listened to for the first time, as they are allowed to express their story in their own way. Elements of the story that are irrelevant to their case are shared as this may be the first time relating their experience – and when this storytelling is

restricted it frustrates the refugee applicant. Some participants noted that focused questions are not the best approach, as important details may be lost. For example, using the phrase “tell me everything you think is important” is useful to gain the broad picture, but if time is running out, and the interviewer needs to clarify a specific item, they will say “I will get more details later, but right now we need to talk about...”.

Participants described that after an applicant arrives at a legal clinic, they are met by intake workers who record the details of their case and the participant’s story. This information is then reviewed or “triaged” by a manager to determine if the clinic can take the case or not. If the clinic cannot take the case²¹ but they feel that there is an appropriate private lawyer that can handle it, they will refer the case to this other lawyer.

When preparing clients for their hearing, one of the lawyers interviewed explained that they will show a photograph of the space²² (tribunal space) to explain the layout and the stakeholders involved. Lawyers need to plan for time to coach applicants on specific aspects of their story, in order to present a clear and concise case at the tribunal. Often there are external issues such as hunger, or medical requirements that need to be dealt with to enable the applicant to focus. This is where the support of a good network is required to provide appropriate resources.

²¹ The clinic tends to focus on the most vulnerable applicants such as detained clients, those with serious mental health conditions such as schizophrenia, bipolar disorder or post-traumatic stress disorder; and women who are victims of intimate partner violence. The clinic also deals with complex cases involving inadmissibility due to criminality, alleged criminality or security reasons.

²² One Lawyer was unaware of the CLEO website which shows a similar layout, and is of the opinion that lawyers do not use the Ready Tour as much as they could. However, this lawyer was part of the team that created the Ready Prep booklet used on the tour.

Figure 25 Applicants Storytelling Process Related by Law Subject Matter Expert

For applicants who are proceeding through the system in a normal or typical scheduled sequence, they may receive a decision within 6 months and can then move on to beginning the process of rebuilding their lives. For those who cannot complete the application process, they can become stuck in the backlog of hearings, and this exasperates their desperation over time. According to legal experts, one of the drawbacks of having the hearing delayed is that the information collected to support their claim can become outdated, and becomes harder to prove the further away they are from the incidents that caused them to flee.

Participants noted that 'lucky' refugee applicants will receive legal aid, but it is not uncommon for an applicant to have inappropriate counsel because there are not enough

dedicated lawyers in this field of work. In Western Canada the lack of appropriate or dedicated legal counsel and its potential effect on scheduling is compounded by only having 10 board members available to hear cases. Some of the participants are members of The Coalition of Service Providers, an organization that discusses problems and barriers that newly arrived refugee claimants face in their refugee application process. One of these obstacles discussed by this group is the lack of information and preparation applicant's face in preparation for their refugee hearing. Through the efforts of this group the Ready Tour was created to help communicate the process to applicants, as well as the Red Cross First Contact program, which provides a city orientation and assists with finding shelter.

4.2.2 Assumptions and Contradictions

The study revealed that IRB employees may not be aware of where applicants live while waiting for a hearing or how refugee applicants pay for basic necessities. Because there is the ability for refugee applicants to receive a healthcare certificate, receive some funding for housing, and apply for a work permit, there may be an assumption that these resources are in place or are sufficient. This disconnect from the reality of the refugee applicant experience, and the challenges they experience while simultaneously attempting to navigate the IRB tribunal application process, may be related to the frustration of applicants reported by IRB employees and social workers.

Figure 26 Reported Assumptions Reported by Participants

Participants from other professions outside of the government spoke of the “inability of people in positions of power to understand how damaging it is to live with uncertainty”. It is not enough to assume that being in Canada makes you safe and stable. Uncertainty is the most destabilizing emotion. It creates a “quagmire of fear”. Eliminating limbo allows one to progress, being in limbo prevents you from doing so.

“People in Canada assume that when you are here, you can move on with your life. But you can’t learn English, search for a career or begin training when you don’t know if you will be sent back to be tortured in 6 months.”

Interview Excerpt 5: Quote from Participant

Of all participants interviewed about their experiences with hearings, only one case was reported where the board member went above and beyond to put a traumatized woman at ease who had been the victim of sexual and physical abuse. This board member moved from the seat “at the head of the table” to sit next to the client and immediately acknowledged the gender and power issues at play with that specific case. The participant noted that this breakdown of the power dynamics within the room was unusual. Additionally, the client involved came into the hearing with such unease that she had to leave regularly to throw up and the board member was sensitive to this situation.

Some SME’s who had attended hearings noted experiences with board members who were ill-informed. For example, an applicant was from Mexico, and had been caught between a corrupt police force and drug gangs. The board member was unable to understand why the applicant could not go to the police for help. According to the participant, the applicant did not feel welcome during the tribunal process, feeling intimidated and discouraged during the hearing. Similar stories were discussed openly in the waiting room outside the tribunal space during the observations, with applicants expressing that the board member did not understand

their situation. However it is difficult to comment on this without interviewing board members and refugee applicants directly.

4.2.3 Security in Tribunal Space

Participants report that at least once a week security must be called because of an incident in the waiting room. One example is when an applicant came in and threw a Canadian flag through the document pass-through, saying “Why am I not good enough for Canada”. An IRB employee stated “I feel ok in the space, but less safe. With everything going on worldwide and being so close to the USA border, the commissioner is not armed and our reception glass is not bullet-proofed”.

There are no metal detectors in the entrance to the tribunal spaces or waiting room. The commissioner is “more of an information desk than an actual deterrent”. All front-line staff receive conflict resolution training once a year. However, there is no physical restraint allowed, and the commissioner would still need to call 911 if there was a significant issue. In contrast, the legal clinic and other non-governmental organizations (NGO) have crisis recognition training, attempting to diagnose and solve a problem before it becomes a conflict. Some IRB employees expressed concern about safety and related experiences that helped form those opinions. According to SME’s who worked with refugee applicants, refugee applicants also come into the IRB spaces with similar concerns. But according to participants, applicants carry their safety concerns with them beyond the IRB, as they seek security in their daily lives.

4.3 Design Issues and Opportunities

During the literature review, prior to observations and interviews conducted in Toronto, a journey map (see Figure 4) was created to attempt to link some of the spaces that refugee

applicants might experience during the process of applying to be a refugee in Canada. During the interviews, particular spaces in this journey map were discussed repeatedly by all the stakeholders interviewed. Interviews with participants and observations of the tribunal spaces revealed key themes associated with refugee tribunal experience: Public Spaces, Private Spaces and the Refugee Applicant Processes that span both spaces. See Figure 6 for showing the layout of the tribunal hearing room, and Figure 29 for themes related to design and spaces. Figure 28 shows a block diagram of the entire floor, and the location of the hearing spaces in relation to the public areas such as the waiting room and washrooms.

Figure 27 Block Diagram, IRB Tribunal Spaces, Toronto.

