

# LAO defends changes to refugee services

BY DAVID MCKILLOP

For Law Times

**W**hat is Legal Aid Ontario doing for refugees? While LAO is accountable for the entire legal aid system in Ontario, the organization's delivery of services to refugee claimants has been under close scrutiny since the implementation of the federal government's *Protecting Canada's Immigration System Act* and the *Balanced Refugee Reform Act* on Dec. 15, 2012.

So it's timely to clarify the position of LAO with respect to the delivery of its legal services in general and its assistance to refugees specifically.

This is an important part of our business. In 2011-12, LAO provided services to 90 per cent of all refugee claimants in Ontario. Of the 10,860 principal claims referred to the Immigration and Refugee Board's refugee protection division in Ontario, LAO issued 9,747 initial certificates for families claiming refugee status.

These cases are among the more than 1.2 million assists LAO provides to low-income people throughout the province.

When it comes to the big picture, LAO has an obligation under the *Legal Aid Services Act* to "establish policies and priorities for the provision of legal aid services based on its financial resources."

In practice, this means LAO makes the key decisions on how to operate within its means. One of these decisions is LAO's ongoing commitment to accommodate increasing client demand without sacrificing services.

LAO has met this commitment through an innovative corporate-wide modernization strategy it has been developing and implementing for several years. Through this strategy, LAO has increased services provided to clients by 20 per cent while reducing cost per service by 16 per cent; established a client service centre that responds to more than 1,300 client calls per day and expands the availability of legal advice over the phone; funded six new family law service centres to meet the growing demand for legal assistance for family and child matters; enhanced duty counsel services, resulting in a 13-per cent increase in resolution services provided through that vehicle; opened 56 courthouse offices, enabling more than 80 per cent of clients, many of whom apply before their first court appearance, to receive a same-day decision on their legal aid application; and implemented

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a simplified financial eligibility test, including an innovative partnership with the Ministry of Community and Social Services to expedite confirmation of clients' benefits status.

As a result, the organization is now well on its way to providing all of its clients, when appropriate, with more avenues of support tailored to their specific needs and new and less costly alternatives for receiving services.

At the same time, we're changing refugee services to better meet clients' needs and respond to federal legislation. The new federal refugee legislation has changed the refugee determination system. It cuts the time for preparing the initial paperwork of refugee claimants to 15 days from 28 days; streams refugees by country of origin for the first time; sets short timelines for hearing claims to 30-60 days, depending on the country of origin; and creates a new federal agency, the refugee appeal division, to hear appeals.

After months of consultations with the Refugee Lawyers' Association, lawyers, paralegals, consultants, community organizations, and other concerned individuals across Ontario, LAO is currently finalizing a new refugee services delivery model that ensures access to justice to this marginalized population.

The effects have rippled throughout our organization.

LAO's call centre, for instance, has provided immediate help to callers in more than 200 languages for some time. We have expanded its services to meet the needs of eligible refugee clients as well as individuals who might not be able to afford a private lawyer but also don't fit the criteria for a legal aid certificate.

Between October and December 2012, our call centre answered 371 calls related to refugee and immigration matters. That was 25 per cent more than the number of such calls that arrived in the previous three months. More than 200 of these calls came from people who had arrived from 61 different countries and received referrals to other professionals within LAO for further assistance.

LAO has added 54 pages of updates on our refugee service delivery efforts to our web site. Refugee claimants can access an overview of expectations and requirements; help with completing a basis of claim form; an explanation of the timelines; and a designated countries of origin list.

In December 2012, LAO added a detailed new refugee law section to LawFacts, our legal information web site for the general public. These new pages have drawn, to date, 4,642 views with 433 of them from outside Canada.

We have enhanced partnerships with community legal clinics that are a key link for many new Ontarians.

We have begun to explore the use of licensed paralegals to augment the role of the private bar in providing information and support. The same body that oversees lawyers, the Law Society of Upper Canada, regulates paralegals and hiring them, where appropriate, is fiscally responsible.

LAO has provided expanded services by encouraging the private bar, clients, and agencies to access and use its online support services.

In addition, we have updated the application process to our certificate program to include a country list and streams. This new service provides our front-line staff with the information they need in most cases to provide eligible clients who have the necessary supporting documentation with an immediate certificate for preparation of a basis of claim form. In turn, this process helps lawyers accommodate the new shortened timelines for refugee claims and expedite decision-making on applications for legal aid certificates.

Further, LAO has launched a refugee appeal division pilot at a cost of \$500,000. The pilot allows eligible clients whose claims at the refugee protection division have been unsuccessful to apply for a legal aid certificate and initiate an appeal. Eligible clients can now receive services through LAO's in-house refugee law office and the certificate bar. At the same time, refugee claimants in Ottawa can visit LAO's Ottawa district office staffed with professionals knowledgeable in immigration and refugee matters.

Those in the Greater Toronto Area can receive support from our GTA district office that provides summary legal advice and brief services at the city's Rexdale community centre.

Will all of this be enough? All we can say for certain is that modernization is an ongoing process. LAO will continue to strive for continuous improvement in the diverse supports we provide to low-income Ontarians each year.

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