



Refugee & Immigration Services

Annual report 2016/17



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Legal Aid Ontario receives financial assistance from the Government of Ontario.

1. Introduction

Legal Aid Ontario (LAO) provides a range of legal services to people seeking to enter or remain in Canada as a refugee or as an immigrant.

The key objectives of LAO's refugee and immigration services strategy are to:

- ensure the delivery of high quality, cost-effective and efficient legal services to clients
- be responsive to legislative, political and global changes
- modernize the delivery of refugee and immigration law services
- manage LAO's refugee and immigration program within budget

2. Refugee and Immigration Services business plan 2016/17

LAO conducts an annual business planning exercise that considers changes in the global environment, technological advances and increase in demand for service.

The following chart identifies key strategic priorities for LAO's refugee and immigration program business plan for Fiscal Year (FY) 2016/17.

Strategic priority for 2016/17	Initiatives
Increase access to justice	<ul style="list-style-type: none"> • Continue development of Refugee Staff Services • Continue development of GTA Refugee and Immigration Panel Services • Implement LAO's refugee reform/test case strategy • Enhance collaboration and alignment of refugee staff services across the province • Develop province-wide summary advice service
Develop and implement stakeholder and client consultation and engagement strategy	<ul style="list-style-type: none"> • Continue efforts at stakeholder engagement (RLA, IRB, refugee serving agencies, etc.) • Capture the client voice
Develop and implement strategies to support vulnerable client groups	<ul style="list-style-type: none"> • Support LAO's mental health and domestic violence strategies • Address long term detentions of refugees and immigrants in correctional facilities
Continue to implement refugee and immigration quality standards	<ul style="list-style-type: none"> • Sustain panel lawyer oversight and monitoring • Continue to develop mentorship program and panel lawyer orientation

Strategic priority for 2016/17	Initiatives
Increase organizational capacity to deliver on LAO's mandate and priorities	<ul style="list-style-type: none"> • Improve certificate management policies and processes • Improve billings and payments policies and processes
Integrate technology into strategic planning and increase the use of technology to support client services	<ul style="list-style-type: none"> • Deploy mobile technology to measure client satisfaction with refugee private bar and staff services • Brainstorm with clients and private bar to drive technological innovations

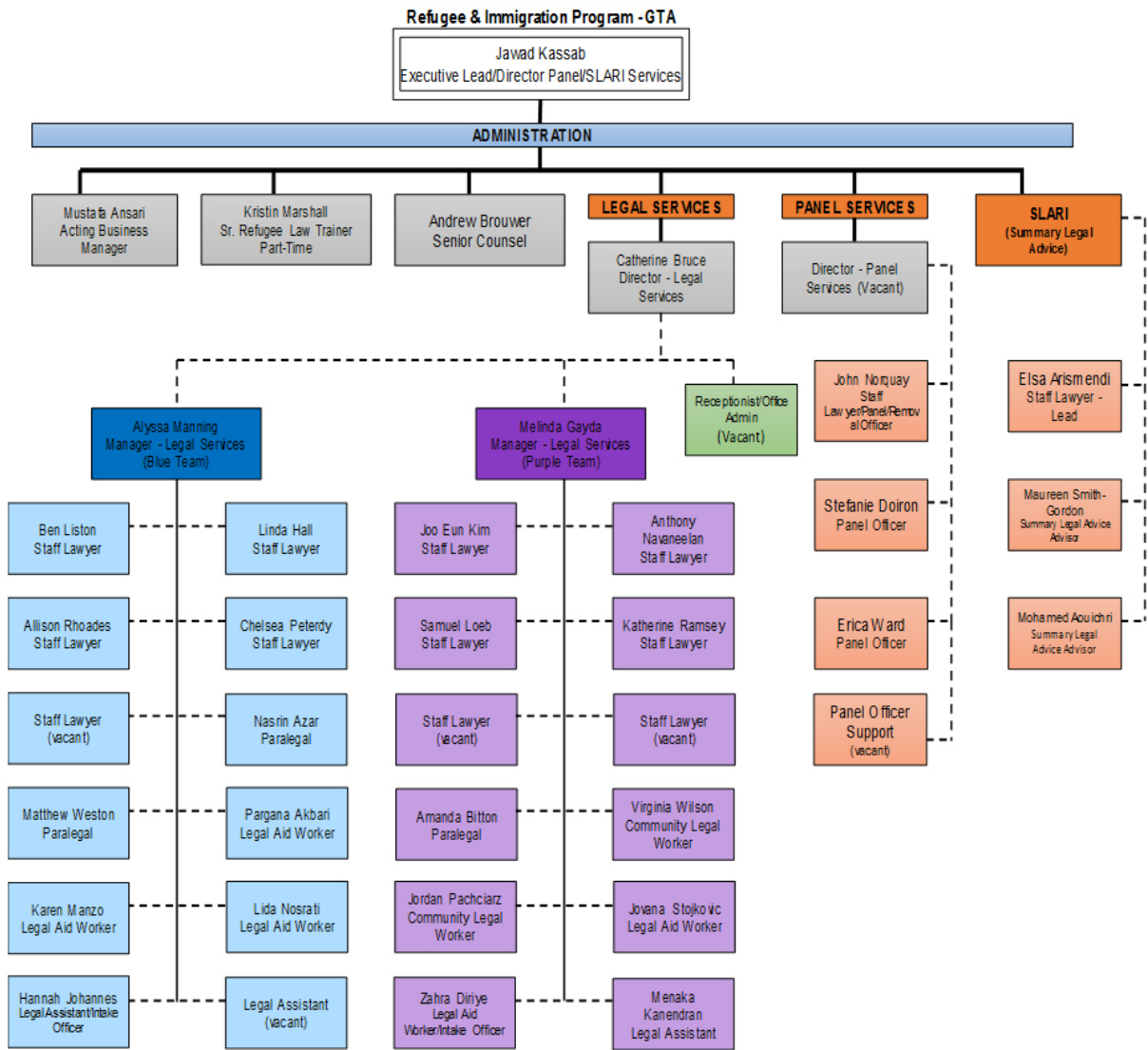
3. Refugee and Immigration—GTA Division Administration

Positions	Budget
Four full-time positions: <ul style="list-style-type: none">• Executive lead• Business manager• Office administrator• Senior counsel• Refugee trainer (part-time)	\$559,000

The Division, comprised of the Refugee Law Office Toronto, the Panel Services, Legal Services and Summary Legal Advice Services is responsible for:

- GTA certificate budget
- GTA certificate panel
- GTA certificate administration
- Refugee Law Office Toronto
- province-wide SLARI (summary legal advice) service
- leading refugee and immigration policy and procedural changes
- leading stakeholder engagement and consultation
- supporting refugee services administration of the Southwest and North Central East regions

4. Organization chart



Text version of org chart

This is a text version of an organization chart for the Refugee and Immigration Program—GTA. The chart shows the following hierarchical structure with the top level assigned to Jawad Kassab, executive lead/director panel services.

Reporting to Jawad Kassab:

- Mustafa Ansari, acting business manager
- Kristin Marshall, sr. refugee law & trainer (shared w/HR)

- Andrew Brouwer, senior counsel
- Catherine Bruce, director of legal services
- Director of panel services (vacant)
- SLARI (Summary Legal Advice)

Reporting to Catherine Bruce

- Alyssa Manning, manager - legal services (Blue team)
- Melinda Gaya, manager - legal services (Purple team)
- Receptionist/office admin (vacant)

Reporting to Alyssa Manning (Blue team)

- Allison Rhoades, staff lawyer
- Ben Liston, staff lawyer
- Chelsea Peterdy
- Hannah Johannes, legal assistant/intake officer
- Karen Manzo, legal aid worker
- Legal assistant (vacant)
- Lida Nosrati, legal aid worker
- Linda Hall, staff lawyer
- Matthew Weston, paralegal
- Nasrin Azar, paralegal
- Pargana Akbari, legal aid worker
- Staff lawyer (vacant)

Reporting to Melinda Gayda (Purple team)

- Amanda Bitton, paralegal
- Anthony Navaneelan, staff lawyer

- Joo Eun Kim, staff lawyer
- Jordan Pachciarz, community legal worker
- Jovanna Stojkovic, legal aid worker
- Katherine Ramsey, staff lawyer
- Menaka Kanendran, legal assistant
- Samuel Loeb, staff lawyer
- Staff lawyer (vacant)
- Staff lawyer (vacant)
- Virginia Wilson, community legal worker
- Zahra Diriye, legal aid worker/intake officer

Reporting to the director of panel services (vacant)

- Erica Ward, panel officer
- John Norquay, staff lawyer/panel removal officer
- Panel officer support (vacant)
- Stefanie Doiron, panel officer

Reporting to SLARI (Summary Legal Advice)

- Elsa Arismendi, staff lawyer - lead
- Maureen Smith-Gordon, summary legal advise advisor
- Mohamed Aouichri, summary legal advice advisor

5. Refugee and immigration program budget

For FY 2016/17, LAO received approximately \$7 million in funding from the federal Department of Justice to deliver its immigration and refugee services program. LAO allocates funds received from the provincial Ministry of the Attorney General to cover the remaining costs of the program.

The chart below illustrates refugee and immigration (R & I) costs incurred in FY 2016/17.