Figure 28 Design Process Themes

4.3.1 Public Spaces

4.3.1.1 Waiting Areas

Due to the open nature of the waiting room and entrance, the entrance to corridors, washrooms, and the main entrance were all visible from selected seats at the back of waiting rooms. It was observed that people waiting for information in the waiting room always face the reception desk to watch for information, in case they are summoned by the receptionist or duty desk staff through the glass. Some IRB participants noted that the glass shield at the reception desk is protective and required due to the interactive nature of the receptionist role. In addition, IRB participants noted that the glass is useful for protecting the privacy of cases being discussed over the phone. When an applicant checks in at the desk, names are not used to protect applicant's privacy and ID is used to verify their identity. However, the requirement to speak loudly to be heard through the glass disturbs other people working in the back of the reception area such as the duty desk clerks. While observing during consecutive visits, applicants speaking to the receptionist were audible to most of the waiting room, thereby compromising their privacy. Occasionally, personal information was overheard during these exchanges. If a large box of documents is submitted that does not fit through the document pass through in the glass, then the receptionist must open a secured area door and receive it in person. Participants noted that very little paperwork is kept at the reception. Once per hour an inter-building transport service arrives to move the documentation to the appropriate department.

Figure 29 Existing reception area in Tribunal Waiting Room, Victoria St, Toronto

The 'airport style screen' is a television monitor indicating where the hearings for the day will be held. This screen is mounted on the wall of the waiting room across from the reception desk. IRB participants noted that this screen is used mostly for interpreters, as applicants check in with the duty desk and speak to a person directly. However during observations it was noted that some applicants tried to use the screen to navigate when there was a long line at check-in. The hearing notification letter will only direct you to the correct floor. Depending on changing circumstances, hearing rooms are only assigned the day before. This is designed to protect the security of the applicants. Observations revealed that clients arriving in the space typically walked straight to the reception and did not consult the screen, but if they did consult the screens, they would still go verify the information in person at the duty desk.

“The waiting room is like a daycare sometimes. There used to be colouring items for the kids but there were some incidents.”

“A separate room would be useful as some babies cry for hours. The waiting room should accommodate them somehow but not with TV's.”

“Lawyers have offices and client meetings should be scheduled in their own spaces.”

Interview Excerpt 6: Quotes from IRB participants regarding the waiting room.

People observed in the waiting room were constantly in groups for discussion. Through observations and the interviews, it became evident that these discussions occur everywhere – hallways, lobby, and waiting room. Some lawyers have been specifically told not to use hearing rooms for quick meetings, and are routinely asked to leave the hallway clear. A participant noted that this happens often and needs to be enforced. Families also attempt to cluster in the waiting room, while maintaining line of sight to the reception and hallways to the tribunal spaces. Children prefer to be in the open area directly in front of the reception desk, and their guardians will also try to sit closer to the children. Many babysitters are unknown to the children awaiting their parents during their hearing, which one participant noted makes the children rowdy.

Figure 30 Waiting Room Seating and Typical Corridor to Tribunal Rooms, Victoria St, Toronto

During the hearings, the commissioner patrols the hallways to make sure that no witnesses or children are waiting in the hallways. The waiting room can be busy even after the office closes, as people wait for their family members, or friends to wrap up the hearings. Applicants who come from the detention centers are shackled and taken directly to a secure hearing room on another floor, they are never seen in the waiting area.

Navigating the IRB tribunal space is not intuitive. While observing people who enter the waiting room, any new entrants immediately stopped at the commissioner desk for direction. The reception is not clearly identified. Applicants who are checking in need to register at the “Duty Desk”, which is located behind a column. People who entered the space were typically

observed as being hesitant, walking slowly, and unsure of where to go. In contrast lawyers, interpreters and other stakeholders familiar with the process would stride into the space and move directly to the appropriate check-in area. The corridors are long and tunnel-like, with signs that discourage loitering. This requires a long walk to return to the waiting room if a break from the hearing process is required, or if one has children to check on. For refugee applicants experiencing physical distress, there is also a long walk to the washrooms. The waiting room seating does not accommodate groups of people who need to either pace through nervousness, or sit in groups to create their own unit. Many people observed attempted to find a seat with direct line of sight to both the entrance and the reception area. Although it is unclear why they chose these seats as they were not interviewed, they may have been waiting for either their lawyer or maintaining an awareness of the space.

4.3.2 Private Spaces

4.3.2.1 Tribunal Hearing Spaces

IRB employees noted during interviews that refugee claimants are speaking to the government of Canada during their hearing. The IRB tries to make the hearings less formal, however they stated that there needs to be a balance that also indicates respect for the process. When a refugee applicant has a specific vulnerability, accommodations can be made such as a change in seating or taking frequent breaks. However there are mixed reports on how much accommodation can be provided. According to one IRB participant, “Every refugee applicant brings a form of trauma with them. Accommodating them all would be difficult”.

Participants explained that the seating structure does not normally change. IRB participants speculate that this is because the space needs to convey the seriousness of the hearing. “The

board member has a lot of responsibility, is representing the Canadian government, and the seating layout represents that”.

As shown in the image below, (Figure 32) the tribunal space contains solid furniture, which is largely fixed and hard to relocate. Historically, the table occupied by the board member was large due to the amount of recording equipment and computer equipment that was required. However, participants noted that technological advances have reduced the size of equipment required, and the majority of board members now attend sessions with personal laptops. One architectural participant noted that the recording requirements can be addressed through ceiling mounted systems, and table-top microphones may no longer be necessary. The board member is currently removed from the seating arrangement, and has a private, separate door. A small clerestory window allows some daylight into the space, and the central focus of the room is the flag and crest which some participants feel dominates the room.

Figure 31 Typical Tribunal Hearing Room, Victoria St, Toronto

Many hearings take place with an interpreter, some of which may be former refugees. There are not high numbers of social workers attending hearings, or other community service groups. However, sometimes a community service member may accompany a family to assist with children in the waiting room. When social workers come to tribunal hearings, it is usually for a specific reason, for example, assisting with a defined vulnerability such as a mental health challenge or because the applicant is an unaccompanied minor. Most claimants have a lawyer, but having a lawyer is not essential.

During the tribunal hearing, there is no dedicated space for children or childcare. One participant speculated that this is potentially because of liability issues. The preference for the IRB is that children remain in the waiting room during the hearing, but that they need to be

accompanied by an adult. They must be present during the hearing so that the board member can verify their identity and ask questions if necessary. Infants remain with the parents during a hearing, and breaks are provided as required to care for the child. It was noted that if parents do not have assistance, the children can try to remain in the hearing, but one participant noted that hearings have been derailed if children are too unruly. IRB employees reported providing paper, pens/colouring material to try and distract the children in those cases, but it is not always successful.

In general, the hearing room is described by participants as authoritative. IRB participants generally report that the flag and crest convey the impression of the importance of the space and the event. Legal and social worker participants note that movement is restricted within the space, and refer to it as intimidating. In the current tribunal spaces in Toronto, the majority of windows illuminate the secure corridors only accessed by board members. Participants noted that typically, a tribunal room has limited natural light, and the space immediately presents as intimidating and sterile.

