

Stakeholder Feedback

Session date, time & location:	Monday, June 12 th , 5:00 pm - 6:30 pm Legal Aid Ontario - Provincial Office (Toronto) 40 Dundas St. W., Suite 200 Toronto M5G 2H1 Tamarack Room
Number of participants:	15 in total: <ul style="list-style-type: none">• 9 representatives from the Society for Energy Professionals• 3 lawyers• 2 mental health professionals• 1 representative from a community agency
LAO participants:	<ul style="list-style-type: none">• Vicki Moretti, Vice President, GTA Region

“What LAO Heard”

Refugee & Immigration Trends

- One attendee highlighted that reform of the refugee and immigration system is critical. There is a concerning trend by the Federal government on prioritizing expenditure on detention infrastructure and services for people who should not be in detention in the first place. It was highlighted that cutting funding for detention services should be prioritized over services that protect the rights of refugees and immigrants. The attendee wanted to know what was happening at a broader level to address these concerns.

LAO Response: LAO remains committed to providing services for those in detention. The IRB has just announced a review of the system that will potentially have broader implications for the delivery of refugee and immigration system in Canada. LAO fully supports this review and has requested an opportunity to be involved to provide input.

Legal Aid Ontario's Refugee & Immigration Budget

- One SEP representative acknowledged that this is not a problem LAO has created and that the situation is extremely challenging. It was suggested the Federal government should prioritize funding for refugees and immigrants to match the level of public commitments they make. It was thought the Federal government benefit greatly from public goodwill generated through public statements but the funding reality is putting vulnerable clients at serious risk of deportation. Despite this broader context, it was indicated that a disproportionate burden of resolving LAO's budget crisis is being placed on refugee clients. The attendee suggested no other areas of law covered by LAO are considering similar cuts.

LAO Response: LAO is under significant financial pressure in all areas of legal aid coverage – criminal, family, refugee and immigration. Service changes have been made in other areas of law already. Internally, LAO has implemented a vacancy savings program.

- One SEP representative highlighted that in comparison to the Federal government the Provincial government is clearly doing proportionally more. However, LAO's CEO and Minister Naqvi's announcement indicated that there would be no impact to front line services. The question was posed as to why has this now changed? It was suggested it was an unrealistic announcement for LAO and MAG to make without knowing additional federal funding would be available and the end result is refugee and immigrants are caught up in an intergovernmental dispute.

LAO Response: LAO has submitted a Business Case to the Federal government through MAG. MAG appears to be of the view that this is primarily a Federal program with Federal responsibility.

- One SEP representative requested LAO to provide disaggregated 2016/17 certificate numbers for advocacy purposes.

LAO Response: this information is available in LAO's service suspension consultation discussion paper.

- One SEP representative wanted to know if LAO was previously funded a higher volume of claims ten years ago; why was LAO no longer able to absorb these costs now?

LAO Response: LAO has financial pressures in all areas of law. It is important to review the entire context of changes to the refugee and immigration system. There are increased costs LAO has to consider in relation to the tariff and staff services; LAO has grown its staff services and has increased private bar hourly tariff. There have also been changes to the law which have driven case costs. For example, R v Singh that meant the Federal government will now fund Port of Entry claims. In 2012 LAO also comprehensively reviewed the Refugee and Immigration process because there were cost overruns anticipated to the program. Then there was a change in Federal legislation at that time which dramatically reduced the financial pressure on the program. There has also been a new Appeal process added with the RAD and the implications of around 5,000 legacy cases pending review by the Board need to be considered.

- One SEP representative wanted to know when did the LAO's cost per case start to rise?

LAO Response: pending.

- One SEP representative wanted to know the federal government's contribution for criminal and family in comparison to refugee law.

LAO Response: pending.

- One SEP representative wanted to know how LAO arrived at its \$20.5M budget? If based on historical issuance patterns, it was suggested this was not easily understood from the slides or historical data that was presented in the paper.

LAO Response: pending.