Service	Estimated costs for FY 2016/17
R & I certificates	\$22.9 million
R & I Area Committee	\$200,000
R & I management and staff: <ul style="list-style-type: none"> • R & I GTA Administration • R & I Panel Services • Refugee Law Office (RLO) Toronto • RLO Hamilton • Integrated Legal Services Office (ILSO) Ottawa • Summary Legal Advice Refugee and Immigration GTA 	\$4 million
All services	\$27.14 million

6. Refugee and immigration funding crisis

LAO experienced significant financial pressures in fiscal 2016/17 due to increased demand for services. In November 2016, after extensive governmental and political engagement, LAO was able to secure \$7.72 million in additional one-time, mid-year funding from the federal and provincial governments to address these pressures. The additional one-time funding enabled LAO to provide uninterrupted refugee and immigration services to the end of fiscal year 2016/17. LAO continues to work with all levels of government to ensure funding is available to address the increasing needs of clients as well as to identify opportunities to deliver more cost-effective and efficient high-quality services.

In 2016/17, LAO funded:

- 12,658 private bar certificate services (an increase of 3,390 over fiscal 2014/15)
- 1,571 client staff services (RLO Toronto, RLO Hamilton, ILSO Ottawa)

7. Certificate program

7.1 Certificate coverage

LAO currently covers an array of refugee and immigration services through its certificate program. Certificates enable clients to obtain services from private practitioners at a fixed tariff.

If a legal aid applicant is financially eligible and his/her matter has merit, LAO pays a private bar lawyer, via a certificate, for the following refugee law services:

- preparation of a Basis of Claim form and related refugee claim forms for Immigration, Refugees and Citizenship Canada (IRCC)
- representation at a hearing before the Refugee Protection Division (RPD)
- preparation of an appeal to the Refugee Appeal Division (RAD)
- preparation of a judicial review (JR) application in Federal Court
- preparation of a deferral of removal request
- preparation of a motion for a stay of removal in Federal Court
- representation at the RPD for a cessation or vacation hearing
- preparation of a pre-removal risk assessment (PRRA) application
- preparation of a danger opinion
- If a legal aid applicant is financially eligible and his/her matter has merit, LAO also pays a private bar lawyer, via a certificate, for the following immigration law services:
 - representation at a detention review
 - representation at an immigration appeal before the Immigration Appeal Division
 - preparation of a humanitarian and compassionate grounds application
 - preparation of a habeas corpus application

7.2 Certificate costs

The chart below shows the steady increase in costs associated with the certificate program.

Certificate program costs over the last five fiscal years

(\$000s)	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Total Expenditures (\$000s)	\$21,724	\$19,296	\$16,132	\$16,398	\$17,638	\$22,840

The next chart illustrates certificate issuance levels over the past six years.

Certificates by proceeding type issued over the last five fiscal years

Category	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
RPD hearing	10035	6300	4062	5068	6617	9006
Federal court judicial review	2716	1599	519	516	726	912
Other immigration	690	372	493	495	1179	1584
Immigration Appeal Division	211	157	86	103	107	151
Refugee Appeal Division	0	0	149	263	639	1005
Total	13652	8428	5309	6445	9268	12658

8. Refugee and immigration panel services

Refugee and immigration panel services staff and budget

Positions	Budget
Staff positions: <ul style="list-style-type: none"> • two panel officers • one panel removals officer 	\$235,000

The Panel Services Department is responsible for implementing refugee panel standards and increasing the support and oversight of lawyers on LAO's refugee and immigration panel. Its primary responsibility is the GTA panel.

Panel officers facilitate panel standards applications, oversee and monitor a roster of 80-150 panel members each, review certificate volumes, address issues, recommend removals, and promote and support Alternative Fee Arrangements. The panel removals officer drafts materials in support of panel removal pursuant to the regulations which govern LAO's panels.

Strategic objectives of the Panel Services Department

Strategic priority	Strategic objectives
High-quality services for clients	<ul style="list-style-type: none"> • To implement refugee and immigration panel standards • Promote ongoing adherence of service providers to quality standards • To undertake panel management and removals in a fair and transparent manner
Promote and support effective certificate management and Alternative Funding Arrangements	<ul style="list-style-type: none"> • Promote and manage Alternative Funding Arrangements with panel members • Support all refugee and immigration service providers in delivering services through effective certificate management

Strategic priority	Strategic objectives
Teamwork, learning and accountability	<ul style="list-style-type: none">• Improve panel management knowledge and skills, and promote team building• Document department policies and processes and develop robust reporting

9. Refugee and immigration panel standards

9.1 Refugee panel standards—policy and process

Lawyers who represent legal aid clients must belong to the panel(s) for the type(s) of law they practise. The standards for each panel provide the minimum experience and professional development requirements that lawyers must meet. Panel standards help ensure that legal aid clients receive high-quality services.

The [approved standards](#) are posted on LAO's website. They include two separate standards—one for first instance tribunal work (the General Panel) and another for appellate work before the courts and before the Refugee Appeal Division (the Appellate Panel).

The Refugee and Immigration GTA Panel Services Department implements the standards across the province, using a panel management framework it developed when panel standards were first rolled out in 2015 to ensure adequate support and oversight of panel lawyers.

This framework provides a process to assess LAO-funded refugee and immigration service providers for compliance with the quality standards, as follows:

- To join the panel, all refugee and immigration service providers are required to submit a quality standards application, including examples of their work. A separate application is required for the general panel and the appellate panel.
- Applicants must demonstrate that they meet the standards for membership on the panel(s) for which they applied by demonstrating compliance with criteria set out in the [Quality Service Expectations](#) and the [Best Practices Guide](#) of the general and appellate standards.

The [Refugee & Immigration Standards Implementation Guidelines](#) set out the following principles governing the panel standards implementation process:

- 1. Transparency:** LAO will make every effort to ensure transparency of policy and process, including detailed and ongoing communication and information sharing regarding standards implementation.
- 2. Fairness:** LAO will give service providers adequate time and support to complete and submit the standards form. Applicants will be assessed by LAO staff and a peer review committee comprised of private bar practitioners. LAO will anonymize applications to avoid the perception of bias arising from committees composed of lawyers evaluating the work of colleagues.

3. **Timeliness:** Service standards will be established to facilitate timely application decision-making.
4. **Support:** When appropriate and feasible, LAO will offer support to service providers (via training and/or mentors) who do not meet the standards. Persons who do not meet the standards will be asked to agree to conditions to ensure high-quality service to clients.

The primary outcome LAO aims to achieve through implementation of refugee and immigration panel standards is **delivery of high-quality, cost-effective and efficient refugee and immigration services to highly vulnerable clients by all legal aid service providers** (staff, private bar, clinics).

The ultimate outcomes would include:

- better client outcomes
- reduced organizational risk
- greater service provider panel knowledge
- greater service provider panel support—mentorship, orientation, training
- reduced costs—a 50 per cent reduction in change of solicitor applications, complaints, audit breaches, investigations and panel removals; and a 20 per cent reduction in appeals and judicial reviews
- Greater stakeholder/public confidence

Refugee panel standards application status for FY 2016/17 as of April 1, 2017

Region	Total number of applicants	Total number of applicants approved
GTA	54	30
Southwest	1	1
Central/Eastern	10	4
Northern	1	1
Total	66	36

9.2 Refugee panel standards evaluation

The Panel Services Department underwent an evaluation of the implementation of the refugee panel standards in 2016 that led to a number of key findings and recommendations. Due to other conflicting priorities, including program financial pressures and strategies to address these pressures, the department has not been able to move forward with

implementing the recommendations. Attention will be directed to this end in fiscal 2017-18. An executive summary of findings and recommendations of the Refugee Panel Standards Evaluation can be found on LAO's website.

9.3 Refugee panel removal

LAO continues its efforts to remove service providers from its panel on the grounds of:

- delivering poor quality service
- suspension by the Law Society of Upper Canada
- failure to comply with LAO's terms and conditions and/or the *Legal Aid Services Act*

In FY 2016/17, four refugee lawyers were removed from the refugee panel. LAO has removed nine lawyers since implementation of the standards and development of panel management capacity in 2014-15. An additional 10 lawyers resigned from the panel after failing to meet panel standards conditions.

10. Summary Legal Advice Refugee and Immigration (SLARI)

Summary Legal Advice staff and budget

Positions	Annual Budget
Staff positions: <ul style="list-style-type: none">• one staff lawyer• two summary legal advice staff	\$230,000

Established during FY 2016/17, the SLARI team supports the refugee and immigration certificate program. The team is responsible for assessing legal merit for refugee hearings and for immigration matters such as humanitarian and compassionate applications. The team also provides subject matter expertise to LAO corporate departments that deliver refugee and immigration certificate services, primarily the Client Service Centre.

A member of the SLARI team provides advice to duty counsel on implications of criminal proceedings on immigration status through the immigration duty counsel hotline.

11. Staff services

Clients who require refugee or immigration law services may make an application for legal aid services to any LAO intake employee and may request LAO staff services.

LAO has three refugee law staff office locations: Toronto, Hamilton and Ottawa.

11.1 Strategic objectives of staff offices

The three offices share these strategic objectives:

- **Objective 1:** Achieving leadership in refugee law
- **Objective 2:** Delivering high-quality, compassionate, sustainable services
- **Objective 3:** Ensuring effective governance and accountability

11.2 Refugee Law Office (RLO) Toronto

Refugee Law Office staff and budget

Positions	Annual Budget
Staff of 23 comprised of: <ul style="list-style-type: none">• one director• two team managers• eight lawyers• three licensed paralegals• seven legal aid workers• two legal support staff	\$2.4 million

The [RLO Toronto office](#) celebrated its 20th anniversary in 2014. It assists clients with their Basis of Claim (BOC) forms, hearing representation before the IRB-RPD, applications to the RAD, PRRA applications, Humanitarian and Compassion (H&C) applications, detention reviews, appeals of deportation orders and federal court hearings, including stays of removal. The office also has an important test case mandate and staff have appeared at all levels of court, including the Supreme Court of Canada. Staff members provide services in

several languages, including French, Dari, Spanish, Somali and Swahili.