4.3.2.2 Legal Aid Clinic

Apart from the official spaces associated with the tribunal hearings, refugee applicants experience other areas during the application process such as legal clinics. Prior to a renovation, the legal aid clinic that was observed had been divided into an open plan area for legal staff and a discrete area with small offices where clients were to be interviewed. One participant noted that each room in the previous design was “like an interrogation cell” and believed that this was immediately picked up by refugee applicants who entered the space. One legal participant spoke of an example shared by an interpreter whom had visited the other

legal spaces that the participant had worked in previously. This interpreter, upon entering the small “cell-like” offices in the legal clinic’s previous design, immediately relayed an experience of being interrogated in a cell in his home country. This was a story that had not been shared in many years of working with the interpreter in other legal offices. The lawyer felt that entering the “cell-like” spaces may have prompted the story of interrogation. Further, the “cell-like” offices had poor sound attenuation so sounds of distress and anguish could be heard clearly through the walls. The lawyer also described that there was no natural light, and the spaces were overly “cold”.

In redesigning the office, the lawyer advocated for sound attenuation, as well as glass panels in the doors of the offices. The rationale given was that the glass panels would allow visual contact with the rest of the space, and in the case of children waiting outside the offices, they could maintain visual contact with their parents. The corridor was renovated to include a children’s play area that allows parents and children to maintain contact visually and children to play happily while their parents are being interviewed, without being heard.

The ability of light to permeate the space also changed the environment according to the lawyer. When this lawyer then became director, one of the first initiatives under a limited budget was re-orienting the desks to seat clients perpendicular to the doors, thereby eliminating their backs positioned towards the doors. Bringing in rugs, tapestries, and artwork from several cultural backgrounds was also done to acknowledge the cultural heritage of clients. This lawyer also shared that refugee applicants must “perceive themselves in the messaging or interior design, to help them relax”. Although the floor plan was not changed, the participant felt that these improvements modified the impressions of the space.

4.3.3 Design Process – Best Practices Noted by Subject Matter Experts

All the experts interviewed for this study agreed with the UKDC design process (see Figure 16) in principle, but noted that the amount of time spent on the initial discover/define stages vary between individuals and companies. One participant noted that prior to beginning the design process, it is important to understand who the client representative is, and where they fit into the hierarchy of the judicial process²³. For example a client representative may represent a particular group within the organization, and may not accurately represent the majority of final users.

According to participants, the most important requirement of the space is to provide a welcoming environment, and acknowledge cultural differences and perspectives. Awareness of power dynamics is also crucial. One participant stated that many people feel that the spaces are “designed to be intimidating on purpose”, but that the institutional optics and manifestation of the design should be about supporting people and getting to the truth. “The result of being intimidated is that you are not able to relax, so it can be hard to share the truth”. One architect that was interviewed discussed Child and Family Court which is set up in a boardroom format, as being a better model to look at for design requirements of refugee tribunal spaces. This is because the people are in the space seeking help, not being accused. These spaces have a different scope of requirements as many community service groups and agencies come together to help protect a child, and find a solution.

²³ One architect participant notes that the American judicial system is very different from the Canadian system. There are many different specialized courts, and then requirements can vary based on City, Magistrate, County, and State building codes.

In an ideal situation, many participants would prefer to break down the authoritarian messaging in the tribunal space. The crest in the room behind the board member was noted by participants as dominating, and broadcasts a message of authority/state. It was noted that a fear of state is an issue for virtually all refugees who have been persecuted or let down by their own state. The Canadian flag may be seen as a symbol of hope for refugees according to participants at the IRB, but could also remind refugee claimants of what they are not part of. Ultimately, the hierarchy of the space layout, and the dominance of the board member is the biggest issue. All participants suggested a circular meeting space would be preferable, and many commented that as Canada is a multi-cultural society, the interior design should reflect this. As one participant noted, “Why can’t people see a piece of themselves in these spaces?”²⁴.

Figure 32 Security Requirements are required in many project briefs, contrasted with the need to feel safe.

One participant noted that balancing the requirements of safety and security involves providing the privacy required to protect applicants from perceived danger, while maintaining their feeling of safety, as well as allowing people to see elements of their environment without feeling that they are under observation. Participants noted that many refugee applicants are

²⁴ Circular courtrooms in theory eliminate hierarchy and issues of power dynamics. However, these courtrooms also require fixed furniture that participants noted is less flexible.

fearful of strangers hearing their accounts, as they fear retribution. Multiple architectural participants noted that in order to achieve this balance, zoning needs to be employed. In their experience, a “streetfront” approach that combines waiting areas with access to multiple services from the waiting area provides a centralized service model, reducing wayfinding issues. The placement of the most required services at the entrance to the space, and clearly indicated areas that provide access to other services is the result of a careful zoning plan based on user requirements. Participants have found in their experience that zoning activities to meet privacy requirements, typically results in a hub and spoke model with a centralized entry/information area, creating shorter corridors and a larger circulation area. Participants discussed how locating activities that require the most privacy away from the general waiting area allows more control over sightlines and sound attenuation. Shorter corridors reduce feelings of insecurity as assistance is not far away. Participants discussed how specialized spaces such as court houses or medical establishments that have frequent visitors with experience of trauma or violence avoid dead-end spaces where someone could be attacked or concerned about being attacked out of sight of the main population in the building.

Best practices or design recommendations were noted by architects, lawyers and other SME’s, but IRB participants also contributed to the discussion of best practiced in designing tribunal spaces. The current office spaces in Toronto were built approximately in the late 1990’s. In 2002 – 2005 the IRB had a satellite office and hearing rooms in Toronto on University Ave. The tribunal rooms were set up with a similar layout, however a number of hearing rooms had natural light through side windows. In describing the difference in the tribunal spaces that had natural light in the former satellite office, one IRB employee’s body language, voice, facial expressions all conveyed much higher enthusiasm for the design of the former satellite office.

This participant also mentioned that some people found the windows distracting, however from the perspective of a board member who was in the room consistently, this participant felt that it made a difference to their overall mood throughout the tribunal process. When asked to describe why the satellite space was “nicer” than the current tribunal space, this participant mentioned that only the sunny days stood out in their mental picture, and that the natural light made the space “brighter and sunnier”.

The back of house workspace for the CMO group involves a typical cubicle layout. The heavy phone use and computer use limits movement. Because cubicles are relatively open, one IRB employee commented that anyone can drop into their space and inquire about urgent matters. This combination of constant in person and phone interruptions limits the ability to complete work, and they report that this results in errors. One example of an error was a completed file not being put in the “out position” (a matter of a single checkmark in the digital system), so then the file was not registered with immigration. This participant also notes that they all have access to natural light and windows, but would like to have some small “phone booth” style private spaces for long or difficult phone calls, as well as heads down work.

4.3.3.1 Waiting Room and Reception

One IRB participant noted that the reception desk could be improved by raising the height of the seating, pointing to the passport office in the same building as an example that has this setup. Passport officers are seated on raised chairs that allows them to meet people at eye level. The participant noted that this enables them to exude authority, check ID, prevents hearing issues and assess aggressiveness. This IRB participant also suggested that one accessible desk could be shared between the reception and the duty desk as needed, as there

are fewer applicants with physical disabilities in their opinion. They also suggested that the waiting area needs more washrooms because there is a lot of traffic.

