

# Implementation of the Indian Residential Schools Settlement Agreement

## Information Update on the Common Experience Payment

### 1. Latest statistics about the Common Experience Payment:

95% of the 80,000 estimated former students eligible for the Common Experience Payment of the Settlement Agreement have received payment. A number of applications for the CEP are still under review.

<b>COMMON EXPERIENCE PAYMENT (From September 19, 2007 to November 22nd, 2010)</b>		
1	Projected number of Applications at launch of process	110,000
2	Projected number of Eligible Applications at launch of process	80,000
3	Actual number of Applications Received at Service Canada	100,644
4	Applications Processed at Service Canada	97,727
5	Applications Eligible for Payment (Including Reconsideration, Amendments and Appeals) processed at Service Canada	76,495
6	Applications Not Eligible for Payment (Including Reconsideration, Amendments and Appeals) processed at Service Canada	21,216
7	Average CEP Payment (including Advance Payments)	\$20,628
8	Total Amount Approved for Payment (including Advance Payments)	\$1,578,052,000
9	Original amount of the CEP Designated Amount Fund	\$1,900,000,000
10	Total Applications for Reconsideration Received	25,215
11	Applications Assessed as Eligible for Payment after Reconsideration	8,875
12	Applications Assessed as Not Eligible for Payment after Reconsideration	15,450
13	Reconsideration Applications Remaining in Process	890
14	Average Payment for Reconsideration	\$8,341
15	Appeals to the NAC Received	3,275
16	Appeals to the NAC Processed	2,140
17	Applications Eligible for a Payment after Appeal*	806
18	Applications Not Eligible for a Payment after Appeal	1,334
19	Applications currently awaiting additional information from applicants (all stages, including appeals)	781
<b>Final Date for Submitting Original CEP Applications: September 19, 2011</b>		

\*This number includes applications where an appeal was requested and did not proceed to the NAC Panel since INAC recommended payment.

### Overall guiding principle

- As the Administrator and Trustee of the Common Experience Payment Designated Amount Fund, Canada is subject to the principles negotiated by the parties and ratified by the supervising courts for the validation of all applications. Canada has adhered to those principles in the assessment of all applications received to date.

### Eligibility

- Must have been a resident at a recognized Indian residential school under the Settlement Agreement.

### Assessment Principles

- All CEP applications are reviewed to ensure that those entitled to receive CEP are compensated.
- In each stage of the CEP process (initial application, reconsideration or appeal) and when necessary, INAC will contact applicants to gain clarification or additional information surrounding their residential school experience to help with the research assessment.
- The process accommodates the reality that some case records may be incomplete, and when information is ambiguous, or incomplete, interpretation favours the Applicant.
- Applications are not approved based on the applicant's declaration of residence alone.
- In all stages of the CEP process, the elderly (65+) and seriously-ill applicants receive priority.

**2. Current service standards for processing Common Experience Payment applications as of November 22nd, 2010:**

- Original CEP Application:
  - Objective: 80% will be processed within 28 days of receipt
  - Currently: Average days to process - approximately 14
  
- New Reconsideration requests:
  - Objective: To be processed within 90 days and an additional 60 days for complex files
  - Currently: Average days to process non-complex files - approximately 39
  
- Appeals made to the National Administration Committee (NAC):
  - Objective: NAC to issue a decision within 135 days
  - Currently: Average days to process - approximately 350
  
- Appeals to the Court:
  - Process under the control of the Court

**3. Issues**

**Issue # 1 - CEP Applicants are being assessed as ineligible due to missing records.**

CEP applications are not determined to be ineligible due to missing records; there are several internal processes which uphold the CEP validation principles and are designed to favour the applicant.

**Current breakdown of ineligible applications (as of Nov 22, 2010):**

Category	Number	Percentage of total ineligible applications
Applications received for schools not included in the Settlement Agreement:	8,731	41%
Applications received for students not residents of recognized IRS:	3,543	17%
Applications received for schools in the Settlement Agreement that were closed during requested period:	2,680	13%
Applications received for claimants deceased before May 30, 2005	173	1%
Applications received from day school students:	1,749	8%
Applications received that contain more than one of the above noted reasons for ineligibility:	4,340	20%
<b>Total:</b>	<b>21,216</b>	<b>100%</b>

**Issue # 2 – Lengthy CEP wait times (processing and appeals)**

While applicants have until September 2011 to submit their applications, the vast majority submitted them in 2007 over a period of 12 weeks. A number of initial applications have required greater manual research and applicant contact than originally forecasted, resulting in some delays. The reconsideration process was not originally included in the IRSSA and was later added by INAC and approved by the courts to ensure that all information was considered. The volume of requests and scope of research required for reconsideration was much greater than originally forecasted. Consequently, a backlog ensued and was significantly reduced by the end of December 2009. As of Nov 22, 2010, there were approximately 25 complex reconsideration files remaining of the 25,215 requests.

To ensure applicants were contacted, as per the requirements and expectations of the National Administration Committee (NAC), the appeal process to the NAC has also encountered delays. As of November 22, 2010, there are approximately 1,135 NAC appeals currently in progress of the 3,275 that have been requested.

**Issue # 3 – Schools not being added to the list of recognized Indian Residential Schools under the IRSSA**

1,414 unique institutions have been requested to be added to the list of recognized Indian Residential Schools under the IRSSA. Research has been completed on 1,411 (99.8 %) of the requested institutions. Each institution is assessed by INAC against the 2 part criteria set out in Article 12 of the IRSSA. Since implementation, 4 requested institutions have met the 2 part test stipulated in Article 12 and have been added to the list for at least part of the years of operation.

CEP Call Centre  
1-855-925-4449

Crisis Line 24 H  
1-855-925-4449