Go to Appendix A for important details on the accomplishments of this office and how it meets its objectives.

11.3 Integrated Legal Services Office—Ottawa refugee services

Integrated Legal Services staff and budget

Positions	Annual Budget
Three staff: <ul style="list-style-type: none">• two lawyers• one legal aid worker	\$250,000

Staff lawyers and a legal aid worker at the [Integrated Legal Services Office](#) (also known as RLO Ottawa) provide assistance to clients with refugee and immigration law matters, including but not limited to the preparation of BOC forms, representation at hearings before the RPD, representation at detention hearings, and in some cases, assistance with RAD matters and federal court judicial reviews.

Go to Appendix B for important details on the accomplishments of this office and how it meets its objectives.

11.4 Hamilton District Office—Southwestern Ontario refugee services

Hamilton District Office staff and budget

Positions	Annual Budget
Three caseworkers: <ul style="list-style-type: none">• two lawyers• one licensed paralegal	\$250,000

[Hamilton District Office](#) (also known as RLO Hamilton) staff support refugee claimants in southwestern Ontario, including London and Windsor. Staff members work closely with the Fort Erie Multicultural Centre to fill gaps in access to refugee services in Fort Erie. Services include preparation of BOC forms, hearing representation at the RPD, detention reviews and judicial reviews.

Go to Appendix C for important details on the accomplishments of this office and how it meets its objectives.

11.5 Key performance measures

All three staff offices (Toronto, Ottawa and Hamilton) have five performance measures that build on the foundations of LAO's performance measures for legal aid community clinics:

- Clients served and services provided
- Cost effectiveness
- Resource allocation
- Outcomes
- Client satisfaction

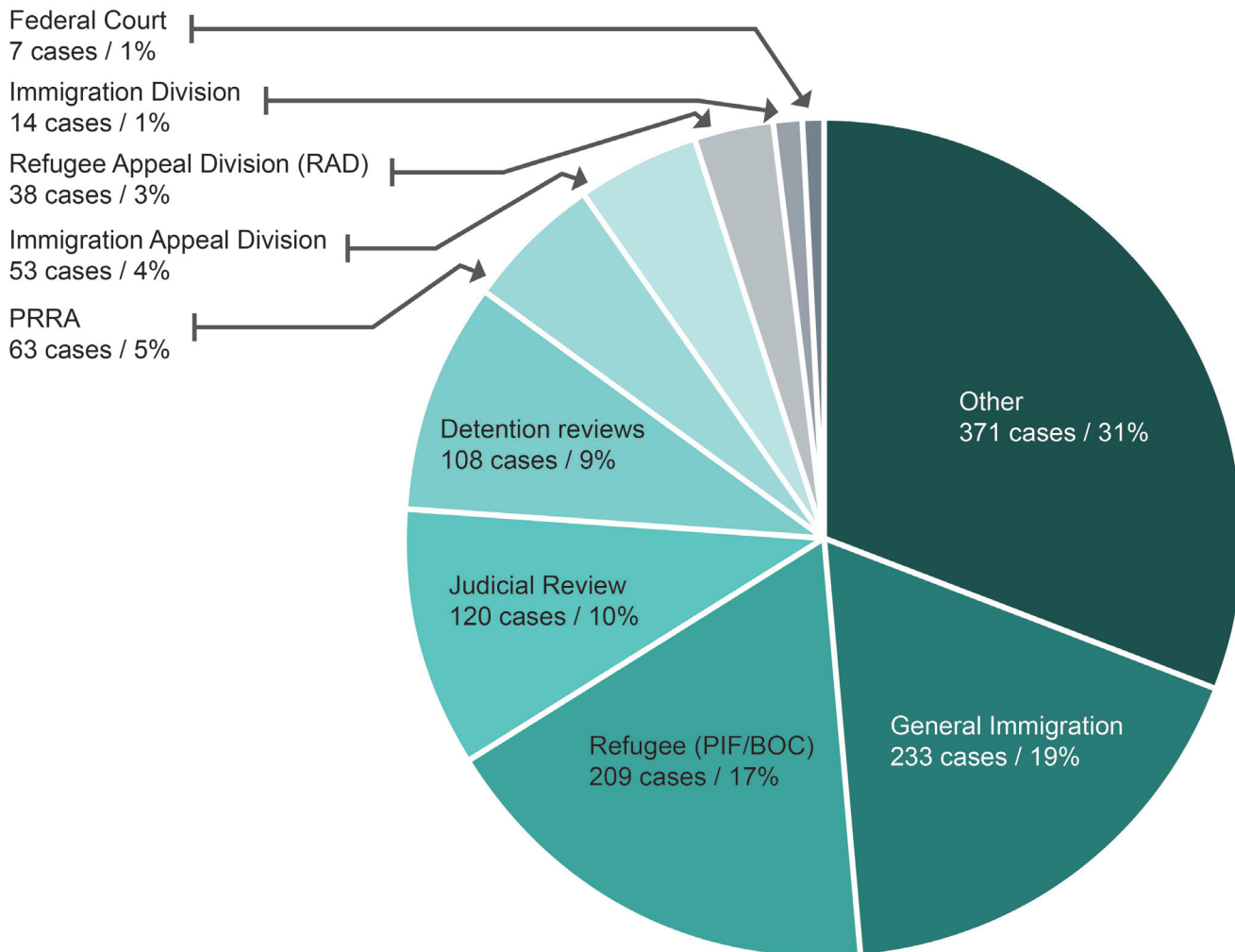
Sections 11.5.1 through 11.5.5 describe how the three staff offices did on these performance measures over 2016/17.

11.5.1 Clients served and services provided

LAO continues to make efforts to ensure that data for these performance measures are accurately recorded. This area of performance measures continues to be a work in progress. Preliminary data indicates that:

- RLO Toronto handles an average of 48 cases per month;
- RLO Hamilton handles an average of 20 cases per month, and;
- RLO Ottawa (ISLO) handles an average of seven cases per month.