Regarding the interior design of public areas, one legal participant noted that in their experience of different legal spaces that immigrant communities do not respond to “unfinished” or “unprofessional” visuals or interiors. Examples of this are industrial interiors, with exposed brick or mechanics. These are perceived as still being under construction, unfinished, and therefore not of a professional status. Another aspect of this is the presentation of a lawyer. If people working in the legal clinic spaces, dress in a more casual manner (e.g. jeans and sweaters) then the client may perceive them as being less competent or professional. Essentially, both the environment and the lawyers need to convey the impression that they are treating the client with respect, from the perspective of the client.

5. Discussion

This study involved the examination of spaces related to the refugee tribunal process. Observations of the spaces and interviews with people who have related expertise has helped improve our understanding of how design may influence the experiences of refugee applicants. Architectural approaches typically address the functionality of spaces, and accessibility of these spaces is based on building code requirements and safety. Reviewing the space with the additional lens of more systemic considerations and less obvious considerations in inclusive design, while acknowledging the potential impact of strategic design on the mind-set of applicants can help shape their experience in the space. The study revealed that without understanding the context of experience, the design problem could not fully be identified, thereby influencing the quality of design recommendations and proposed design solutions.

5.1 Refugee Applicant Experience

Through observations and interviews grounded in a phenomenological and design approach to data collection and analysis, assumptions regarding mental health, survival strategies and safety of this particular population (refugee applicants in Canada) were challenged and changed throughout the course of this study. Issues of trust, social capital, agency and literacy discussed by Simich (2006), Rousseau (2002) and Hynes (2003) were examined during the study and the methods depict similar concerns; an image of a highly stressed, fearful applicant who arrives in the tribunal space, and whom may have been working through survival in Toronto until the day of their hearing. Without the protected status that refugee applicants expect to receive when they arrive in Canada, refugee applicants experience psychological fragility caused by stress and anxiety as noted by Rousseau et al. (2002).

Participants working closely with refugee applicants noted that those who make it to Canada may demonstrate extreme resilience. Participants describe how refugee applicants whose lives have been interrupted, may have been in the middle of a career, completing education, or other life goals. Having their independence stripped away, creates a strong desire to regain control of their lives, and create a safe home for themselves and their family. While waiting for a tribunal hearing, participants explained that refugee applicants find it difficult to find work, and when they do, they are often targeted by unscrupulous employers who often offer dangerous or physically demanding work for less than minimum wage. Without financial security, resulting issues of housing, food and medical care create a spiral of poverty that is difficult for many applicants to extricate themselves from. Social determinants of health such as housing and employment impact an applicant's ability to support themselves, and as noted in Maslow's (Green & Maslow, 2000) hierarchy of needs, these restrictions may limit basic needs such as belonging to a community, and a sense of accomplishment. During this time participants described that it can be difficult for applicants to focus, and their legal case for refugee asylum can be significantly impacted. While in the waiting period (a form of limbo) participants described refugee applicants' inability to regain control (Lacroix, 2004; Richmond, 2001) of their lives, and how this treatment in the country where they had been hoping for safety and security can be demoralizing.

Participants working with applicants shared experiences in Toronto, where applicants are attempting to survive while waiting for a tribunal hearing, an experience which may exasperate issues of trust (Hynes, 2003; Watters, 2001) that refugee applicants already have from their journey. The government in their home country may have failed them or caused the issues, and this may become a source of mistrust. As some refugee applicants have been

victims of specific ethnic or cultural groups, survival may lead to constant suspicion.

Participants described when applicants are presented with interpreters that are from their country but unknown to them, some refugee applicants may be reluctant to share their story as they are not sure whether the interpreter is from the 'other' side. These issues and stressors that participants report the refugee applicant population is dealing with on a daily basis creates a general sense of anxiety (Rousseau et al., 2002; Watters, 2001) which all participants noted are a lens through which they must consider all interactions with this population.

Therefore, a designer needs to be aware of the vulnerability or "psychological fragility" (Rousseau et al., 2002) of the population that walks into the refugee tribunal space. Refugee applicants are in a high state of anxiety, and know that the results of their hearing that day will impact the rest of their lives. Additionally, refugee applicants are dealing with physical stressors such as hunger, potentially poor shelter conditions, and medical issues depending on if they have been able to access healthcare. Beyond this are the invisible vulnerabilities such as fear, mistrust, and process of an unfamiliar bureaucracy. Simultaneously, during the hearing refugee applicants will be called upon to relive and share the stressful experiences that led to their fearing for their lives. Parents who bring their children to the hearing have the further stress of both shielding them from the experience, and worrying about them if they are in the waiting room, out of their sight. And beyond the impact of these results on their own status, many refugee applicants are concerned about what the results mean for their family who are still in danger – if the refugee applicant can receive convention refugee status, they are one step closer to saving their family.

The context of these physical, social and emotional experiences as noted by Watters (2001), Richmond (2001) and Lu (2015) are the backdrop to the experience within a refugee tribunal space. Provided that there are documented medical records indicating that many refugee applicants are simultaneously experiencing mental and physical challenges due to the traumatic experiences that shaped their arrival in Canada, and through the tribunal process, the field of inclusive design may be broadened to contribute to the challenges faced by people with concealed disabilities.

5.2 Balancing Privacy and Safety

For a vulnerable population, acknowledging the requirements of both privacy and safety is crucial and can be complex to achieve. During observations it was noted that private information at the reception area could be overheard. However, when discussions were conducted with the commissionaire at the entrance, conversation was not as audible. The presence of the glass barrier was a significant factor in volume. There are several attempts to protect privacy in the waiting room, such as using a case number instead of names, and not providing the room number of each hearing until the day of the hearing.

Balancing the conflicting constraints of both privacy and transparency is difficult, however attempts at privacy are negated by the use of glass at the reception. Interviews clarified that the reception team felt that the glass provided them with a sense of security. However, during observations it was noted that if a large volume of documents is being delivered then the privacy door needs to be opened, exposing the reception area. Finally, as the glass makes it hard to communicate, it hinders privacy, and makes it louder behind the glass for

people who are attempting to focus on their work. These examples point to the many conflicting constraints in design. A newer form of glass barrier noted by one of the architect participants is to have a vertical gap in the glass, which is open from the counter to the ceiling. This allows clients of all heights the ability to speak at their own height, and may increase sound transfer from one side of the reception to another, preventing the use of loud voices. However, as reported by another participant who specializes in healthcare design, more often receptionists are requesting to remove the glass altogether, as they find it a barrier to effective communication and are aware that ability of the glass to provide a barrier to infection transmission is limited.

Fear is not limited to the refugee applicant population, as interviews demonstrated concerns or fears among some participants working with refugee applicants themselves. One example of the concern experienced by government employees is illustrated by the secure back corridors that board members use to access the spaces. Participants noted that if a board member feels that they will be providing a negative verdict, and prefer not to announce that at the hearing itself, they will delay their decision until the next day so that it is issued directly to the lawyer, and not in person with the applicant in front of them.

A significant finding noted in the study was the variation in training received by front-line workers in order to address potential issues. Front-line participants reported an ability to detect distress and warning signs of high levels of anxiety. Social workers, legal teams and medical staff receive crisis prevention training, and attempt to detect and address issues before they become more pronounced. Government workers receive conflict resolution training, but are only able to deal with a situation after the issue has escalated and requires additional

security assistance. This subtle difference may affect processes and experiences in the tribunal spaces.

