

RECONSIDERATION PROCESS OF COMMON EXPERIENCE PAYMENTS (CEP) FREQUENTLY ASKED QUESTIONS

Q1. What is the Common Experience Payment Reconsideration Process?

A1. The Reconsideration Process is a second review by the Government, as Administrator to the court-supervised process, to ensure that the original decision regarding the Common Experience Payment (CEP) for each applicant is accurate and appropriate. The review will also consider any additional information provided by the applicant.

Q2. Who is eligible for the CEP Reconsideration Process?

A2. To be eligible for reconsideration, the former student for whom the application is made must:

- Have been **a resident** at an Indian Residential School(s) (IRS) where previously the applicant may have been deemed a day student;
- Have resided at a school that is on the list of recognized Indian Residential Schools;
- Have been alive on May 30, 2005;

or

Lived at the Mohawk Institute Residential Boarding School in Brantford, Ontario between 1922 and 1969, and been alive on October 5, 1996.

Q3. Will a CEP applicant be eligible for reconsideration if they were in foster care or attended a day school?

A3. No, the list of recognized IRS does not include foster care and day schools. Therefore, individuals who were in foster care or attended day schools are not eligible for reconsideration.

However, former day school students who attended an IRS recognized by the Settlement Agreement may have the option of pursuing certain abuse claims through the Independent Assessment Process (IAP) as set out in the Indian Residential Schools Settlement Agreement (IRSSA). They may also be eligible for other individual and collective initiatives under the IRSSA.

The eligibility criteria for CEP was agreed to by all parties to the IRSSA and approved by the Courts.

Q4. How do applicants apply for the CEP Reconsideration Process?

- A4. Reconsideration application forms can be found at www.irsr-rqpi.gc.ca and may be submitted by mail, fax, email or telephone to:

Common Experience Payment Response Centre
P.O. Box 5260, Nepean LCD Merivale , Ottawa, ON K2C 3H5

- **Fax: 1-866-352-4080**
- **E-mail: reconsideration@irsr-rqpi.gc.ca**
- **CEP Response Centre Toll Free: 1-866-565-4526**

Q5. Do applicants need to retain a lawyer to apply for reconsideration?

- A5. No, applicants do not need to retain the services of a lawyer to have their CEP payment reconsidered.

Q6. When should an applicant apply for the CEP Reconsideration Process?

- A6. If an applicant is not satisfied with the outcome of their CEP decision, and they have not already applied for the Reconsideration Process, they have **six months** from the date noted on the top of their CEP decision letter or from the date the letter from the National Administration Committee (NAC) letter was issued, whichever is later, to apply for the Reconsideration Process.

The applicant must apply for the Reconsideration Process before they can appeal their CEP assessment any further.

Q7. Who is the National Administration Committee (NAC)?

- A7. The NAC is multi-party Committee overseeing the administration of the IRSSA. The Committee is made up of one representative from the Government of Canada, Church Organizations, the Assembly of First Nations, the National Consortium, Merchant Law Group, Inuit Representatives and Independent Counsel.

Q8. How long will it take to have the CEP decision reconsidered?

- A8. The majority of requests for reconsideration will be processed within 90 days beginning early March 2008 (if applicants have already submitted a reconsideration request). Some requests will be more complex and may take up to 120 days in order to process.

In cases where IRSRC is not able to make a reconsideration decision within 90 days of receipt of the applicant's request, a letter will be sent to the applicant notifying them that IRSRC is working on their file and that additional time is required.

IRSRC continues to make every effort to ensure the CEP Reconsideration requests are processed in a timely and efficient manner.

Q9. Does the applicant need to provide additional information?

A9. No, applicants do not need to find their records or provide additional information in order to have their CEP reconsidered. However, we encourage applicants to provide additional information they may have that might help researchers to confirm residence and years of residence.

Our objective is to ensure that all eligible former IRS students are compensated according to the IRSSA.

Q10. What if the applicant's records cannot be found?

A10. The Government continues to work with various parties including provincial and territorial governments, Church entities, First Nations, and Band Councils, in order to locate and provide IRS records to assist in the efficient processing of Common Experience Payments.

We also encourage applicants to provide any information they may have that might help researchers to confirm residence and years of residence.

Q11. How do applicants obtain information on the status of their reconsideration?

A11. Applicants can:

- **Telephone the CEP Response Centre:** 1-866-565-4526
- **Email:** reconsideration@irsr-rqpi.gc.ca
- **Fax your request to:** 1-866-352-4080
- **Write to:**
Common Experience Payment Response Centre
P.O. Box 5260, Nepean LCD Merivale
Ottawa, ON K2C 3H5

Q12. In what order will reconsideration requests be processed?

A12. To ensure fairness and transparency while balancing the urgency associated with the most elderly, reconsideration requests will be processed based on the following priority:

1. Elderly (where the Applicant was 65 or older as of May 30, 2005);
2. In order of date received.

Q13. What can the applicant expect after applying to the Reconsideration Process?

A13. Once IRSRC completes the Reconsideration Process (whether a supplemental payment was approved or not), Service Canada will provide the applicant with a letter that provides the details regarding the outcome of the Reconsideration Process, and of the opportunity to further appeal the decision.

Q14. What if I don't agree with the Reconsideration Process decision?

A14. If the applicant disagrees with the reconsideration decision, they have the right to appeal to the NAC. Additional details on this Appeal Process will be provided in writing with the reconsideration decision letter.

Q15. Can the applicant apply to the Appeal Process if they have not applied for the Reconsideration Process?

A15. No, applicants will not be able to appeal to the NAC unless they have completed the Reconsideration Process.

Q16. What is the Appeal Process, and how does it work?

A16. Applicants who are still not satisfied with the reconsideration decision may appeal to the NAC. Applicants cannot appeal to the NAC unless reconsideration has occurred.

The Appeal Process procedure will be in writing. The NAC will not hold oral appeals. The Appeal Process must be applied for within 12 months of the date on the top of the Reconsideration Process decision letter.

If the applicant is not satisfied with the decision made by the NAC, they can apply to the Courts.

Q17. Where can I get more information regarding the Appeal Process?

A17. Information on how to file an appeal can be obtained at:

- Website: www.residentialschoolssettlement.ca
- Telephone: 1-866-879-4916.
- Mail: **CEP Appeal Administrator**
Suite 3 – 505, 133 Weber St. N.
Waterloo, ON N2J 3G9