

Stakeholder feedback

Session date, time & location:	Thursday, June 8 th : 2.30pm – 4pm Legal Aid Ontario - Provincial Office (Toronto)
Number of participants:	15 representatives from a coalition of refugee housing providers

“What LAO heard”

Refugee & Immigration Trends

- One attendee highlighted that there has been an increase in clients from countries, such as Turkey, requiring access to PRRAs due to recent political events.
- LAO should be aware that starting September there is likely to be a significant increase in the number of legacy cases going to the IRB in 2017/18.
- Attendees highlighted that the number of inland claims have increased dramatically.

Legal Aid Ontario’s Refugee & Immigration Budget

- Attendees wanted to know if other areas of law funding by LAO, such as Criminal and Family, were in the same situation and forced to reduce services?

LAO Response: Yes. LAO is under significant financial pressure in all areas of legal aid coverage – criminal, family, refugee and immigration. Savings have been found in other areas of law already. LAO is forecasted to have an \$11M deficit this year that does not include the \$13M shortfall in the refugee program.

- One attendee wanted to know the percentage of LAO’s refugee and immigration program budget in comparison to LAO’s overall budget?

LAO Response: At \$20.5M, LAO's Refugee and Immigration program budget is approx. 5% of LAO's total budget.

- One attendee suggested LAO ought to allocate more money from its overall budget to meet the demand for refugee and immigration services. LAO indicated that it is currently running a deficit due to demand in all program areas and that LAO serves many vulnerable clients; there is no available funding in LAO's overall budget to allocate to meet the increasing demand for refugee services.
- One attendee had concerns with LAO's strategy to reducing services. It was suggested that this is a political issue between LAO and the Federal government and that clients should not be used as a tool in these negotiations.
- One attendee wanted to know if LAO is looking at other ways to decrease costs in a more equitable manner. For example is LAO considering whether it ought to reduce the tariff hours for certificates ... say 14 hours rather than 16 for certain certificates.

LAO Response: LAO anticipates increasing demand and requires stable funding indexed to demand to provide high quality legal services to vulnerable clients this year and for the foreseeable future. Reducing tariff hours on certificates may help in the short term but is not a long term solution. A small reduction in tariff hours on certificates is unlikely to address LAO's 2017/18 financial crisis and close the \$13M gap.

- One attendee wanted to know the reason for the inadequate federal funding.

LAO Response: Despite the increasing demand for refugee and immigration services, the federal government's financial contribution for these services has remained static for over a decade. In 2016/17 the federal and provincial governments responded to LAO's urgent request for in-year funding to meet growing demand through an infusion of \$6.72 million in additional funding. This brought the federal contribution in fiscal 2016/17 to about \$13M. The five year refugee funding plan announced in the March 2017 federal budget increases funding from \$7.4M to about \$9M for two years and then returns to \$7.4M, the levels of the previous decade. The increase in funding does not reflect the costs associated with increased demand. LAO's projected costs of the Refugee and Immigration program are estimated to be \$33.5M. LAO requires a greater increase in federal funding to meet demand.

- One attendee highlighted that they appreciate the difficult decisions that LAO has to make based on the financial situation. However, this is going to lead to a system where some clients are only going to be able to access the system either in part or not at all and this is going to have serious consequences for clients.
- Attendees broadly agreed that advocacy efforts by refugee housing providers and other community agencies with local MPs and MPPS for increased refugee and immigration funding is necessary. It was highlighted that refugees and immigrants should be removed from this political equation.
- Attendees wanted LAO to advocate to IRB Judges to exercise sensitivity during this crisis and in any circumstances where claimants appear unrepresented at the Board.

LAO Response: LAO has been working closely with the IRB to help improve the process and will be meeting with the IRB again shortly. The IRB also has an interest in not having clients unrepresented at hearings.

- One attendee wanted to know how cost effective was the RLO- Toronto?

LAO Response: The RLO is slightly more expensive at a cost per case basis because it accepts clients who are highly vulnerable, such as those with mental health issues. These cases require more time and client support. LAO is constantly monitoring these costs.

- One attendee wanted to know how LAO's certificate payments worked and if the 50% postponement in IRB hearings would have any impact on LAO's refugee budget this year.

LAO Response: Although billing and payments are delayed with IRB postponements, this is unlikely to have a significant effect on LAO's refugee budget.

Service Suspension Prioritization

- Attendees broadly agreed that that LAO should not be reducing any services for refugee and immigration clients. All services were viewed as critical, especially when specific client circumstances are taken into account.

- One attendee highlighted that LAO has previously consulted in 2012 with stakeholders on refugee reforms. At that time, refugee protection determination was considered to be the priority. The lawyer preparing the BOC is critical and this has not changed.
- It was highlighted that clients with Legacy Cases must have access to H&Cs. They may have been here for 5 to 7 years and have a very strong case and absolutely require access to critical legal services, including an H&C legal remedy.
- One attendee highlighted that there had been a lot of advocacy that went into the creation of a refugee appeal division due to the mistakes that happen at the refugee protection division. All of this work is at risk of being lost if LAO stops funding refugee appeals.
- One attendee highlighted that the legal community in Ontario is discussing a constitutional challenge to the service suspensions. Many people view these cuts as discriminatory and LAO should consider the potential costs of a charter challenge as a result of these service suspensions.

General Immigration Suspension

- One attendee highlighted that many refugee housing providers, settlement agencies and other community agencies pick up slack in the system where LAO does not provide services. These agencies will be severely impacted by these cuts and do not have the capacity to deal with the anticipated volume in clients who will be forced to look for legal services elsewhere.

Service Suspension Option 2

- It was highlighted by attendees that training and educational materials are already provided by refugee housing providers and settlement agencies on issues such as how the PRRA process works and how to complete H&C applications. While these sessions are valuable for clients there is always a request from clients for individual legal support as each case is unique. If LAO only provides RPD services many of these clients will go unserved.

Service Suspension Option 3

- Attendees highlighted that this option is likely to lead to an increase in the number of failed refugee hearings and consequently, an increase in RADs and JRs.

Alternative Service Suspension Routes

- One attendee suggested LAO should carefully consider any options that include split payments between LAO and the private bar for the same client. In the Quebec system there are often lots of complaints from clients as it is not always clear who pays for what and is a challenge for clients to navigate.
- Attendees highlighted that the IRB will start accepting BOC materials by email by July 1st. This should reduce some costs in relation to courier costs.

Impact on Staff

- The refugee staff services will be critical at this time. Community legal clinics are doing excellent work with extremely vulnerable clients and have some refugee and immigration legal capacity but this is very limited when you consider the overall demand.
- It was highlighted that the refugee staff services should continue to play a key role providing detention reviews and H&C applications.
- It was highlighted that staff at refugee housing and other community agencies are unlikely to have the ability to provide the kind of services LAO is proposing to suspend as they do not have professional insurance liability coverage for staff.
- It was highlighted that LAO refugee staff services already can't deal with the volume of referrals from agencies. One way to address this issue would be to expand the capacity of the refugee staff offices.

Community Partner Relations

- One representative suggested LAO should focus on consulting with communities and clients likely to be most affected by service suspensions, such as those with lived experience of the Canadian refugee and immigration system.

LAO Response: LAO has heard this feedback at other sessions and will be organizing a specific session specifically for those who have been through the Canadian refugee and immigration system. Feedback from this session will be posted on the consultation website.