5.3 Terminology

The terminology used to navigate the space and the process can be confusing. Throughout the study, many different terms were used by different stakeholders for the same concepts. For example, one IRB participant uses the same terminology as the applicant in saying "court" instead of "hearing", and "judge" instead of "board member". Another example of confusing terminology in service and space designation was the use of the terms "reception" and "duty desk". Norman (2013), Ziegler (2015) and CLEO (2015) have all outlined the importance of clear indications of a product or service. When a process is not intuitive, it leads to frustration and restricts the ability of a person to use the product or service. The reception is where most people would intuitively try to check in for their hearing, however this is done at the duty desk. The reception is where paperwork for the hearing is filed and received, a task not typically associated with reception work but rather back-of-house work.

These are all examples of how confusing the process and associated support spaces can become. This may be the result of language around refugee and immigration applicants that has changed frequently due to policy and service revisions. The current term for anyone held in a detainment facility is "client", but one participant feels that the term "detainee" is a more accurate word. Throughout the refugee hearing process, there are words that are commonly used to describe an experience, and the frequent changes only result in confusion.

5.3.1 Vicarious Trauma

Vicarious trauma is the emotional residue of exposure that subject matter experts have from working with people as they are hearing their trauma stories and become witnesses to the pain, fear, and terror that trauma survivors have endured. It is important not to confuse vicarious trauma with “burnout” (American Counseling Association, 2008). The interviews revealed that this is something all subject matter experts in this field have to deal with to some degree. Given the large case-loads, and immense backlog that IRB employees are dealing with, it is not surprising that they may feel the need to create a separation between their roles within the process, and the traumatic experiences that they encounter daily through the volume of refugee applicants.

5.4 Power Dynamics

Tribunal hearing rooms present a study in power dynamics. It is clear why refugee applicants and other stakeholders refer to this space as a “court”. The applicant is treated as a defendant, physically placed at the center of the room across from the decision maker. The lawyer in turn is placed to the side and physically separated from their client (see Figure 6). During observations of immigration hearings which have the same layout and process, it was noted that the interpreter is seated with the applicant. This is a forced physical closeness with an unknown person (interpreter), and physical separation from the one person that has been supporting the applicant (lawyer) which may create discomfort. Further to this, the applicant is seated with their back to the entrance door, compounding the feeling of being “on trial” and being unsafe. A private door to access back-of-house also emphasizes the impressions of a court room, and undermines the concept of an informal hearing. Although discussions with IRB

employees noted that the tribunal hearing process is meant to be an informal review of information, the design of the space does not reflect this perception or desired identity.

5.5 Methods

The observations and interview methods employed in this study were effective in revealing information on the potential influence of design in refugee applicant experiences and the design of tribunal spaces, judicial spaces, and associated spaces (e.g. legal offices).

Memoing throughout the research process, and re-examining the questions posed at different stages of the interview process helped with the examination of social capital, and other social determinants of health discussed in the literature review relative to the data that was being collected. Using a phenomenological approach led to interviewing in-situ, which prompted stories such as references to a "cell" like office, illustrating the influence the space can have on the results of a conversation, an approach supported by Groenewald (2004).

However, one aspect that was not expected was the need to allow a decompression time between interviews. It was not anticipated that the stakeholders would relate traumatic stories and events, which would affect the researcher's emotional state. Some of these stories were also overheard during observations in the waiting room, which could be troubling to listen to and required time after each session to work through the material being revealed.

While the affinity diagramming technique, and coding resulted in clear themes, emotion coding did not work for this particular study. The use of emotion coding while theoretically sound, helped code impressions and statements during interviews. But ultimately it proved difficult to conclusively assign emotional tags to statements relative to the design of the space

itself. Emotion was easier to document and code in reference to experiences outside the tribunal space.

5.6 Recommendations Based on Findings

After arriving in the building, and upon entering the refugee tribunal space, the primary impression should be one of welcome, not power, to acknowledge the experience of refugee applicants. While the security presence can be visible it should not be the first point of contact. This would limit the anxiety that many refugee applicants feel when confronted with a security presence that may be associated with the military. Clear way-finding should be implemented, with an easily identified check-in area to support space literacy. The waiting room hosts children, groups of adults waiting to be called (such as witnesses). Seating spaces should be interspersed with circulation, allowing groups to gather as required, or for people to select seating away from groups if that is what they need to control their anxiety. Providing options allows a sense of control as one selects where you would like to sit. Different seating types such as tall back chairs allow privacy, whereas some people may prefer the open sightlines of low back chairs. Bench seating allows a group to sit together, whereas individual seats can provide privacy. Circulation provides a physical outlet for children who become restless over time, as well as anxious adults. It can also provide a choice of route when selecting an entry/exit to the space. The reception area would become more private if the glass barrier was removed. This would allow personal communication, and lowered voices, to support privacy. A centralized reception area should be created that provides the services of the duty desk to ensure the first point of contact is the person most people new to the space should contact. Lastly the currently named “reception” area that receives documents should operate at a further point within the space.

5.7 Framework of Space and Process Recommendations

The framework shown on the following page is intended to be read in conjunction with the preceding findings. Reading from left to right, the top-level overall themes are divided into sublevel issues that need to be addressed when reviewing the design of the spaces and associated processes. The recommendations and examples shown are not a comprehensive list, and indicate ways that these issues may be addressed.

For example, to address the issues with the current seating arrangements, and symptoms of distress in refugee applicants, one solution is to use conversational seating plans and supporting furniture products. In public areas, this might consist of different types of seating grouped to allow different activities. Bench seating grouped with a moveable chair can be helpful for accommodating children, allowing a caregiver to interact with the child. A bench can also allow a person who is reviewing their documents a space to work. Groups of high backed chairs placed away from the main entrance would permit groups who need to have a quick meeting a space to discuss sensitive information without unintentionally sharing their conversation. Flexible seating choices provide a sense of control as people make choices about where to sit based on their comfort level. Flexible seating arrangements in private spaces could also be beneficial. Within the tribunal space, this could benefit the applicant by not forcing an adjacency to one specific person or viewpoint. The participants in a tribunal hearing also differ based on the case, and the flexibility to accommodate a larger or smaller group of people would be beneficial within these spaces. The ability of all users in the tribunal rooms to select their seat can reduce tension and make the experience more manageable for both refugee applicants and IRB employees who are already in the position of repeating or listening to traumatic events. Reading the framework from theme to subtheme, followed by reviewing the associated suggestions is intended to guide those who are designing future spaces to accommodate vulnerable populations and those who work with them.

6. Conclusion

This study focused on examining the experience of refugee applicants in relation to the judicial spaces used for refugee tribunal hearings in Canada. While the initial question was vague – “How does one design such spaces?” – an examination of what the spaces required and who the end users became of interest to the researcher as the preliminary answers to these questions were vague thereby indicating the need for more research to comprehensively examine the problem. A review of tribunal environments, and the possible influence of design on refugee experience was conducted through a literature review, observations of spaces in Toronto and semi-structured interviews with participants working closely with refugee applicants or in related design fields. The analysis of the data collected resulted in a systemic framework of space and process recommendations. These recommendations include revising the floor plan to a hub and spoke model, making the waiting room larger, reducing the length of corridors, and creating a central, easy to identify reception area to support and guide visitors in the space.