RLO TORONTO



ILSO OTTAWA

Immigration Division
1 cases / 1%

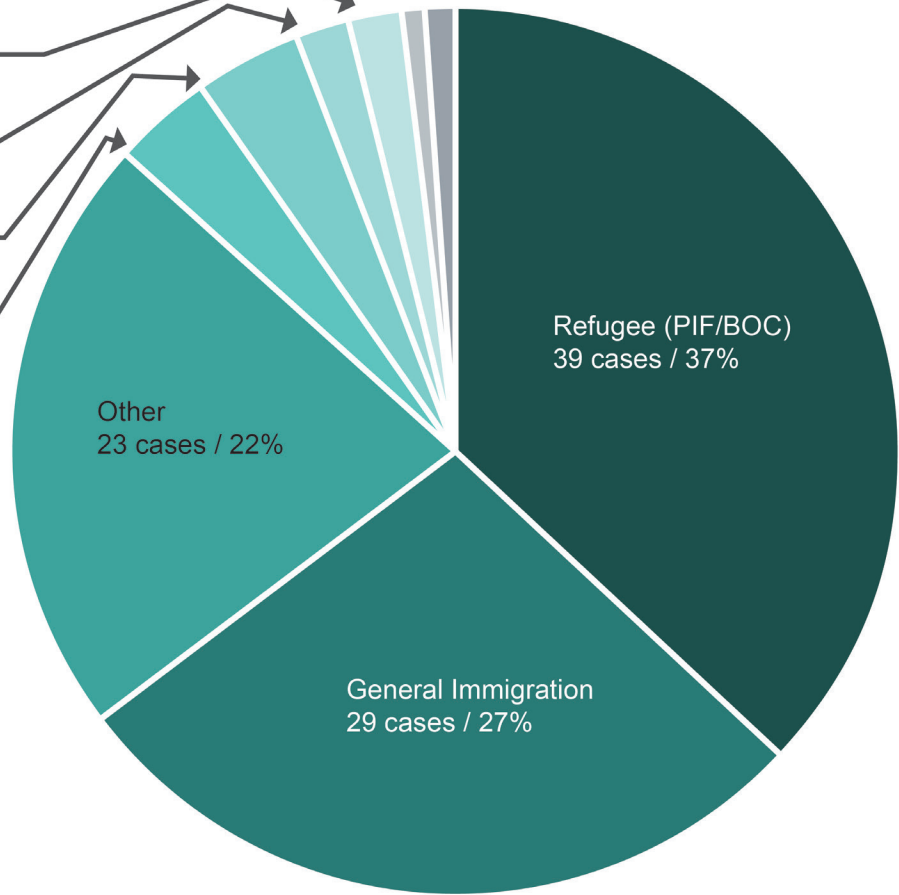
PRRA
1 cases / 1%

Detention reviews
2 cases / 2%

Judicial Review
2 cases / 2%

Refugee Appeal Division (RAD)
4 cases / 4%

Immigration Appeal Division
4 cases / 4%



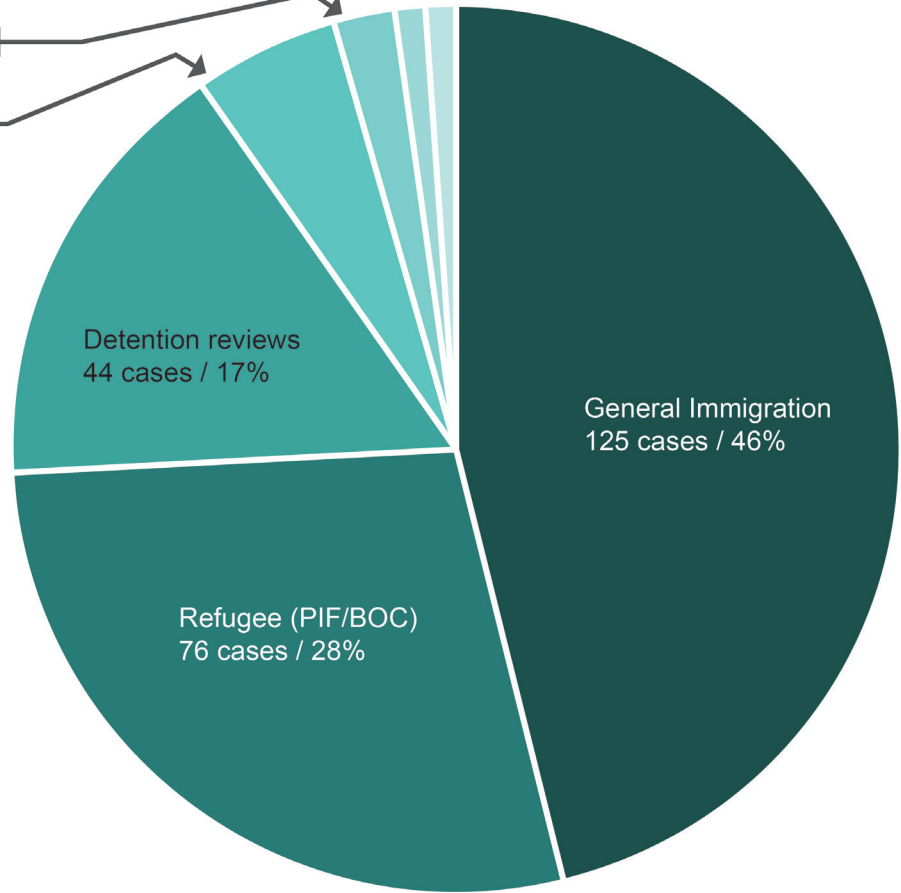
RLO HAMILTON

Immigration Appeal Division
3 cases / 1%

PRRA
3 cases / 1%

Refugee Appeal Division (RAD)
6 cases / 2%

Judicial Review
14 cases / 5%

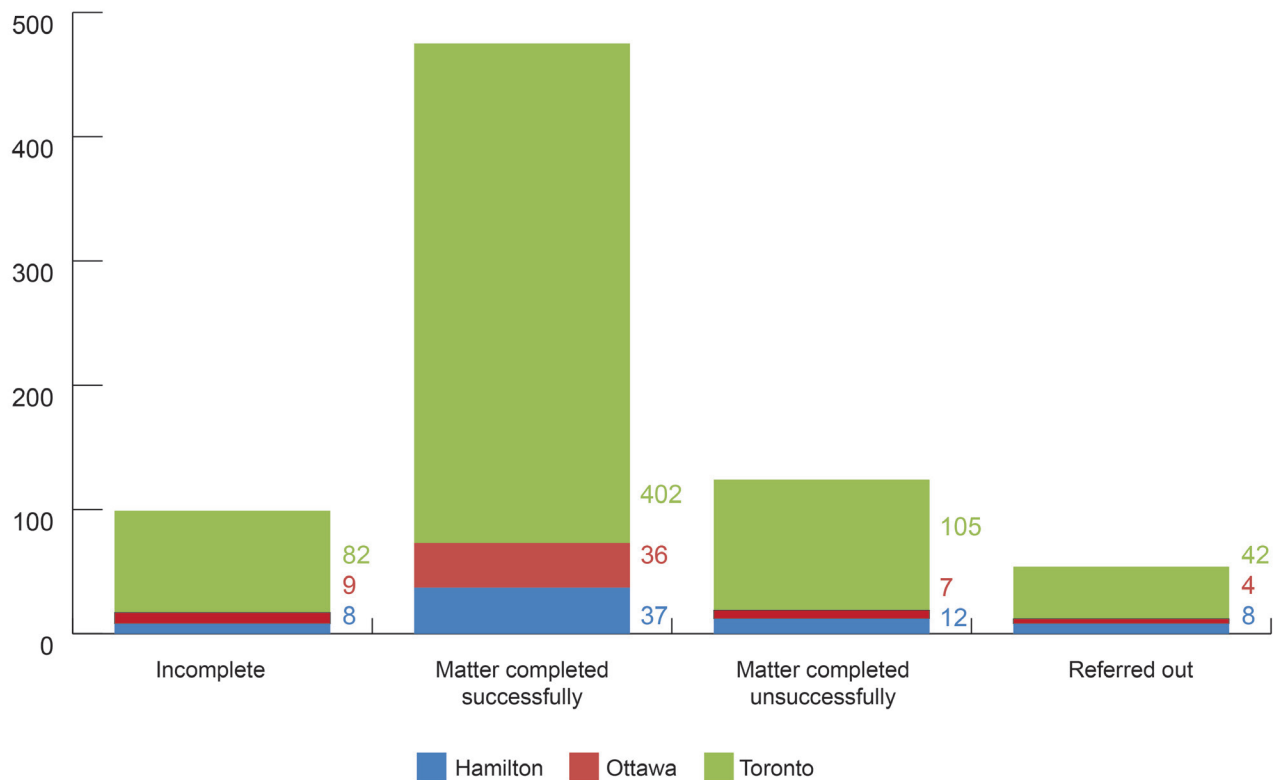


11.5.2 Outcomes for staff offices

The success rate at the staff offices noted below is commendable, particularly as these offices represent clients with complex needs such as addictions and mental health challenges. The success rate is based on all positive outcomes of all proceedings at the staff offices.

RLO Toronto's successful outcome rate was 76 per cent, while the RLO Hamilton's was 79 per cent. ILSO Ottawa's was 84 per cent.

OUTCOMES FOR STAFF OFFICES FY 2016/17

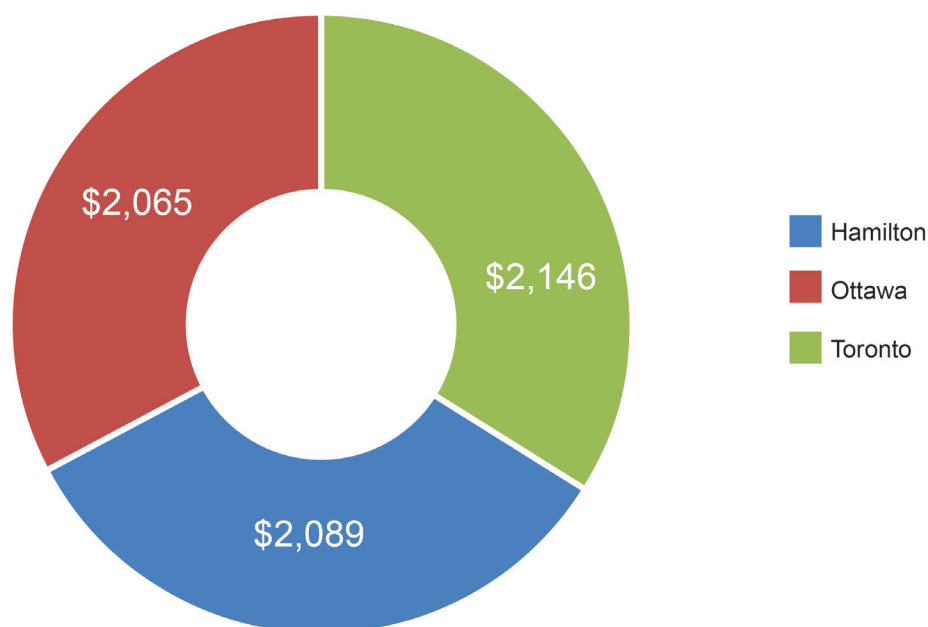


11.5.3 Cost effectiveness

LAO continues to work on this cost effectiveness performance measure. Its reliability is uncertain at this time due to factors such as the pool of closed case files from which the average is derived. LAO refugee staff offices have a backlog of cases that need to be closed, a key factor in the accuracy of this performance measure.

It should be noted that the average case cost is based on salaries, hours worked recorded by staff and disbursements. It does not include infrastructure costs such as office space.

