

# REFUGEE LAW ADVISORY COMMITTEE

**December 7, 2009**

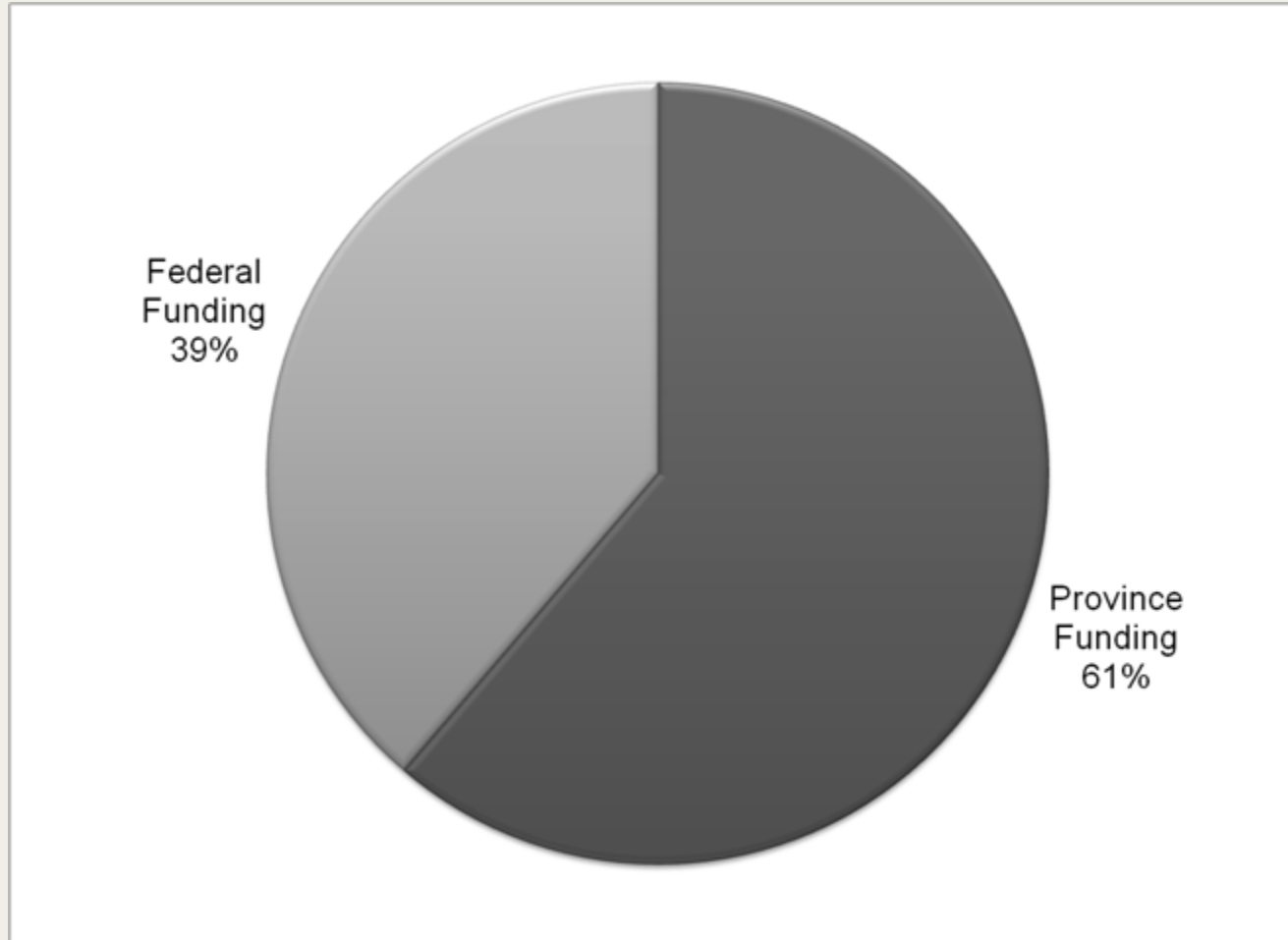
# Funding Information/Assumptions

- Annual I&R expenditures (estimated): \$17.7M / year
- Additional annual funding available for all legal aid enhancements: \$60M /yr. (MAG's four-year \$150M announcement increases legal aid allocations by \$15M, \$30M, \$45M and \$60M over four years.)

