

# Refugee and Immigration Advisory Committee

## Introduction to Refugee Issues

November 9, 2009

# Refugee and Immigration Facts and Figures

- Certificates issued for refugee and immigration services represent 68% of the civil certificates (includes, administrative board and tribunal and civil litigation) issued 2008-2009 and 75% of the civil certificate cash expenditure costs.
- Number of refugee certificates issued 2008-2009 was 10,182:
- Number of immigration other certificates issued 2008-2009 was 2,528 :
- The average cost per refugee certificate in 2008-2009 was:\$1,977

# Refugee Facts and Figures

- Notwithstanding the imposition of visa requirements for nationals from the Czech Republic and Mexico, the number of claims continue to increase. Immigration officials report that year-to-date this fiscal year, there has been a 9 percent increase in refugee claimants for the Ontario region.
- For the Toronto region, there are presently 19,400 principal claims in the hearing backlog.

The amount of federal funding for immigration/refugee cases has declined over the years.

<b>Fiscal Year</b>	<b>Formula based on the number of immigration or refugee cases</b>	<b>Federal Contribution</b>
<b>2009- 2010</b> (based on 2008-2009 data)	<b>27,570</b>	<b>\$6,556,394</b>
<b>2008-2009</b> (based on 2007-2008 data)	<b>28,917</b>	<b>\$6,819,530</b>
<b>2007-2008</b> (based on 2006-2007 data)	<b>24,098</b>	<b>\$7,057,553</b>
<b>2006-2007</b> (based on 2004-2005 data)	<b>26,575</b>	<b>\$7,369,522</b>
<b>2005-2006</b> (based on 2004-2005 data)	<b>26,575</b>	<b>\$7,369,522</b>

# Federal Funding Issues:

- Refugee and immigration issues are primarily the constitutional responsibility of the federal government.
- For 2008/2009, refugee and immigration certificate costs:      Approx. \$17.6m (cash expenditure)
- Federal funding for Ontario for 2008/2009 is budgeted for \$6,819,530.

# Federal Funding issues

- Given the increasing volume of refugee claimants, the Refugee and Immigration Law Advisory committee is mandated to provide advice on a strategy to seek enhanced federal government support for Legal Aid Ontario for refugee and immigration matters.

# Refugee Hearing Billing issues:

- Provided there is merit, certificates may be issued to financially eligible applicants for representation at the Refugee Protection Division hearing.
- There is currently a significant backlog of 19,400 principal refugee claimants at the Refugee Protection Division hearing. There is a waiting time of up to three years.

# Billing deadline issues:

- A billing deadline is a necessary part of LAO's financial liability and forecasting framework.
- As a result of the backlog of cases resulting in delayed hearing dates of up to 3 years, refugee lawyers are experiencing difficulties meeting billing deadlines.
- Many refugee claims are abandoned in the IRB Central Region. For the months of June, July and August 2009, there were 196 abandonment hearings.
- In addition, IRB Central Region reports a high number of withdrawals of Czech claims" from January - July 2009, 356 claims were withdrawn.

# Would alternative payment models better support lawyers?

## 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.
- 2) Block fees

# 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 or paralegals?
- Other ?