

Lawyer-assisted application form for Deferral Requests and Stay Motion proceedings

This form is reserved for applications for the following immigration and refugee law services:

- Deferral Requests
- Stay Motions

This is an initial application form to be completed by a lawyer on behalf of an applicant to begin the application process. Where the information provided can satisfy eligibility requirements, a certificate will be issued and sent directly to the lawyer.

Where financial eligibility cannot be confirmed or there is no active Consent and Declaration on file with LAO, applicants may be required to call LAO at **416-979-1446** or toll free **1-800-668-8258** to complete this initial application.

LAO may also send this form to a client's Lawyer of Choice where a client has applied for a certificate and further case details are needed to determine eligibility.

Failure to complete this form in its entirety may result in the client needing to contact LAO to apply through the normal process.

Client information

Name:

LAO Client Number:

Home
address:

Unit #:

Town/City:

Province:

Postal code:

Phone:

Email:

Date of birth:

Gender:

Male

Female

X

Unknown

Status in Canada:

Country of origin:

In Canada since:

Legal Case Detail Questions for Stay Motions & Deferral Requests

Has the client received a “**Direction to Report for Removal**” with the date CBSA has scheduled them to leave Canada?

Yes

No

Note: if the client does **not yet** have a removal date, they **do not yet qualify for Deferral Request or Stay Motion coverage**. To request an **exception**, provide details below:

Date client received the Direction to Report for Removal notice?

Date of removal:

What country will the client be removed to:

Are there any upcoming hearing dates or deadlines in any immigration matters?

Yes

No

If yes, specify:

Does the client have a criminal record or are they facing criminal charges in Canada or another country? Yes No

If yes, specify:

Has the client previously made a request to defer removal or filed a motion to stay removal? Yes No

If yes, specify and indicate result:

Does the client have a pending Judicial Review application in Federal Court, or will they file one soon? Yes No

If yes: What type of decision is being judicially reviewed (e.g. RPD, RAD, PRRA, H&C, etc.):

What stage is it at (is leave perfected, etc.)? Provide the Federal Court file numbers:

What coverage is being applied for?

Deferral Request

Stay Motion

Is any other immigration certificate being requested? If so, specify in the space below and provide details:

Deferral Request Legal Case Detail Questions

To be eligible for coverage, the deferral request must be linked to an outstanding proceeding which would permit the client to remain permanently in Canada. This includes proceedings that will lead to the client becoming:

- A permanent resident (deferral pending an outstanding H&C application or Spouse or Common-Law Partner in Canada class application) or
- A protected person (deferral pending a subsequent Pre-Removal Risk Assessment (PRRA) or PRRA reopening request, refugee claim or appeal reopening application).

LAO will generally not cover deferral applications:

- For temporary stays in Canada to permit children to complete school years or for medical procedures
- Pending the outcome of outstanding Federal Court judicial review applications – in these cases, stay motion coverage should be applied for.

Until what event or date will deferral of removal be requested?

What will happen to the client if the deferral is not granted?

Does the client have any pending immigration applications? (e.g. H&C, sponsorship application, second PRRA, other):	Yes	No
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Type of pending application:

Submission date:

Does the client face any serious risks or hardship in their country of origin?	Yes	No
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Please describe:

Has the client previously made a refugee claim or submitted a PRRA? If yes, is there any new evidence of risk that was not available previously? If so, please describe the new evidence and when it became available:

Does the client have any serious health conditions, including mental health or addiction issues? Yes No

If yes, describe any treatment the client receives in Canada and how their health will be affected by removal from Canada. Indicate whether client has a formal diagnosis:

If the client has children, how will the children be affected by the client's removal? Are the children scheduled to be removed with the client?

Stay Motion Legal Case Detail Questions

In respect of what type of Judicial Review application will a stay motion be brought?

RPD or RAD PRRA H&C Refusal to Defer Removal

Other (please specify):

Has the client already received Judicial Review certificate coverage for the JR?

Yes (provide CE #):

No (JR merit assessment certificate will be issued and stay coverage will be included if merit is established).

Has a merit assessment already been submitted?

Yes (Check yes if the merit assessment was previously submitted, or is being submitted at the same time as this application.)

No (Attach the decision that will be challenged and provide a summary of the merits of the JR in the space below.)

Provide comments on the legal merit of the stay motion, including on serious issue, irreparable harm, and balance of convenience, as well as any details known regarding clean hands:

Financial information

Has the applicant paid a lawyer any money for this proceeding? Yes No

If yes, what amount? \$

Financial information must be provided for the applicant and any spouse/person responsible.

Family size:

Marital status: Single Married Common-law

 Divorced Separated Widowed

Attachments

When submitting this form via Email (see below), please attach copies of the following documentation (if available / applicable):

- Direction to Report for Removal
- Federal Court leave memorandum for any pending JR
- RPD, RAD, PRRA and H&C decision (all decisions, as applicable)
- Deferral request and stay motion written representations (if they have already been filed)
- Any previous deferral decision or stay motion order (if applicable)
- Last two pay stubs, if client or spouse is employed

Lawyer Attestation

By submitting this form, I declare that the applicant has verbally consented to have me submit this application on their behalf. I confirm the information contained herein is complete, true and accurate to the best of my knowledge. I have confirmed that the applicant understands that in accordance with Legal Aid Services Act, 2020, Section 13, Legal Aid Ontario may recover the cost of legal aid. I also attest that the applicant understands the notice of collection below.

I further confirm and declare that:

I have a prior history representing the Applicant with LAO. I have confirmed that the Applicant understands that the certificate will be issued to me and consents to have the issued certificate sent directly to me; or

I do not have a prior history representing the Applicant with LAO. I acknowledge that I have explained to the Applicant their rights and options, including the right to retain any lawyer they wish. I have confirmed that, being aware of their options, the Applicant consents to have the certificate issued and sent directly to me.

Name

Solicitor number

Signature

Date

The information being collected is pursuant to the Legal Aid Services Act, 2020, and is in accordance with the Freedom of Information and Protection Act (FIPPA), 1990, for the purposes of determining eligibility for legal aid services, allowing for the collection/enforcement of any debt to LAO, and identifying low income individuals and disadvantaged communities to assess their legal needs. Any questions regarding this collection should be directed to the Privacy and Information Management Coordinator at fippa@lao.on.ca and/or 1-800-668-8258.



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