# EMERGING THEMES

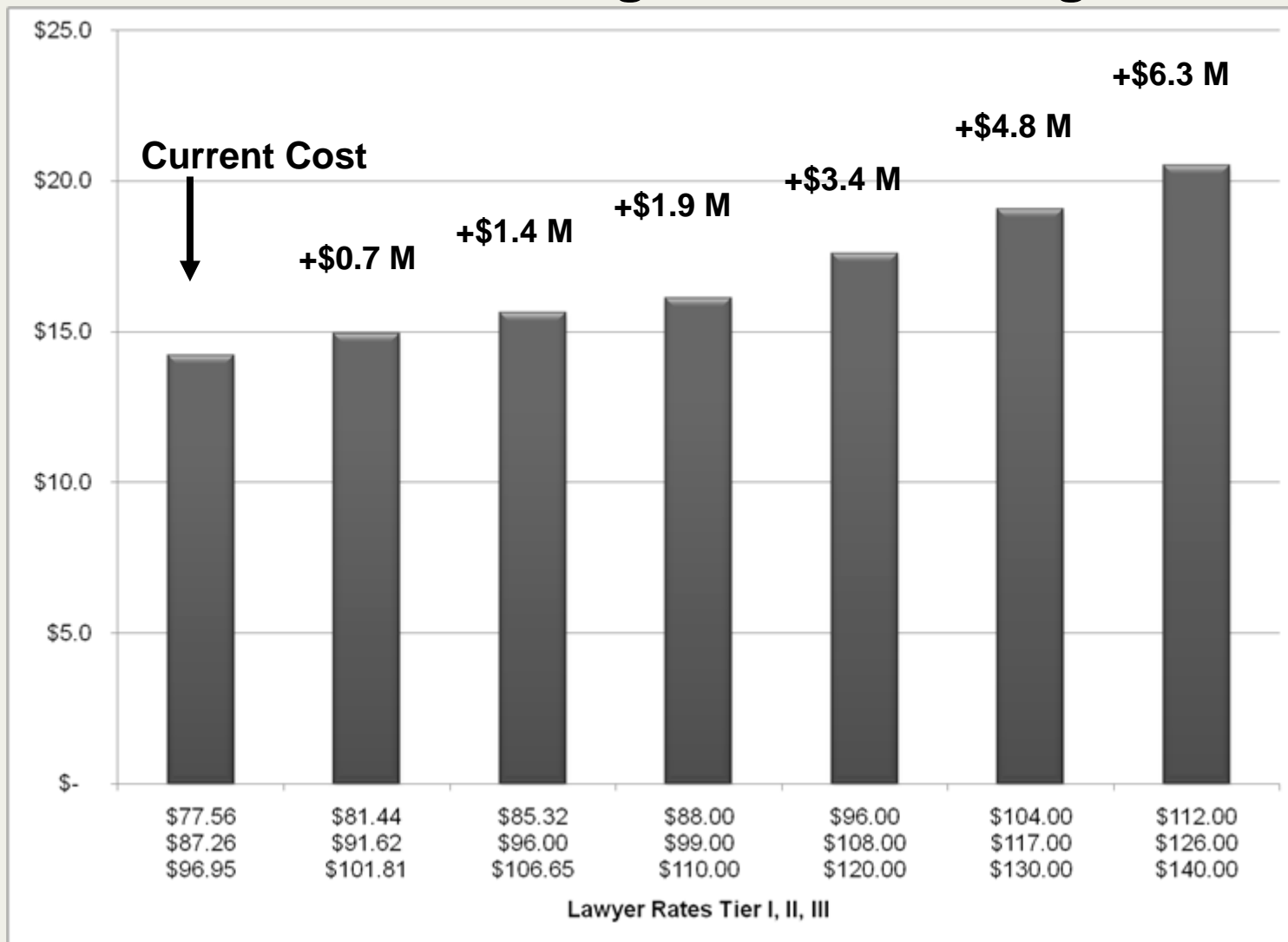
- Training and mentoring options for young lawyers and students
- Quality initiatives to protect clients
- In order to retain quality representation tariff needs to increase
- Different options are required to entice articling opportunities
- Different lawyer payment options should be explored