6.1 Key Findings and Recommendations

Several issues were identified throughout this study. These issues include the anxiety and fear that refugee applicants carry with them into the spaces, concerns with safety and security, physical results of distress, the conflicting messages of welcoming and intimidation, and the need to provide accommodations for children. Within the public area (e.g. the waiting room), accommodating the needs of people to gather, consult, and group as families is required. Of note is the need to accommodate children, who are typically waiting and need room to play. Sound attenuation is required in both the public and private spaces to control sound

transmission due to the nature of sensitive conversations occurring within the environment. In private spaces such as the tribunal room, a re-examination of the furniture layout needs to be undertaken to support a positive workflow for IRB employees, as well as provide a welcoming experience for refugee applicants. Currently, the furniture layout echoes a courtroom set-up and creates the impression of a trial. However, IRB participants noted that the process should be regarded as an informal hearing of facts. A boardroom set-up would help this situation, provided the refugee applicant's back does not face the entrance or back-of-house doors. Awareness of the physical nature of stress, and the possible need for some refugee applicants to visit the washrooms frequently should be considered both within the layout of the private space, and through shorter corridor lengths that permit quick access to the washroom. The importance of natural daylight was highlighted throughout this study, as a way to improve the mood of all participants and allow a connection to the exterior world.

The refugee applicant population is a specific group within the category of vulnerable people. However, this study also demonstrates the vulnerability of SME stakeholders, as well as IRB employees who are under high workloads and in many cases experiencing similar instances of vicarious trauma that many other front line workers experience. There is potential to address issues resulting from policy decisions such as: inconsistent naming conventions and the confusion these may cause for applicants; improve back-of-house systems such as providing a call center specifically for refugee applicants to better answer their questions; and engaging CMO workers to help address the heavy workload they encounter in processing refugee applicants. The information contained in this study helps illustrate the experience of refugee applicants through the perspective of subject matter experts who work closely with applicants,

or in related fields of design. In turn this led to considerations in designing such spaces to support applicants through this difficult time.

6.2 Hub and Spoke Model

Overall the floor plan would benefit from a hub and spoke model, with the waiting area and reception being the hub and the tribunal rooms being located in a radiating pattern away from the centralized hub. This layout would provide a line of sight from most tribunal hearing rooms to the waiting room, and a shorter travel time. This not only makes the hallways easier for the commissionaire to monitor, but also provides easier access for parents to children in the waiting room, or access to the washrooms for applicants who are distressed. Washrooms should be located between the tribunal rooms and waiting room, within easy access of both. Eliminating long corridors allows for greater transparency and safety, as well as quick access to the spaces.

Figure 33 Hub and Spoke Model

6.3 Tribunal Rooms

The tribunal rooms are intended to be a place of “hear”-ing. The current layout (see Figure 6) physically separates the refugee applicant from all the other participants in the room, and unconsciously emphasizes their otherness. Board members are required to control the recording of the procedure, and historically that encompassed large equipment that the board member’s table had to house, creating a large dominant structure in the room. Technological advances mean that issues of size and security can be readily addressed, and participants noted that the majority of board members bring in a laptop to the hearing, negating the need for much of the larger computer equipment at this work area.

Judicial design experts have indicated that procedures in many court houses similar to those experienced in the refugee tribunal space, have moved to a conversational model of sitting at a large conference table. The type of layout currently used in the refugee tribunal rooms is one reserved for court cases where a defendant is on trial and needs to defend one's self – whereas a refugee tribunal hearing is intended to be a procedure where the refugee applicant presents their case for acceptance. Participants noted that studies of this type of conversation space in healthcare design show a shift to lounge seating, in which the comfort of the patient is most important as is the desire to eliminate any form of power dynamic between patient and care provider. However, in the case of refugee tribunal hearings there is a significant amount of paperwork involved in the hearing and a conference table set up is more conducive to managing these documents. Without pre-defined seating arrangements, it is possible for the participants to choose an arrangement that suits people's needs for each hearing. The changes enacted by the legal clinic that participated in this study such as re-orienting the meeting tables and eliminating a seating arrangement that places any one person from sitting with their back to the door reflects a sensitivity to the applicant's experience and needs, and were reported as effective by participants. In these flexible arrangements, the lawyer and applicant can sit together, an interpreter can sit at the 'head' of the table to address both sides, and the board member can sit across in order to hear from all parties. This is a seating format similar to that currently used in legal mediation, which occur in boardrooms not in court spaces. An additional benefit of this format is that unless there are many participants, no individual will be compelled to sit with their back to the entrance. The example discussed earlier in the study of a board member who sat next to the applicant while she related her story of gender-based violence

illustrates that these changes can occur, and providing a flexible space and seating arrangement would support the participants to respond to others as needed in a tribunal hearing.

Safety concerns cannot be confused with security, and a well-designed environment will provide transparency that assists IRB employees with concerns about security, as well as enable refugee applicants to maintain a sense of dignity, control and safety. Artwork, daylight and warm finishes are all contributing elements to creating an environment that can help address many of these concerns.

All architectural participants noted the effectiveness of daylight in improving mood, and as being essential to wellbeing in any space, but even more so when encountering extreme trauma and stress. Sound attenuation is another important design requirement. If signs of stress and anxiety can be heard from other spaces, this has the potential to increase the tension for everyone in the waiting area and adjacent tribunal rooms. Participants noted that stress is easily picked up within a group setting, and recognizing that this particular population comes with an understandable amount of anxiety, additional sound control is required (Ziegler, 2015).

6.4 Methods

The use of memoing techniques throughout the research process allowed the researcher to track her changes in perspective. Phenomenology techniques encourage acknowledging potential bias and documenting these notes (Groenewald, 2004). In doing so, questions sparked by literature, observations and interviews were noted, and could be integrated into primary research as it developed. The use of semi-structured interviews permitted the integration of new questions as new data was revealed. Revisiting spaces and continued observations

provided alternative views over time. Acknowledging the vulnerable nature of the refugee population and limiting on-site notes to handwritten ones, removed the discomfort that many people may feel when being video, or audio recorded. This was initially designed for use with the vulnerable refugee applicant population, who were present in the public waiting areas during observations; however, this approach also proved valuable when interviewing subject matter experts as the responses during interviews and informal questioning during observations provided far more candid answers, or anecdotes than the researcher was expecting.

When analysing the data after collection, memoing assisted with revealing links in the data, or providing an alternative approach to analysing the data. Inductive coding was used to build the codes into subthemes and overall themes, with affinity diagramming providing visual links to the data that may not have been evident otherwise. Several iterations of coding and affinity diagramming led to the use of colour coding to identify the voices of particular participant groups. Many of the themes that were discovered were supported by concerns or phenomenon highlighted in the literature review, but new relationships were presented through this diagramming. Overall a qualitative approach allowed the researcher's perspective of emotions related to experiences in the tribunal areas to be noted, and coding techniques such as descriptive coding and holistic coding were specifically selected to tag and cluster the data that was documented.

