

**Meeting of Legal Aid Ontario
immigration and refugee law
advisory committee on
April 27, 2017**



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1 Committee members

John McCamus (Chair), Deyanira Benavides, Raoul Boulakia, Debbie Douglas, Rana Khan, Jennifer Hyndman, Gerri MacDonald, Gladys MacPherson, Deepa Mattoo, Toni Schweitzer, Andrea Sesum, Peter Showler, Maureen Silcoff, Christa Freiler (LAO Board Liaison)

2 Welcome and introductions

The Chair opened the meeting and welcomed those present.

3 Minutes, October 12, 2016

The minutes of the October 12, 2016, meeting were approved. It was noted that committee minutes, once approved, are posted on Legal Aid Ontario's website.

4 Legal Aid Ontario business planning slide deck and discussion

The Chair presented highlights of the [Legal Aid Ontario Board Advisory Committees Spring 2017 Meetings: Legal Aid Ontario Updates and Environmental Scan](#) slide deck.

5 Immigration and refugee services update and discussion

Legal Aid Ontario's executive lead, refugee and immigration services – GTA (Greater Toronto Area), provided an update on Legal Aid Ontario's refugee and immigration expenditures and certificate pressures.

Legal Aid Ontario has a refugee and immigration services program that is operating very well and providing high quality services. Coverage has been expanded in some areas. A new refugee law office has opened in Hamilton.

Expenditures for the program in 2016/17 were \$24.5 million. In 2016/17 Legal Aid Ontario issued 12,658 certificates, including 9,006 Refugee Protection Division hearings.

Certificate numbers are rising sharply and at the same time case cost has also gone up. Legal Aid Ontario believes that program expenditures will reach \$28.5 million this year. This is occurring while Legal Aid Ontario is also facing serious financial pressures in other areas.

Legal Aid Ontario has been working with the Immigration and Refugee Board to encourage more expedited hearings, which cost half as much as full hearings.

Legal Aid Ontario had hoped for more federal funding to address these pressures, but the five-year federal funding that was announced in the recent budget is essentially the same as in the past ten years: \$8.6 million per year for the first two years (an increase of \$1.6 million) followed by a return to \$7 million per year for the last three years.

Legal Aid Ontario has a \$13.1 million gap that it needs to fill to maintain its program in 2017/18. There is a need for ongoing sustainable funding that is indexed to demand for services to allow Legal Aid Ontario to respond to these kinds of changes.

Legal Aid Ontario is working with the Department of Justice Canada, Immigration, Refugees and Citizenship Canada, and Ontario's Ministry of the Attorney General to try to secure additional funding to sustain Legal Aid Ontario's program. Because the situation for Legal Aid Ontario is so urgent, and cannot continue unaddressed, Legal Aid Ontario has asked them to respond by the middle of May 2017.

If political engagement does not bring a response by mid-May, the next step for Legal Aid Ontario will be stakeholder consultations to determine how to bring the cost of the program down from \$33 million to \$20.5 million. Legal Aid Ontario has been preparing a consultation paper to obtain feedback on options for possible immediate service reductions, as well as longer-term changes to service delivery. The consultation paper will be posted on Legal Aid Ontario's website if there is no response from government over the coming two weeks. Legal Aid Ontario has shared with government the options that must be considered if no funding is obtained, and these options are not good.

Committee members provided input and advice. The views expressed do not necessarily reflect the views of every member.

- Legal Aid Ontario was advised that its projection of \$28.5 million in costs for the refugee program in 2017/18, based on the issuance of 13,500 certificates, may be drastically low. Extrapolating from what happened in the first three months of the year, there may be 33,000 refugee claims in Canada this year, up from 21,500 in 2016-2017, and Ontario would get the larger piece of that overall pie. Summer and fall are the most active seasons in terms of movement of refugees. That means that the coming months could see a significant increase over the activity already seen in the first three months of the year, without factoring in the anticipated increase in people coming up from the United States to make claims in Canada.

- Members urged Legal Aid Ontario to advocate for additional funding to support refugee law services. Refugees are unable to advocate for themselves. The consequences of a negative decision are extreme and immediate; deportation occurs quickly.
- Members understood that Legal Aid Ontario's preference is to refrain from public advocacy while a response from government may be pending. However, it was noted that assistance from partners and stakeholders can play an important role. The point must be made that, if assistance is not provided, the results will be catastrophic.
- Legal Aid Ontario could benefit from having partners at the table who are knowledgeable about the impact that service cuts will have on refugees and immigrants. These points can be made more powerfully if they come from the community. Organizations such as the Canadian Council for Refugees and the Ontario Council of Agencies Serving Immigrants should be consulted.
- Legal Aid Ontario should not focus solely on talking to the federal government about the need for more funding for refugee law services. It would help if additional funding could be obtained in other areas as well.
- A key message that needs to get across is that the role of counsel is critical to effective and efficient functioning of the Immigration and Refugee Board. Cases will take even longer to process without the assistance of counsel.
- One of the measures that could improve productivity is increasing the number of expedited hearings.
- The Immigration and Refugee Board has a backlog of cases built up from last year. The government is concerned about the backlog, but so far no extra funding has been provided for dealing with the over 5,000 legacy cases in the system, plus other cases that should already have been decided and are also contributing to the backlog. In all, there are approximately 7,000 backlogged cases. There has been discussion of a special task force and program to process the legacy files, but there was no new funding for this in the federal budget.
- The impact on legal aid is often not taken into account when government policies are changed. An example would be removing the Mexican visa requirement. Members emphasized that the government should take responsibility for its positions and policies that affect legal aid's ability to function within its budget.
- The point was made that Legal Aid Ontario's efforts to increase administrative efficiency are imposing administrative burdens on the private bar. Because Legal Aid Ontario can no longer dedicate resources to receiving faxes, lawyers are required to scan and upload documents using the lawyer portal. If a lawyer is unable to afford a powerful

scanner, it can take them an hour to upload a single document. This kind of offloading is time-consuming and frustrating for many members of the bar.

6 Other business

None raised.