AVERAGE CASE COST FY 2016/17

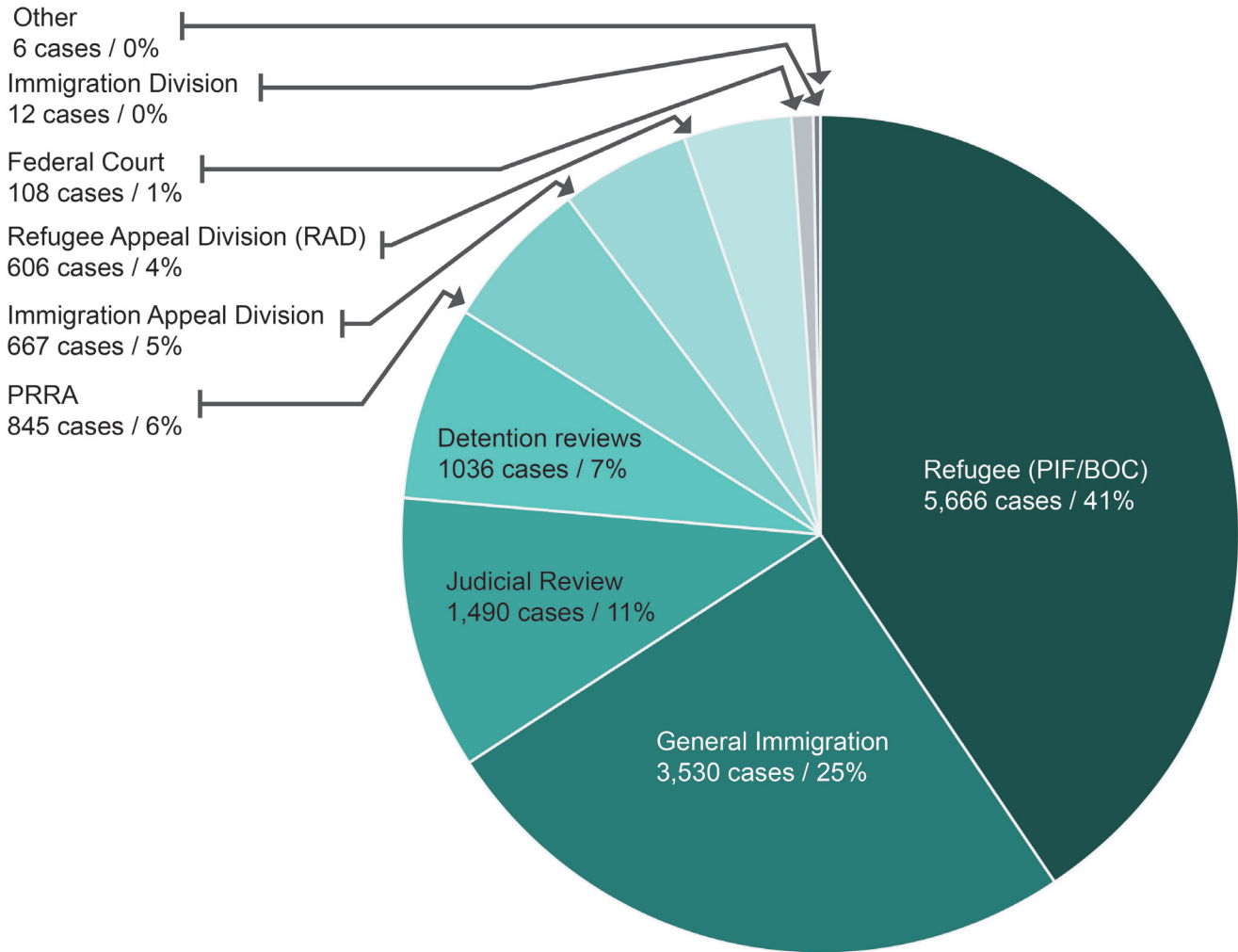


11.5.4 Resource allocation

The statistics on resources allocated indicates that staff offices conduct a wide variety of work. In RLO Toronto, for example, RPD cases constituted 41 per cent of the case load in 2016/17, with general immigration at 25 per cent, followed by judicial review applications at 11 per cent. The balance of resources went to detention reviews, PRRAs and IAD matters.

In ISLO Ottawa, 62 per cent of resources were dedicated to RPD cases, the same as RLO Hamilton.

RLO TORONTO



ILSO OTTAWA

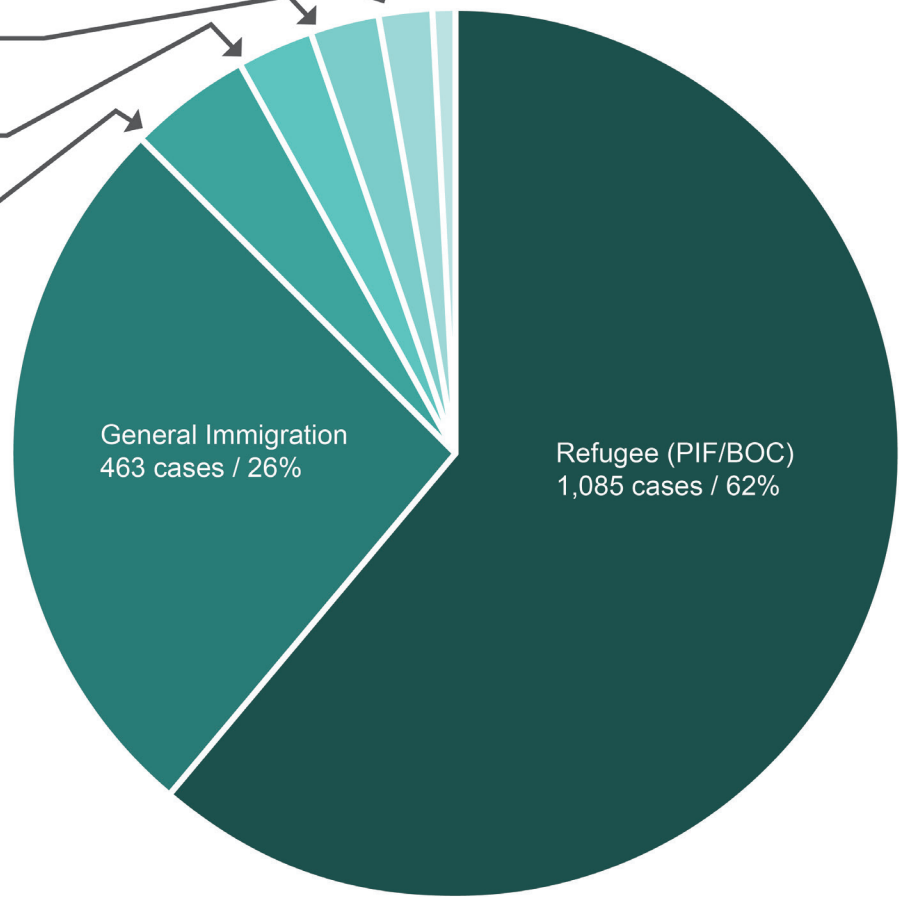
Immigration Appeal Division
12 cases / 1%

Detention reviews
35 cases / 2%

PRRA
35 cases / 2%

Refugee Appeal Division (RAD)
48 cases / 3%

Judicial Review
79 cases / 4%



RLO HAMILTON

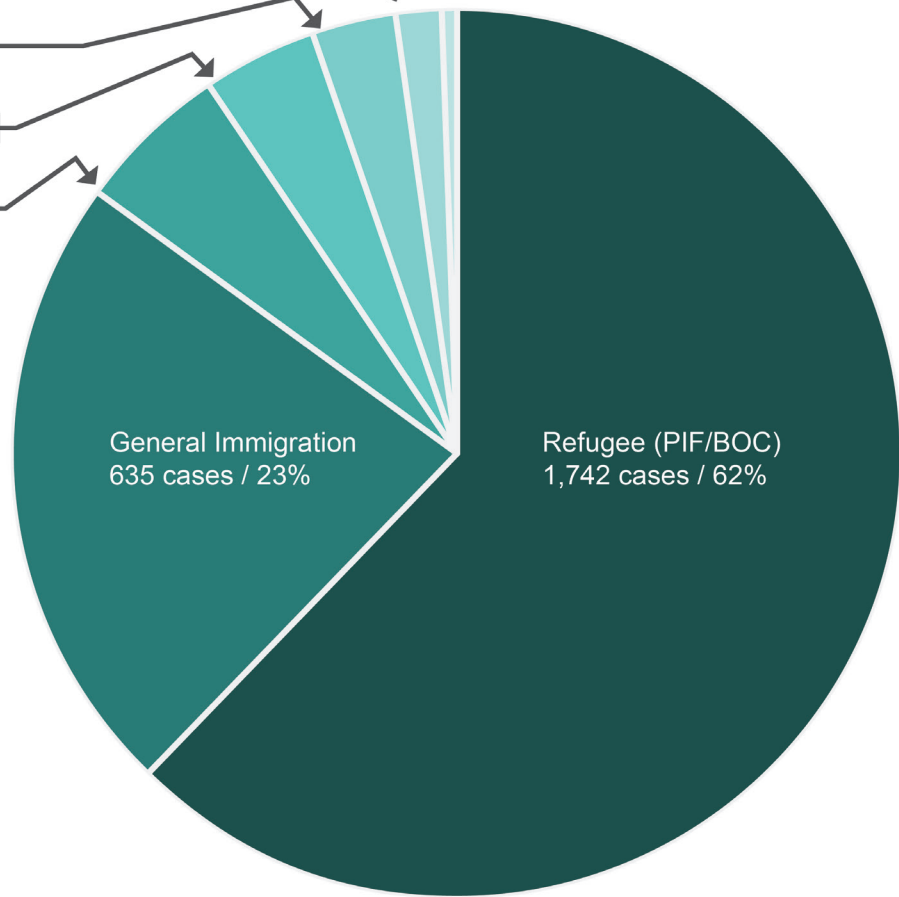
Immigration Appeal Division
11 cases / 0%

PRRA
46 cases / 2%

Detention reviews
84 cases / 3%

Refugee Appeal Division (RAD)
115 cases / 4%

Judicial Review
155 cases / 6%



11.5.5 Client satisfaction

The refugee staff offices administer client satisfaction surveys, but, as is evident, insufficient responses were obtained to draw valid data from these surveys for 2016/17. From the survey results below, client satisfaction at all three refugee staff offices is high, over 90 per cent.