Studying a participant population that has a high level of interaction with a vulnerable population provided a new perspective on the subject matter experts themselves. Although subject matter experts working with refugees may not be considered vulnerable on the surface,

the study revealed that vicarious trauma and highly stressful jobs may lead to a degree of vulnerability and this was not anticipated in the study. The interview and observation techniques originally designed to approach refugee applicants were beneficial in that they helped participants to relax in relatively short interview times, and provide rich sources of data. The ability for the stakeholders to then review and correct the notes from their interviews may have contributed to building trust between the researcher and the interviewee. These are techniques that would be beneficial for future research with similar populations.

6.5 Potential Barriers and Future Research

The recommendations noted in this study are potentially limited by several factors. When creating a scope of work for future projects that impacts space design, architects and designers that are accommodating a vulnerable population, require access to stakeholders who use the space. As shown in Figure 25, the architects were limited to contact with the government department whereas the other stakeholders provided rich and alternative sources of data. This communication silo needs to be addressed in order to accommodate all end users.

Cultural barriers in government environments must also be acknowledged, primarily that of security and solemnity. Architects report that assumptions about the requirements for security, and the need to visually reflect this security dominate designs of similar government environments, regardless of purpose or need. Austere environments impact employees who work within these spaces daily, and when combined with stressful experiences, it is possible that these experiences are amplified for both the general public and employees. Another design assumption that became evident in the study is that the end user is representative of the general population. While refugee applicants strive to return to normalcy, they are

generally facing challenges beyond that of the average Canadian. For example a higher number of washrooms is needed for this population, noted by users in the space however perhaps not covered by local building codes, architectural programs, or at the very least, communicated to the design team.

Future studies can continue the work of examining experiences of refugee applicants in these spaces, to verify that the stakeholder data is representative of a wider population. Additionally, a study from the perspective of the IRB employees has the potential to document the impact of elements of the work environment to support both program efficiency and end user experience. The results of this study have suggested the experiences of refugee applicants may be influenced by the design of associated processes and environments that they encounter. The path a refugee applicant follows in their quest for stability and security can be long and involved. Although the interactions with the tribunal space and associated environments represent only a few touch points in the experience of the application process, insight was gained on the possible influence of judicial government environments and associated spaces, while receiving legal, social and economic support. The framework (see 5.7) of potential design solutions was built on the understanding of the impact of anxiety and stress, acknowledgement of the influence of social determinants of health, and the impact of power dynamics within these spaces. Overall, while the refugee tribunal hearing is a serious event, and the process needs to be respected, an overly formal space intimidates and can heighten anxiety and stress. In order to receive as accurate a version of events as possible, the tribunal spaces need to acknowledge and respect the experience of refugee applicants prior to arriving in the space, and attempt to provide a welcoming environment where refugee applicants feel safe to share their story of why they are here.

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Appendices

A) Language Clarification

During the course of the interviews and observation in the field, it became apparent that not all stakeholders used terminology the same way. The following is clarification of the intended meaning of specific terms in the context of this study. In the discussion section, the use of specific terms by different stakeholders will be examined.

“Safety” and “Security” were used interchangeably, yet did not always refer to the same concept. For the purpose of this study, security shall refer to operational requirements and strategies such as physical barriers, security guards, or design configurations intended to facilitate a secure environment. Safety refers to the emotional aspect of this concept, through visual transparency, control of one’s environment and feeling secure in a space.

The terms “Hearing Room”, “Tribunal Space” and “Court” are used interchangeably by various subject matter experts, but all refer to the room in which the refugee tribunal hearing takes place.

“Government” refers to the Canadian and Ontario government as a whole, across several departments. Often a refugee applicant will contact the IRB to request information about a process that is not specifically handled by the IRB, but will instead be provincial such as healthcare, or related to their work status.

“Status” refers to the accepted status such as being a Convention Refugee, which provides the same rights and resources as a permanent resident of Canada. These resources include healthcare, educational funding, and other forms of social welfare.

B) Stakeholders Relative to Space and Tribunal process

In the hearing space:

- Witnesses
- Support person
- Applicant/claimant
- Lawyer
- Ministers counsel
- Interpreter
- Board Member
- Applicant

Notes:

Board members must maintain neutrality, and cannot be an advocate for the refugee. Anyone with relevant education and experience can apply to be a board member. Applicants can come from any sector, but experience with refugee matters or tribunals is an asset. The following process for application to become a board member occurs:

1. Applicants are screened when they apply.
2. Applicants are tested, assessed, and then a decision is made.
3. Once hired, they are provided with training: The most important factor is ensuring that a fair hearing is provided.

Stakeholder support outside of tribunal:

- Medical professionals
- CBSA officers
- Support worker such as shelter workers, legal aid, employment counselors.
- IRB case officers (CMO)
- IRB Hearing Support Assistant (HAS)
- Community such as ethnic communities, religious organizations.

Notes:

A CMO goes through a checklist to verify that several items have been prepared for a hearing. The ultimate goal of this checklist is to prevent issues the day of the hearing. Some examples of items to be reviewed on the checklist is:

- Request Interpreter
- Invite Minister
- Requests from counsel
- Rules regarding the receipt of documents 10 days before the hearing are not always followed.

C) IRB Background/History

This study was conducted during 2017, the year celebrating Canada's 150th Anniversary.

During the history of Canadian immigration, policy has been focused on nation building, and refugee policy has fallen under the purview of the immigration ministry (Lacroix, 2004).

Immigration was part of the following departments between 1917 and 1994, before the formation of the existing department format in 1994:

- Department of the Interior (Canada), Department of Immigration and Colonization 1917 to 1936.
- Department of Mines and Resources, 1936 to 1950.
- Department of Citizenship and Immigration, 1950 to 1966.
- Department of Manpower and Immigration, 1966 to 1977.
- Department of State for Citizenship 1966 to 1991, Department of Employment and Immigration 1977 to 1991. At the time, responsibility for refugee applicants overlapped between these departments.
- Department of Multiculturalism and Citizenship, 1991 to 1994.
- Citizenship and Immigration Canada (CIC), 1994 to 2016.
- CIC was renamed to Immigration and Refugees, Citizenship Canada (IRCC) in 2016 – present.

The nomenclature used in the list above demonstrates an emphasis historically on people as resources and 'manpower'. Changes began to occur after the Immigration Act of 1976²⁵ came into effect in 1978, the first time that refugees were recognized as a distinct class of immigrants – allowing private sponsorship by Canadian Citizens (Lacroix, 2004; Martel & Aoust, 2016).

In order to support the primary objective of nation building, immigration policies have focused on the selection of immigrants, which has in turn influenced the discourse on refugees in Canada, as secondary to the preferred economic benefits of selected immigrants (Lacroix,

²⁵ Sparked by the Vietnamese 'Boat-People' refugee crisis, Canadians were moved to sponsor many families and provide refuge.

2004). The Department of Multiculturalism and Citizenship, reformatted in 1994 as Citizenship and Immigration Canada (CIC), further supported this aim.