# Chart 1 - Federal/Provincial Funding for Immigration and Refugee 2008-09



# Chart 2 – Estimated Funds

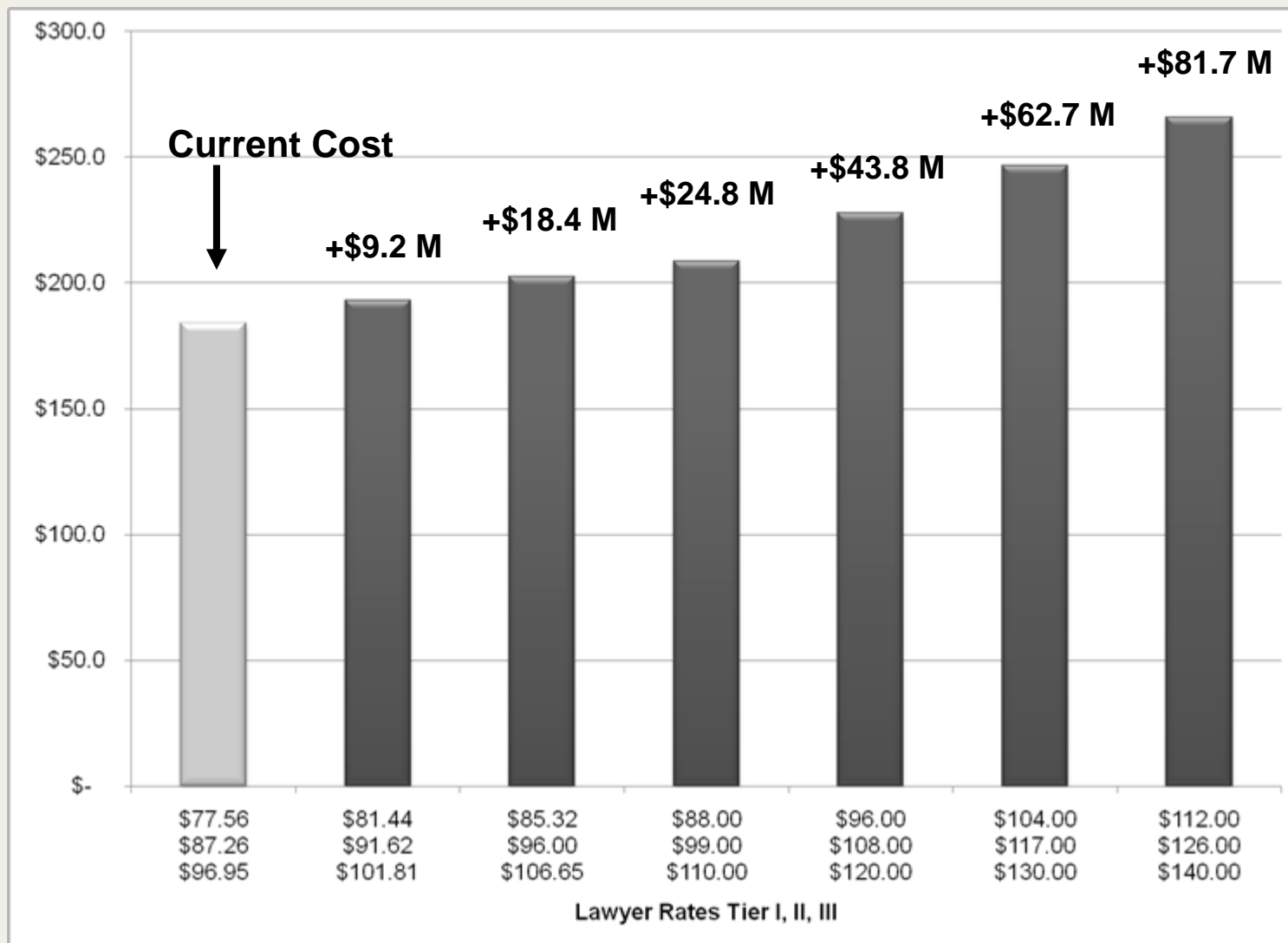
## Needed to Increase Immigration and Refugee Fees



### Notes and Qualifications

- Estimates are subject to several variables and assumptions and must be taken as general estimates for discussion purposes only.
- Estimates assume 3 tiers
- Estimates **do not include** potential costs or efficiencies of other initiatives