Client satisfaction survey results 2016/17

	Toronto	Hamilton	Ottawa
Surveys completed	61	23	30
I was satisfied with the overall quality of service from the lawyer.	93%	100%	100%

	Toronto	Hamilton	Ottawa
The lawyer made sure I understood my legal situation and what I need to do.	95%	100%	100%
The lawyer was courteous.	92%	100%	100%
It was easy to access the service.	93%	97%	96%
I was satisfied with the amount of time it took to get the service from the lawyer.	93%	100%	100%

12. Community legal clinics refugee services

Approximately 17 community legal clinics throughout the province—mostly in Toronto—deliver refugee and immigration services through 20 refugee and immigration service providers. The estimated cost of these clinic refugee and immigration services based solely on staff salaries is about \$800,000. In fiscal 2016/17, LAO provided funding to a Toronto clinic to hire two refugee lawyers to meet client demand for services in the community.

The services provided to refugee claimants in community legal clinics include humanitarian and compassionate applications and sponsorship applications and appeals. Certificates have not traditionally covered such services although the increased in demand has led to certificates being issued to cover these areas of law. Some clinics also do RPD and Federal Court matters.

Community legal clinics that deliver immigration and refugee services

Location	Clinic(s)
Toronto	<ol style="list-style-type: none"> 1. Centre for Spanish-Speaking Peoples 2. East Toronto Community Legal Services 3. Flemington Community Legal Services 4. Kensington-Bellwoods Community Legal Services 5. Metro Toronto Chinese and South East Asian Legal Clinic 6. Centre Francophone de Toronto 7. Mississauga Community Legal Services 8. Rexdale Community Legal Clinic 9. Neighbourhood Legal Services 10. Parkdale Community Legal Services 11. South Asian Legal Clinic of Ontario 12. HIV/AIDS Legal Clinic Ontario

Location	Clinic(s)
Ottawa	<ol style="list-style-type: none">1. Community Legal Services Ottawa Centre2. South Ottawa Community Legal Services3. West End Legal Services Ottawa
Windsor	<ol style="list-style-type: none">1. Legal Assistance Windsor2. Windsor-Essex Bilingual Legal Clinic

13. Test cases

RLO Toronto worked closely with LAO's Group Applications and Test Case Committee (GATCC) to create LAO's Refugee Law Test Case Strategy. Led by LAO's refugee law senior counsel and posted on the LAO website, this strategy focuses on:

- equal access to, and effective protection of, *Charter* rights (in particular ss. 2, 7 and 15)
- protection of mentally ill non-citizens
- protection and promotion of the rights of the child
- domestic application/implementation/enforcement of international human rights law
- protection of citizenship for naturalized Canadians

In the last fiscal year, LAO staff have led or participated in a number of refugee and immigration test case initiatives including:

- the Safe Third Country Agreement litigation challenges, inter alia on constitutional grounds and the designation of the USA as a safe third country under the *Immigration and Refugee Protection Act*
- litigation challenging provisions which deny access to the Refugee Appeal Division to claimants who entered Canada legally from the United States under exemptions to the Safe Third Country Agreement
- litigation to require the IRB to deal with the backlog of "legacy" claimants, which seeks to establish that refugees have rights, under both international law and the *Charter*
- the 3-year PRRA bar litigation, which constitutionally challenges legislation barring individuals from designated countries of origin from seeking protection under the pre-removal risk assessment application process
- *BB* – Federal Court litigation which established that the best interests of children who accompany detained parents, but are not themselves legally detained, can be considered in detention review proceedings
- *Lewis* – this litigation sought to recognize the historical disadvantage suffered by First Nations people in Canada before deporting the sole custodial parent of a First Nations child

Go to Appendix A for more details on RLO Toronto's test case and law reform activity.

14. Immigration and Refugee Area Committee

LAO has an Area Committee, led by LAO senior management, comprised of paid private bar practitioners who make decisions on merit assessments for Federal Court judicial review funding of refugee and immigration matters.

Applications	Issued	Refused	Total
Applications for judicial review/Federal Court appeals	473	446	919

15. General Counsel Office—Merit and non-resident appeals

An appeals officer in LAO's General Counsel Office makes all decisions on judicial review (JR) merit assessments for non-resident applicants (clients who have resided in Ontario for fewer than 12 months). The appeals officer also deals with appeals of denials of refugee certificates by the Area Committee.

Merit assessments for judicial review funding for non-residents, FY 2016/17

Type of file	Number of files
Non-resident Federal Court judicial review files	368 received, 202 approved and 166 refused
Appeals of denials of IRB-RPD refugee certificates	44 received, 11 approved and 32 refused

16. Refugee Appeal Division (RAD) committee

LAO's RAD staff committee reviews and assesses merit for further RAD funding on receipt of a legal counsel opinion. RAD opinions and full coverage certificates continue to grow as the demand for this service increases in correlation to the increase in RPD matters.

Applications	Issued	Refused	Total
Refugee Appeal Division applications	293	460	753

17. Support for refugee services through training and mentorship

Training and mentorship are key to helping LAO meet its commitment to excellence in the delivery of refugee services.

17.1 Refugee law learning and development

In 2016/17:

- Over 200 refugee and immigration law practitioners attended LAO's Refugee Law Office Conference in June 2016. The conference was accredited by the Law Society of Upper Canada for a full day of continuing professional development hours. LAO sponsors this conference annually.
- The RLO and LAO's human resources department initiated a joint project to update the Refugee Case Law Toolkit for fiscal 2016/17. The toolkit is designed to assist practitioners conduct their own case specific research.
- Refugee Law training videos made available through LAO's research department, LAOLAW, touching on a wide variety of refugee and immigration topics such as appeals, stays of removal, danger opinions and Habeas Corpus applications have been accessed over 4,000 times this fiscal year. In total, 19 videos are available for all panel lawyers to aid in understanding procedure and offer helpful advice in successfully representing refugee and immigration clients.

17.2 Orientation for refugee panel lawyers

LAO continues to host quarterly refugee panel orientation sessions. These sessions are full-day events, organized by LAO's senior refugee law trainer, for new lawyers and some lawyers with conditions attached to their panel membership.

The purpose of these sessions is to build a positive relationship with panel members and to provide an overview of LAO's refugee and immigration program, including billing and payments. Participants are provided with information to resources and services that support panel members working with LAO.

In 2016/17 approximately 60 panel lawyers attended an orientation session.

17.3 Refugee panel mentoring

LAO has a robust mentorship program that helps refugee lawyers meet panel standards conditions and maintain high quality service. The program provides funding for mentors

to support refugee practitioners seeking to meet the conditions necessary to join the refugee panel. It also provides senior lawyers in need of support on a complex file with the opportunity to retain a mentee to assist.

Mentors have to meet strict criteria, including high ratings on their panel standards review, experience or knowledge of mentoring, stellar reputation in the community and sound administrative relationship with LAO.

In FY 2016/17, 24 mentors across the province were supporting 60 mentees.

18. Communications

In 2016/17, LAO's communications to the Bar and the public included:

- posting refugee-related news items on its website, informing lawyers and refugee claimants about LAO's move to electronic submission of documents via LAO's online portal
- publishing the [Better Billing Bulletin \(B3\)](#), an electronic news bulletin that supports panel lawyers in their billing practices
- improving website content dealing with [refugee and immigration matters](#) including LAO's expanded services and improved refugee and immigration [information for clients](#)
- creating a [R & I e-bulletin](#) and a [mailing list of all panel members](#) to send refugee and immigration program updates

LAO also communicates with panel members through use of the Refugee Lawyers Association listserv and local refugee bar networks, including Ottawa.

19. Stakeholder and political engagement

In 2016/17, LAO communicated regularly with stakeholders and politicians on the increase in demand of services as well as funding issues related to the program. These stakeholders and politicians include the private bar, community and settlement agencies, legal aid clinics, IRB, Department of Justice (DOJ), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC).

In addition, LAO holds regular stakeholder meetings with members of the following groups:

- **Refugee Lawyers Association:** meetings every two months with executive members of the RLA
- **Immigration & Refugee Advisory Committee to LAO's Board:** meetings twice a year
- **LAO/IRB/CBSA/IRCC/DOJ:** LAO hosts a committee of key partners every quarter to discuss issues of common interest, including changes to policy and process that impact refugee and immigration matters.

20. Immigration and Refugee Board engagement

The IRB Chairperson invited LAO to participate on its Consultative Committee which meets biannually to explore opportunities for increased efficiency. LAO continues to strengthen its relationship with the IRB and shares the IRB's objective of delivering high-quality, cost-effective and efficient services to the public. Approximately 80 per cent of claimants appearing before the IRB are represented by legal aid-funded counsel. Changes in policy and process at the IRB can significantly affect LAO costs. As greater interest develops in looking at systems to achieve sustainability, the IRB and LAO are two key system components in fair and efficient refugee and immigration adjudication.

21. Capturing the client voice

Refugee and Immigration Program staff spent a great deal of time meeting and speaking with clients and staff from many community organizations that assist refugees, including:

- The 519 Church Street Community Centre
- Sojourn House
- Romero House
- Seaton House O'Neill Program
- FCJ Refugee Centre
- Red Cross First Contact Program
- Coalition of Service Providers for Refugee Claimants in Southern Ontario

Our staff met with approximately 320 clients and 60 front-line staff and volunteers in the community during outreach sessions. The sessions outlined the legal services funded by LAO as well as expectations with regard to the quality of service a client should expect from her/his lawyer. Clients were provided with information regarding how to report service concerns, including LAO's anonymous Ethics Hotline.