However, after the terrorist events of September 11th, 2001 in New York City, public opinion in the US became increasingly anti-immigrant and in response the Canadian government introduced the Immigration and Refugee Protection Act (IRPA). This came into effect in 2002 and established a refugee protection program. IRPA was further clarified in 2004 with the introduction of the Safe Third Country Agreement between Canada and the US. This agreement established responsibility for sharing processing of claims from nationals of third countries. However, the Canadian Council for Refugees (CCR, 2017) notes that under the Safe Third Country Agreement, which has been in effect since December 2004, Canada and the US each declare the other country safe for refugees and close the door on most refugee claimants at the US-Canada border. The Canadian Council for Refugees strenuously opposes the Agreement, because they claim that the US is not a safe country for all refugees.

In 2016, CIC was renamed Immigration, Refugees and Citizenship Canada (IRCC). IRCC continued the work of IRPA, providing three streams of migration into Canada: Economic, Family Reunification, and Refugees²⁶.

Prior to 2002, the refugee application system received much criticism for challenges experienced by refugee applicants within the system, including limited cultural understanding of refugee applicants by members hearing cases, and misinterpretation of psychological fragility as “inappropriate” behaviour (Lacroix, 2004). In 2012, significant reforms were made under the

²⁶ There is a fourth category called “Other Immigrants” which includes humanitarian cases, although very few people are admitted under this category (Martel & D’aoust, 2016). The Immigration and Refugee Board (IRB) is a subdivision of the IRCC, specifically focused on the processing of refugee applications.

Balanced Refugee Reform Act (BRRA) and the Protecting Canada's Immigration System Act (PCISA). One of these reforms was implementing the Refugee Appeal Division at the Immigration and Refugee Board of Canada (IRCC). This allowed a secondary review of a hearing to occur, when an applicant felt that their case had not been considered in a neutral fashion. In addition, rather than a group of board members hearing a case together, each case could be heard by a single board member, allowing for more hearings to be scheduled.

The Canadian Context

Canada is ranked the 4th most welcoming country for refugees according to a survey conducted by Amnesty International (Holme & Prudhomme, 2016), with a positive acceptance of refugee applicants by the general Canadian population. However, Canada is not within the top 10 list of countries receiving refugee applicants, and has historically received a smaller number of refugee applicants than many European countries. Since 1981, refugees have accounted for less than 20% of immigration to Canada compared to the economic category which accounts for 61% of immigrants. (Martel & D 'aoust, 2016). Although the changing North American political climate, since the election of Donald Trump to the presidency, has led to an increase in refugees seeking asylum in Canada rather than the US, the impact of this on the Canadian refugee application process is still unclear.

The Provincial and Municipal Context

Ontario specifically is a major destination for many refugee applicants, who are catalogued under the general umbrella category of 'immigrants'. While the number of immigrants into Ontario overall is declining, the number of Convention Refugees moving into Ontario is rising (Martel & D 'aoust, 2016). The immigrant population in Ontario accounts for

11.9% of all immigrants received in Canada since 2012, of which 53.4% were refugees admitted to Ontario (Martel & D 'aoust, 2016). Studies indicate that an existing ethnic community does not necessarily draw new members of that community to a particular place (Hou, 2005). However, the existence of many strong ethnic communities in Ontario cannot be discounted. Toronto in particular is a major destination and has the additional advantage of being designated a Sanctuary City – providing city services to all who need it regardless of resident status. With a local tribunal space, and many associated community support systems specifically for refugees, it is not surprising that Toronto would be a destination for refugee applicants.

Port of Entry

These spaces are under the jurisdiction of the Canadian Border Services Agency (CBSA) and due to security requirements were not accessible for this study. However, many of the participants noted that the refugee application process begins here (refer to Figure 4 Asylum Application Process). An example was shared of a refugee applicant who arrived at Pearson Airport, and after beginning their initial interview with a CBSA officer they noted that the officer understood their language. However, despite the refugee applicant being unable to communicate well in English, the CBSA officer insisted on continuing the interview in English, which intimidated and scared the refugee applicant.

D) Keyword Search

Keyword searches for “judicial design”, “refugee” and “refugee Canada” were conducted.

Below are examples of the results in the Avery architectural databases that demonstrate few results. Upon examination, the majority of the results were not relevant to this study.

2/15/2018

Search Results - Avery Index to Architectural Periodicals - ProQuest

[All databases](#) | [Change databases](#)

Avery Index to Architectural Periodicals

[Basic Search](#) [Advanced Search](#) [About](#)

COLUMBIA UNIVERSITY
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17 results

Search within

Modify search Recent searches Save search/alert ▼

Cite Email Print Save

Relevance ▼ Sort

Select 1-17 0 Selected items

Brief view Detailed view

Narrow results

Full text

Peer reviewed

Source type

Scholarly Journals (17)

Publication date

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1917 - 2018 (decades)

1 More than mere survival: violence, humanitarian governance, and practical material politics in a Kenyan **refugee** camp.
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Scholarly Journals (5)

Publication date

2002 - 2015 (years)

1 Planning for diversity in Saskatoon: progressive policies and practices.
Gercea, Joseph. *Plan Canada* (0, 2009): 38-42.
...of Saskatoon in relation to the Aboriginal population and the immigrant, **refugee**...
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2 Planning for newcomers in Winnipeg's inner city.
Carter, Tom. *Plan Canada* (0, 2009): 47-50.
...**refugees**, face in settling in Winnipeg's inner city. The findings highlight the...
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E) Semi-Structured Interview Questions

Lawyer

- Please explain your expertise/profession?
- How do you interact with refugee applicants?
- What is most important to applicants?
- Are you directly connected to refugee applicants from within Canada?
- Are you aware of the experiences of applicants while they wait for a hearing?
How long do they wait for a hearing?
- What kinds of questions do applicants ask about their hearing? What do you think they anticipate or expect?
- What is your impression of the space or layout they experience during their hearing?
- Where can design influence the experience?
- What is most important to applicants within the space?
- What is the most important thing that official space should do or convey?

Designer

- Please explain your expertise/profession?
- Have you ever designed a tribunal space or other associated spaces for refugee processing? In designing judicial spaces, which stakeholders do you have contact with?
- How much research would you conduct to design a judicial space?
- How are judicial spaces approached during design?
- Where can design influence the experience?
- What is most important to applicants?
- What is the most important thing that the space should do or convey?

Government Employee

- Please explain your expertise/profession?
- How do you interact with refugee applicants?
- Are you directly connected to refugee applicants from within Canada?
- Are you aware of the experiences of applicants while they wait for a hearing?
How long do they wait for a hearing?
- Where can design influence the experience of applicants?
- What do you feel is most important to IRB employees in assisting applicants?
- What do you feel is most important to applicants in the tribunal process?
- What is the most important thing that official space should do or convey to assist applicants and other relevant stakeholders?

Third Party Support – refugee houses (Half-way homes), healthcare experts.

- Please explain your expertise/profession?
- How do you interact with refugee applicants?
- Are you directly connected to refugee applicants from within Canada?
- What is the most pressing issue for refugee applicants while they wait for their hearing?
- Have refugee applicants shared their experience of the tribunal process with you, and if so, can you elaborate on these experiences?
- In your experience is there government support before or after the hearing, assuming that it is successful?
- Where can design influence the experience of applicants?
- What is most important to applicants when they undergo the hearing process?
- What is the most important thing that support space during this time should do or convey?
- What is the most important thing that the official spaces they experience during this time should do or convey?