

## Stakeholder feedback

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<b>Session date, time &amp; location:</b>	Monday, May 29: 5:30 pm – 7 pm Legal Aid Ontario - Provincial Office (Toronto)
<b>Number of participants:</b>	19 in total: <ul style="list-style-type: none"><li>• 5 lawyers</li><li>• 2 community legal clinic representatives</li><li>• 3 law students</li><li>• 3 community agency representatives</li><li>• 3 community health centre representatives</li><li>• 1 member of the public</li><li>• 1 anonymous attendee</li><li>• 1 media representative</li></ul>

### “What LAO heard”

#### Refugee & immigration trends

- One participant wanted to know if LAO was experiencing an increase in appeals-related rejections of claims at the IRB.
- One participant wanted to understand why LAO needed to make cuts urgently within such a short time frame given the availability of data and the predictability of an increase in demand due to national policy changes in the last couple of years (i.e. federal Liberal government changes).

#### Legal Aid Ontario’s refugee & immigration budget

- Participants wanted to know if the federal and provincial government funding received by LAO included a requirement for LAO to designate funding specifically to refugee and immigration services.
- One lawyer wanted to know how LAO made the decision to reduce funding for refugee and immigration services.

- One lawyer wanted to know how service suspensions to LAO's refugee and immigration services compare to service suspensions in LAO's criminal and family law services
- One lawyer suggested that, if LAO is advocating to the federal government for an increase in funding due to the increase in demand for refugee and immigration services, the same principle could be applied internally at LAO. This should mean that LAO ought to allocate more money from its overall budget to meet the demand for refugee and immigration services.
- One lawyer disagreed with LAO's rationale for reducing refugee and immigration services. The lawyer maintained that LAO significantly increased salaries between 2012 and 2015. There was the suggestion that this funding could have been allocated to vulnerable clients.
- One lawyer wanted to know why, according to data from outside sources, LAO's professional staff costs increased by 420%.
- One lawyer wanted to know the percentage of LAO's staff Duty Counsel budget in comparison to the *per diem* duty counsel budget when LAO primarily paid for services by private bar submitting daily accounts.
- One community legal clinic representative expressed the overall frustration and disappointment with the situation.
- One community legal clinic representative wanted to know how clinics received an increase in funding for employment lawyers and criminal law services yet there is no money for refugee services.
- One lawyer wanted to know why LAO is not using its financial reserves to address the deficit in relation to refugee and immigration services.
- One lawyer wanted to know if the recent review of LAO was a reason for the federal government being reluctant to allocate increased funding for refugee and immigration services.

### Service suspension prioritization

- One lawyer wanted to know what test LAO used to assess client vulnerability. There was a suggestion that LAO should use the same test used in LAO's recent decision to reduce services in criminal and family law. If LAO provided a

comparable and transparent framework, stakeholders would be more confident in LAO's decision making process.

- Service suspensions could create a community of persons without legal status at greater risk due to a lack of access to legal services.
- LAO should anticipate an increase in clients applying for services through community legal clinics. One community legal clinic representative indicated that community legal clinics are already at capacity with limited refugee and immigration law service capacity. Not all clinics provide refugee and immigration services. It was highlighted that a strong private refugee bar was crucial to the effective delivery of refugee and immigration services in Ontario.
- One lawyer wanted to know why immigrant detention clients are not highlighted in LAO's risk analysis.
- One community agency representative wanted to know how many Pre-Removal Risk Assessments (PRRAs) certificates LAO issued in 2016/17.
- One lawyer suggested LAO should prioritize funding for clients to receive one risk assessment. LAO should focus on funding the H&C applications, not the PRRAs due to the low success rate.
- One community legal clinic representative indicated that clients entering the system initially will require high quality legal advice to avoid subsequent challenges further along. The initial process and legal supports provided are critical. At each subsequent level of proceeding, a client's rate of success drops. To avoid creating further issues downstream for clients and increasing costs longer term, LAO initial services, like RPD, should be prioritized.
- One lawyer highlighted that LAO will be forced to reduce BOC certificates due to the large proportion of LAO's budget they represent. It was suggested LAO should not aim to reduce funding for clients applying from Designated Countries of Origin due to the lower success rate of around 70% as these clients are still entitled to access to justice.
- One community agency representative wanted to know how LAO was going to address the backlog of legacy cases at the IRB and whether LAO would continue to issue to existing clients.

## Service suspension option 1

- One lawyer suggested LAO should take advantage of legacy cases at the IRB by reducing funding for appeal certificates. LAO should instead prioritize funding the BOC and RPD preparation to ensure clients entering the system are prioritized with high quality legal services to increase the chances of a successful outcome.

## Financial eligibility assessment

- One lawyer suggested that due to the backlog at the IRB, BOC applicants who have been in Canada for three or four years are more likely to be able to afford a lawyer and will not meet LAO's financial eligibility re-assessment test.

## LAO policies & procedures

- One lawyer indicated that it would be helpful if LAO could clarify with the private bar what financial assistance policy will look like. For example, could the client enter into a paying relationship with the lawyer after LAO refugee and immigration services are temporarily suspended? How does this impact LAO's policy that counsel must disclose a private retainer for services?

## Community partner relations

- One community agency representative suggested LAO should focus on consulting with racialized communities most affected by service suspensions.