We received feedback from both clients and staff regarding how LAO might improve its application processes and procedures.

APPENDIX

Appendix A: Refugee Law Office Toronto

Consistent with its mandate, in fiscal 2016/17, the Refugee Law Office continued to provide leadership in refugee law challenging laws and systemic barriers to justice in collaboration with the private bar, clinics and non-governmental organizations, while simultaneously delivering high quality and compassionate representation to those seeking status regularization in Canada.

Test case litigation

This year the Refugee Law Office Toronto has been involved in six notable test cases.

- The Safe Third litigation challenges, inter alia on constitutional grounds, the designation of the United States as a safe third country. This designation has the effect of *prima facie* preventing asylum seekers who have transited through the US from obtaining Convention Refugee protection in Canada. The designation has had severe impacts on access to justice for refugees; these impacts became even more severe in light of recent developments in asylum law and policy in the US.
- The Legacy litigation seeks to establish that refugees have rights, under both international law and the Charter, to timely adjudication of their refugee claims, and that current lengthy delays in refugee adjudication at the Refugee Protection Division violate these rights.
- The PRRA bar litigation constitutionally challenges legislation barring individuals from designated countries of origin from seeking protection under the pre-removal risk assessment application process for three years following the denial of their refugee claims. All three cases were ongoing at the time of writing. Challenging provisions which deny access to the Refugee Appeal Division to claimants who entered Canada legally from the United States under exemptions to the Safe Third Country Agreement. A decision on this case is expected in September 2017. *BB* was a groundbreaking case that established that the best interests of children who accompany detained parents, but are not themselves legally detained, can be considered in detention reviews.
- Lewis addressed the consideration that had to be given to the historical disadvantage suffered by First Nations people in Canada before deporting the sole custodial parent of a First Nations child, where such deportation would result either in the child's removal from her aboriginal community and First Nations territory, or the child being separated from the sole custodial parent and being made a ward of Court. Disappointingly the Federal Court of Appeal denied First Nations the right to special consideration in these circumstances. Given the bearing this decision may have on access to justice for First Nations peoples, consideration is being given to appealing the Lewis decision to the Supreme Court.

Advocacy initiatives

RLO Toronto staff attended roundtables and meetings with the Minister of Immigration, Refugees and Citizenship Canada and his key personnel, as well as with the Minister of Public Safety and Emergency Preparedness and his key personnel to discuss refugee and immigration reform initiatives. Subjects discussed included the need to end indefinite immigration detention and the immigration detention of minors, to develop alternatives to detention, to reform practices and procedures at the Refugee Protection Division, and to amend Canada's over inclusive security and criminal inadmissibility provisions.

The Immigration and Refugee Board also sought the input of the RLO Toronto in relation to the development of a number of new guidelines addressing procedural and substantive issues at the Board. Specifically, staff at the RLO provided advice and feedback in relation to the development of guidelines for the adjudication of sexual orientation and gender identity claims (SOGI Guidelines) as well the development of detention guidelines. The input and advice of the Refugee Law Office was also sought in relation to the revision of the Immigration Appeal Division's rules.

RLO also played a key role in advocacy initiatives around alternatives to detention and was extensively consulted with by the International Human Rights Program, University of Toronto Faculty of Law, in relation to the production its 2017 report: *Invisible Child: Canadian Citizens in Immigration Detention*.

Media involvement

This year the RLO's work, and the problems faced by our clients, was featured in a documentary aired on CBC's The Fifth Estate, *After the Crossing – Refugees in Canada*, March 2017.

RLO staff also gave interviews about the plight of our clients to numerous other media outlets including, CBC's Metro Morning, The Globe and Mail, Toronto Star and The Law Times. Topics ranged from the plight of the War Resisters, to the fate of legacy claimants, to the impact of the Safe Third Country Agreement in the aftermath of President Trump's executive orders, to the need to end child immigrant detention.

Maintaining active participation and strong networks with key partners and stakeholders

As in prior years, RLO remained actively involved with key partners and stakeholders. In particular, staff continued to serve on the executive of the Canadian Association of Refugee Lawyers as members of its advocacy and litigation committees. RLO also maintained active involvement with the Canadian Counsel for Refugees with one member of staff serving as co-chair of its Inland Protection Working Group, and other members of staff sitting on its Legal Advisory Committee. RLO staff also regularly participated as guest speakers at

educational conferences held throughout the year by both organizations.

Education

This year, as it has done for many years, the Refugee Law Office organized the annual LAO Refugee and Immigration Law Conference for panel members and others interested in, or practising in the area of, immigration and refugee law. RLO also organized and co-chaired, with the Department of Justice, the Law Society of Canada's Annual Refugee Law Conference. RLO staff were among the speakers at both conferences, which were well attended and well received.

Throughout the year, RLO Toronto provided regular workshops to staff in all three refugee and immigration staff offices in Ontario. These workshops were used to foster professional development and inclusivity and to ensure that staff remain engaged in their work. Workshops this year included those on the refugee situation in Syria and refugee camps there, trauma informed lawyering and litigation tips.

Compassionate and cost-efficient services

Over the course of the year, RLO successfully argued countless stays of deportation orders, represented hundreds of claimants before Refugee Protection Division, successfully challenged deportation orders before the Immigration Appeal Division, and secured status for those who without it through the pursuit of pre-removal risk assessments and humanitarian and compassionate applications.

Among those successfully represented included a family of Sikh refugee claimants from Afghanistan, gay and lesbian clients facing violence in the Caribbean, North Korean clients fleeing both North and South Korea, and permanent residents and others with severe mental health and addiction problems who, but for receiving quality legal representation, would likely have been deported to countries where their lives, safety and psychiatric stability would have been at risk.

International

Consistent with its mandate, in 2016 RLO continued to establish and build upon its presence in the international arena. For the third year running, RLO's senior counsel continued to head the UNHCR's test case litigation program in Geneva, Switzerland. One of RLO's lawyer managers took a leave of absence to work with the UNHCR on refugee status determination in Kenya for one year. Finally, in the summer of 2016, RLO's director worked with Syrian victims of torture and displacement in refugee camps, assisting them to appeal findings that they were returnable to Turkey where they faced potential deportation back to Syria and into the hands of ISIS.

Staff at RLO were also invited by the UNHCR to participate in international conferences in Geneva, Switzerland and San Jose, Costa Rica on international test case litigation, seeking

to establish networks and alliances among professionals and organizations in the Americas who provide assistance to refugees and immigrants receiving legal aid.

Appendix B: Integrated Legal Services Office—Ottawa refugee services

Public legal education and training

RLO ILSO is committed to public legal education and has engaged with partners and stakeholders to achieve this goal.

In 2016-2017, ILSO delivered presentations on immigration and refugee law and the services offered by ILSO or participated in meetings with several stakeholders, including the Ontario Council of Agencies Serving Immigrants (OCASI), the Catholic Center for Immigrants (CCI), the LAO Criminal Duty Counsel and institutional bail coordinator (Ottawa), the Maison d'amitié (women's shelter), le Centre des carrières et du développement professionnel (CCDP), the Faculty of Law, University of Ottawa and the Refugee Network of Ottawa (ReNoO).

ILSO participated in two mentorship programs that provided field experience to law students at the University of Ottawa Community Legal Clinic Joint Placement Program and the Stage en droit communautaire de l'Association des juristes d'expression française de l'Ontario. The students were eligible to obtain university course credits for their participation.

ILSO continued to work in partnership with legal clinics in Ottawa, particularly with the South Ottawa Community Legal Services, Community Legal Services Ottawa Centre and the West End Legal Services of Ottawa. In collaboration with local legal clinics, ILSO provided legal advice in immigration matters and secured representation for vulnerable individuals who do not qualify for legal aid coverage.

The Law Practice Program (LPP) is a new initiative of the Law Society of Upper Canada that offers an alternative path to the legal profession for individuals seeking experiential training to complete the Law Society's lawyer licensing process. ILSO immigration and refugee lawyers continued to work with the University of Ottawa to prepare and deliver the immigration and refugee law module of the LPP. The module was offered in French.

High-quality, compassionate, sustainable services

ILSO has provided effective and quality legal representation to its clients in the Eastern Region both through the staff program and its duty counsel service.

In 2016, ILSO provided service to 418 immigration clients (91 staff clients and 327 immigration duty counsel clients) in addition to general advice clients.

ILSO has two staff lawyers, Karima Karmali and Nicolas Ranger, and one legal aid worker, Kathy Edouard-Thales, who provides administrative support to counsel. All staff are fluently bilingual. Karima Karmali also provides services in Spanish. Sarah Concettini worked as a staff immigration lawyer during part of 2016 while Karima Karmali was on maternity leave.

Staff services

During the year, staff represented 91 clients with refugee and immigration matters.

ILSO represents clients with a wide scope of refugee and immigration matters, such as refugee claims, humanitarian and compassionate applications, appeals, judicial reviews, deferral of removal requests, stays of removal to the Federal Court, pre-removal risk assessments and detention reviews.

Staff lawyers regularly travel to Montreal to represent clients before the Immigration and Refugee Board of Canada. Staff lawyers also represent clients before the Federal Court and at the Ottawa-Carleton Detention Centre.

ILSO is particularly committed to providing services to vulnerable clients, including those with mental health issues, substance abuse problems, and victims of domestic or sexual violence.