- One SEP representative wanted to know who was responsible for determining LAO's refugee and immigration budget should be \$20.5M?

LAO Response: LAO's Board of Directors.

- One attendee wanted to know if LAO has been advocating to the federal government for increased refugee and immigration funding.

LAO Response: LAO has been working closely with Department of Justice and the Ministry of the Attorney General to find a resolution to the funding crisis since the Fall 2016. LAO has submitted an updated Business Case to the Federal government in June 2017 outlining the required funding. LAO remains disappointed by the inadequate funding allocated to the program from the March 2017 federal budget.

- One SEP representative wanted to know when LAO realized the service suspensions would be required.

LAO Response: LAO has been working closely with Department of Justice and the Ministry of the Attorney General to find a resolution to the crisis since the Fall 2016. LAO has received bridge funding from the Federal government in 2016 and have been continuing to advocate for funding indexed to demand ever since.

- One mental health professional highlighted that 133 Health Care providers will be writing an open letter to the Federal and Provincial governments expressing concern about the proposed cuts to the refugee program at LAO.
- One SEP representative wanted to know if LAO had considered the implications of the potential cuts in 2017/18 to services in 2018/19?

LAO Response: LAO is considering feedback from all of the consultation sessions before making any decision on service suspensions. The implications of the service suspensions on 2018/19 will be considered as part of a detailed recommendation that will go to the LAO Board of Directors. LAO at this point will be holding consultations later in 2017 to discuss potential longer term program changes.

- One attendee wanted to know what LAO meant by “efficiencies” and would this be focused on the certificate budget or more broadly?

LAO Response: LAO is looking at potential improvements and efficiencies across the entire organization. For example, savings have been found in other areas of law already. Internally has implemented a vacancy savings program.

- One SEP representative indicated they thought LAO's budgetary decision-making process appeared to be arbitrary as to what is and is not funded.

Service Suspension Prioritization

- One SEP representative wanted to know what risk model LAO had used to determine the prioritization. For example, was it risk of deportation or torture?

LAO Response: LAO used client risk criteria to determine prioritization. Those fleeing persecution and who are at significant risk of harm if returned should have access to legal representation. Inasmuch as the greatest chance of success was at the RPD level, with representation, that priority was given to RPD as the greatest risk would be for clients at that level not to have representation. More analysis can be done between RAD and Judicial Court Federal reviews to ensure an appeal is available to all those whose claim fails at the first instance. The detention reviews and liberty test are also important considerations. LAO will continue to develop the prioritization framework.

- One mental health professional expressed deep shock at the proposed cuts and indicated that it is not only clients who currently have mental health issues whose mental health is potentially impacted but all clients who are going through the refugee and immigration system. Clients who are involved in the process are often poor and traumatized and struggle to navigate the system.

Service Suspension Option 2

- One SEP representative wanted to know what happens when LAO runs out of funding for RPD services this year as the presentation indicates is a gap in the number of RPD certificates that LAO will be able to provide in 17/18?

LAO Response: LAO is considering various options to ensure continued RPD service provision and will continue to work closely with the Federal government to advocate for increased funding.

Alternative Service Suspension Routes

- One SEP representative suggested it was challenging to propose alternative approaches without access to LAO's internal budget.
- One community agency representative indicated that there is an opportunity to redistribute case work to settlement agencies who may be able to support this process.

Financial Eligibility Assessment

- One lawyer indicated that LAO should improve financial eligibility screening for clients to ensure fair administration of services to vulnerable clients. For example, clients should be assessed to determine of proof of funds from the country of origin.

Impact on Staff

- One SEP representative wanted to know why were staff not informed and consulted about the dire situation and need to suspend services earlier, well before public consultations.

LAO Response: pending

- One attendee wanted to know the implications for staff services under option 1 and option 3 scenarios? Would there be increasing pressure on staff?

LAO Response: LAO wants feedback during the consultation on the potential role for staff in the proposed service suspension options. For example, how could the RLO support clients in the provision of detention reviews if there is limited capacity to do this elsewhere.