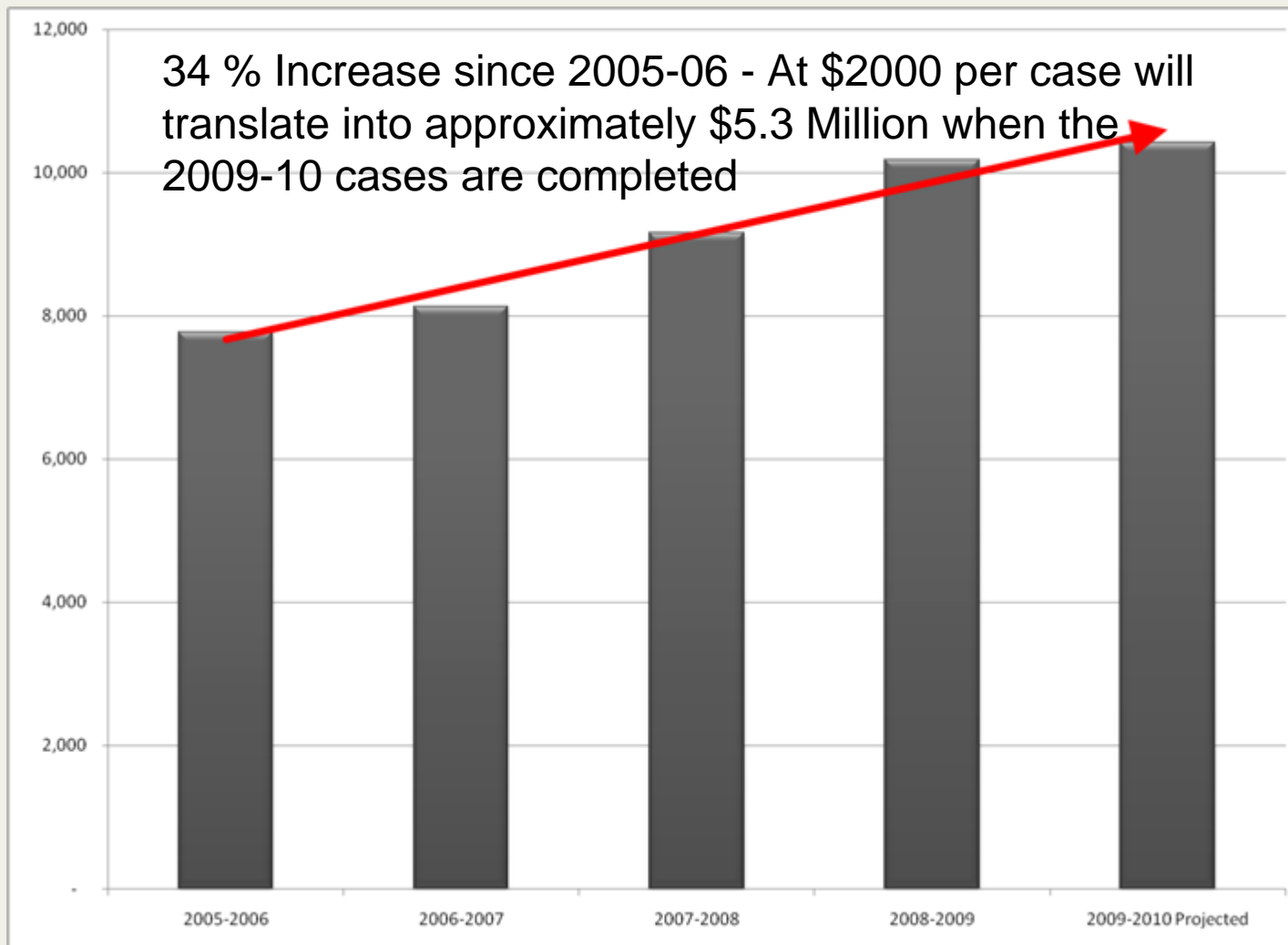
# Chart 3 – Estimated Funds Needed to Increase All Certificate Fees



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- Estimates assume 3 tiers
- Estimates **do not include** potential costs or efficiencies of other initiatives

# Chart 4 - Current Pressure – Refugee Protection Division Certificates Issued since 2005-06



# CURRENT CERTIFICATES

- Over 50 % of the cases are for clients from 7 countries this year
  - Mexico, China, Colombia, Hungary, Czech Republic, Nigeria, Sri Lanka
- The top seven source countries in 2005-06 also represented over 50% of certificates. 5 of the top 7 source countries have remained the same over the last 5 years.
  - China, Mexico, Zimbabwe, Nigeria, Sri Lanka, Pakistan, Colombia
- Can efficiencies be gained for representation of clients from of high volume countries?

# CURRENT CERTIFICATES

- The average cost of a refugee claim certificate is \$2,001
  - 60% of the cases cost more than \$1,830
  - 10% of the cases cost more than \$3,900
  - Top 1% cost more than \$6,300
- The Average Cost of Other Cases
  - Criminal Summary Conviction Trial - \$1,535
  - Family Law case \$2,036
  - Child Protection case \$2,653

# CURRENT LAWYER PARTICIPATION

- Number of Lawyers for Refugee Protection Cases 2008-09
  - 333 lawyers acknowledged at least one certificate
  - 153 lawyers acknowledged 10 or more certificates
  - 4 lawyers acknowledged over 200 certificates
  - 1 lawyer acknowledged 392
- Average Cost per Case by Lawyer
  - The average case cost for each lawyer acknowledging at least 10 certificates ranges varies dramatically
    - One lawyer's average case cost is \$972
    - Another lawyer's average case cost is \$3,394

# Would alternative payment models better support lawyers?

- 1) Unbundled refugee services?
  - a) PIF services
  - b) RPD hearing services (fresh application by claimant on the earlier of (i) one year anniversary from the date of initial application; or (ii) upon receipt of the Notice of RPD Hearing.
  - c) Country research
  
- 2) Block fees

At the initial Meeting there was some mixed opinions on payment options and unbundled refugee services. Is there a recommendation for changes to the way in which services are authorized and payment is made?

# What reforms would support the bar providing Refugee Law Services?

- Development of best practices?
- Mentoring programs for junior counsel?
- More centralized supports (research, databases, factum writing, strategic litigation support, training)?
- Support for articling students?
- Greater role for paralegals?
- More centralized support for interpreter and translation services?
- Other ?