ILSO's clients are extremely diverse and come from countries including: Afghanistan, Bahamas, Burundi, Cameroon, Colombia, Democratic Republic of the Congo, Djibouti, El Salvador, Haiti, India, Ivory Coast, Iran, Iraq, Jamaica, Mexico, Eritrea, Ethiopia, Ivory Coast, Kuwait, Lebanon, Libya, Madagascar, Mali, Namibia, Nicaragua, Nigeria, Pakistan, Palestine, Poland, Romania, Rwanda, Somalia, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Uganda, the United States, Yemen and Zimbabwe.

ILSO had a high success rate with its matters and regularly receives referrals from community organizations and legal clinics. Duty counsel at the criminal courthouse in Ottawa also refer clients for immigration advice to ILSO.

The number of matters referred to ILSO continues to increase as the number of refugee claimants increases in Canada, and as community organizations become more aware of ILSO's services.

Duty counsel

ILSO's refugee staff lawyers offered immigration and refugee duty counsel services (three afternoons per week) and a general advice duty counsel service (a half-day per week).

ILSO provided immigration summary advice and services to 327 clients during the year. Services are normally provided in person but are also provided over the phone for clients in detention or from other cities in the Eastern District when the clients are unable to travel to Ottawa.

ILSO assisted clients with a wide range of immigration issues including reviewing applications (sponsorship, visa, citizenship, etc.), referring clients to appropriate services (including LAO certificate service), determining if clients are eligible for particular applications (refugee, permanent residence, citizenship, etc.) drafting letters or documents to various organizations, providing immigration advice to domestic violence victims or clients facing criminal charges, etc.

The general advice duty counsel services were offered once a week (half day) at the South Ottawa Community Legal Clinic on behalf of Legal Aid Ontario. More than 500 clients were served during the year.

Services to Francophones and contribution to access to justice in French

ILSO strives to promote access to justice in both official languages and to go beyond the requirements of the French Language Services Act and the Legal Aid Services Act in offering French services.

While Francophones represent a relatively small proportion (4.8 per cent or 611,500 people) of Ontario's population, 42.2 per cent of Francophones live in the Eastern Region and 25.2 per cent live in Ottawa.

This makes French services particularly meaningful in ILSO's catchment area (Ottawa/Eastern Region). The numbers indicate that there is a demand for French legal services in Ottawa, and Francophones indeed represent a substantial portion of ILSO's clientele.

ILSO represented 27 per cent (25 of 91) of its clients in French in 2016-2017. Additionally, 30 per cent (98 of 327) of ILSO's immigration duty counsel clients have requested services in French.

Supporting other LAO offices

ILSO is helping several LAO offices deliver quality and cost-efficient refugee and immigration services.

ILSO works in tandem with the Ottawa District Office to assess when to issue immigration certificates. This includes reviewing opinion letters and acting as an access point between private lawyers and LAO. ILSO also helped the LAO RAD and JR review committee evaluate merit assessments.

Lastly, ILSO cooperated with the Ottawa LAO criminal duty counsel office to offer immigration advice for clients seeking to enter a plea. ILSO lawyers have travelled to the court to assist vulnerable clients unable to travel to ILSO and/or to accommodate the availability of interpreters.

Appendix C: Hamilton District Office— Southwestern Ontario Services

Strategic objective 1: high quality, compassionate, sustainable services

RLO Hamilton continues to be committed to providing high-quality and effective legal representation for immigration and refugee clients in the Southwest region and ensuring access to justice for vulnerable clients.

The Refugee Law Office in the Hamilton Kitchener district office has been open since February 3, 2014. The officer has two staff lawyers, Lily Tekle and Keith MacMillan, and one paralegal, Stephanie Talbot. RLO Hamilton continues to have significant volume of files including representation before the RPD, ID, IAD, RAD and Federal Court.

To date, the office has provided legal services to approximately 585 clients and has approximately 212 open files. The office has closed approximately 373 client files and has a high success rate with RPD, ID, RAD, and Federal Court litigation. The bulk of RLO Hamilton's work consists of refugee hearings, detention reviews, humanitarian and compassionate applications, pre-removal risk assessment applications, refugee appeal division/judicial review merit assessments and representation of clients before the Immigration Appeal Division. The Office also represents clients on Ministerial Danger Opinion applications, engages in appellate litigation before the RAD, judicial review applications and emergency stay of removal applications in Federal Court and provides summary legal advice to clients on legal issues. Summary legal advice referrals stem from shelters, community organizations, legal clinics and LAO staff members. There are also walk-in clients who are referred to RLO Hamilton after consulting with duty counsel at the criminal courthouse in Hamilton and surrounding areas.

The number of matters referred to the office continues to increase, and overall RLO Hamilton office has provided effective and quality legal representation to the refugee and immigrant population in the Southwest region.

RLO Hamilton remains particularly committed to working with vulnerable clients who experience domestic/sexual violence, suffer from mental health illness and/or substance abuse problems due to drug/alcohol addictions, and offering critical legal support or assistance to immigration detainees. Overall, the office has successfully enhanced client services in the Southwest region.

This service is especially critical given that the city of Hamilton only has two private bar lawyers on the legal aid panel and RLO Hamilton's two staff lawyers are the only lawyers approved by Legal Aid to represent clients with appellate litigation.

RLO Hamilton also provided support to the law office of Jared Will and Josh Blum in their representation of long-term immigration detainee Kashif Ali with his *habeas corpus* application in Superior Court. The office's staff lawyer prepared a detailed affidavit outlining her legal representation of Mr. Ali before the Immigration Division and collaborative efforts to facilitate his removal from Canada. This affidavit was subsequently used to support Mr. Ali's *habeas* application. After his release from immigration hold, Mr. Ali frequently contacted the office to provide updates of his successful reintegration into his community.

In addition, the office identified test cases to be included in the mandamus applications prepared by RLO Toronto and the Refugee Lawyer's Association and provided support to these entities by preparing affidavits with the selected applicants with regard to the legacy claim litigation.

Strategic objective 2: leadership in refugee law

Maintain positive and good relationships with the private bar, clinics, community agencies, and non-governmental agencies and provide mentorship to private bar lawyers and/or articling students.

RLO Hamilton has actively participated in public legal education programs as its staff members have delivered presentations or seminars on immigration and refugee law to numerous stakeholders in the Southwest region.

The office has presented on different immigration/refugee issues such as

- the intersection between immigration and criminal law
- initiating an inland refugee claim at CIC
- completion of applications for permanent residence for Convention Refugees
- PRRA and H&C applications and
- legal aid services provided to immigration and refugee clients.

These presentations have been given to

- the Fort Erie Multicultural Centre
- St. Catharines Multicultural Centre
- undergraduate students at the University of Western Ontario in London and McMaster University in Hamilton
- Micah House Shelter in Hamilton
- Hamilton Community Legal Clinic
- Waterloo Community Legal Services
- Maplehurst Correctional Complex

- YMCA Hamilton Immigrant Services and
- the Family Violence Project with Carizon Family and Community Services in Kitchener.

Upon completion of the presentations as well as extensive outreach initiatives, a majority of these organizations/institutions have now accessed RLO Hamilton to receive legal representation for legal aid clients with different immigration and refugee matters. The office intends to continue establishing and maintaining good relationships with clients and stakeholders in the Southwest region.

RLO Hamilton is also interested in ensuring that mentorship opportunities are available to assist junior lawyers or articling students in order to expand the number of private bar lawyers who provide general and appellate legal aid services in the Southwest region. So far, the office has completed legal training for three articling students, RPD litigation training for one clinic lawyer with Justice Niagara and students in the paralegal program at Mohawk College. Staff also provide training to LAO summer students and law students who seek summer internship opportunities for academic credit.

Supporting other LAO offices and legal clinics

RLO Hamilton assists the Hamilton Kitchener District Office and other legal aid offices in Southwest Region with assessing legal merit for the issuance of immigration certificates. The office's staff lawyers also help the LAO RAD review committee evaluate merit assessments and determine whether additional legal aid funding is warranted to perfect RAD appeals.

Additionally, the office participated in a seminar hosted by the Hamilton Community Legal Clinic, Canadian Council of Refugees, and Neighbourhood Legal Services. The seminar focused on the impact and legal options for excluded family members pursuant to Regulation 117(9)(d) and was held at the Immigrant Working Centre in Hamilton in April 2017. The office provides summary legal advice to clients working with IWC case workers and assists with preparing humanitarian and compassionate submissions on behalf vulnerable clients.

RLO Hamilton also collaborated with RLO Toronto office to prepare for the LAO-RLO Annual Conference in June 2017.

Appendix D: Acronyms

AFA	Alternative Fee Arrangements
BOC	Basis of Claim form
CARL	Canadian Association of Refugee Lawyers
CBSA	Canada Border Services Agency
CCR	Canadian Council for Refugees
DOJ	Department of Justice
GTA	Greater Toronto Area
H&C	Humanitarian and Compassionate
IAD	Immigration Appeal Division
ILSO	Integrated Legal Services Office
IRB	Immigration and Refugee Board
IRCC	Immigration, Refugees and Citizenship Canada
JR	Judicial review
LAO	Legal Aid Ontario
PRRA	Pre-Removal Risk Assessment
RAD	Refugee Appeal Division
RLA	Refugee Lawyers Association
RLO	Refugee Law Office, Legal Aid Ontario
RPD	Refugee Protection Division
SLARI	Summary Legal Advice Refugee and Immigration



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