LEGAL AID ONTARIO

NOTICE

TEMPORARY TARIFF FRAMEWORK FOR IMMIGRATION AND REFUGEE MATTERS

Issued: November 5, 2026

On November 3, 2026, amendments to the federal *Immigration and Refugee Protection Regulations* and *Refugee Protection Division Rules* came into force. In addition to the amendments now in force, Immigration, Refugees and Citizenship Canada (IRCC) has launched a new online Refugee Claim Application (RCA) portal for the purpose of intake and processing of new refugee claims.

In response to these developments, Legal Aid Ontario (LAO) must determine how best to redesign the existing tariff to ensure alignment with the new stages of the refugee claim process. Changes to the legal aid tariff require amendment of Schedule 2 to the Legal Aid Services Rules (Rules). Once drafted, LAO will post the proposed amendments for public consultation in accordance with subsection 46(3) of the *Legal Aid Services Act, 2020* (LASA) and LAO's Public Consultation Policy. This process is expected to take several months.

In the interim, this Notice establishes a temporary framework that sets out how LAO will continue to issue certificates under the existing tariff by aligning its certificate tariff and eligibility policies for refugee claim and pre-removal risk assessment services with the new processes. Concurrently, LAO will take the required steps to amend Schedule 2 to the Rules (the legal aid tariff) and the eligibility policies to align with the changes made by the federal government.

Overview of the Federal Legislative Changes

The federal regulatory amendments include the following changes, effective November 3, 2026:

- The Immigration and Refugee Board's (IRB) Basis of Claim (BOC) form will no longer be used for claims made on or after November 3, 2026, and has been replaced with a new portal application, known as the Refugee Claim Application (RCA). The RCA has two parts: a personal information questionnaire (similar to the discontinued IRCC refugee claim portal questionnaire) and a basis of claim information section (similar to the discontinued BOC form).
- A refugee claimant who makes a claim with Canada Border Services Agency (CBSA) at the Port of Entry will be asked to complete both parts of the RCA within 60 days of

their claim having been determined to be eligible for referral to the IRB's Refugee Protection Division (RPD). A 30-day extension is available on request.

- An inland refugee claimant will be required to complete the first part of the RCA (personal information questionnaire) to initiate a claim, after which they will attend an eligibility interview with an IRCC officer. If the claim is determined to be eligible for referral to the RPD, the inland claimant will then have 60 days to complete the second part of the RCA (the basis of claim information section). A 30-day extension is available on request.
- A refugee claimant who fails to meet the requirements of the initial stages of the refugee claim process (e.g. fails to attend an eligibility interview, provide documents requested by the Minister, or submit a complete RCA by the deadline) will be subject to a pre-referral abandonment hearing before the RPD.
- After a refugee claimant submits a complete RCA, the Minister has up to 365 days to consider the claim. This new phase will be known as "Minister's Due Diligence" (MDD). During MDD, the claim will be reviewed for possible intervention by the Minister, and Front-End Security Screening (FESS) will take place. On completion of MDD, the claim will be referred to the RPD and the claimant will be notified.
- A claimant's personal disclosure documents will be due to the RPD within 30 days after referral. Individual claimants will therefore no longer receive requests for disclosure under the IRB's Less Complex Claims policy. Country conditions documents will be due 10 days before the refugee hearing, as is currently the case.
- If a client is a minor or cannot appreciate the nature of the proceedings, the Minister of Citizenship and Immigration or the Minister of Public Safety and Emergency Preparedness may appoint a Designated Representative (DR) for pre-removal risk assessments, danger opinion proceedings, and removal proceedings. This expands the use of DRs outside IRB proceedings.

References to Basis of Claim Form

Wherever an LAO rule or policy refers to the BOC form and narrative, it can be taken to refer to the basis of claim information section of the Refugee Claim Application (RCA), including any narrative, for claims made on or after November 3, 2026.

Temporary Allocation of Tariff Hours

The Table of Concordance at the end of this Notice sets out the temporary framework for authorizing and billing services provided under the new refugee claim process. It identifies the stages of work in the new process that correspond to existing certificate wordings and tariff

provisions in Schedule 2 to the Rules. The temporary framework will govern the allocation of tariff hours until amendments to the tariff in Schedule 2 to the Rules come into force.

The sections below describe and explain the application of this temporary framework.

In the event of any inconsistency, the Table of Concordance governs.

Temporary Framework for Standard 9-Hour Refugee Claim Certificates

Under the temporary framework, LAO will continue to issue standard 9-hour BOC preparation and refugee claim filing certificates. Counsel are authorized to use these certificates to cover preparation and filing of the new RCA.

On completion and submission of a completed RCA, counsel should upload a copy of the completed basis of claim information section and proof of submission to the Legal Aid Online portal, at which time the additional 9-hour coverage will be added to the certificate. This additional 9 hours covers providing advice on personal disclosure during the new MDD period and preparing and submitting personal disclosure within 30 days after referral to the RPD. The 9-hour coverage will also apply to any other services related to representing the claimant while the claim is before the RPD, including preparation for and representation at a hearing.

When uploading proof that a completed RCA has been submitted, lawyers **must** select “RPD Authorization Materials” as the document type in the Legal Aid Online portal. If this is not selected, the request will not be actioned. See Instructions for lawyers on requesting hearing coverage.

If a claim is sent to a pre-referral abandonment hearing, the further 9-hour hearing authorization may also be requested, provided it can be established that the claim is eligible for referral to the RPD.

Temporary Framework for 12-Hour Less Complex Claims Certificates

Under the temporary framework, LAO will continue to issue 12-hour BOC preparation certificates to clients who are likely to be routed through the IRB’s Less Complex Claims (LCC) process. Counsel are authorized to use the hours on these certificates for preparation of the RCA, to provide advice on personal disclosure during the MDD period, and to prepare and submit personal disclosure within 30 days after referral to the RPD.

Under the amended *Refugee Protection Division Rules*, all claimants must submit personal disclosure to the RPD within 30 days after referral. As a result, individual claimants will no longer be asked to submit disclosure under the IRB’s LCC policy. The 3 additional hours built into these 12-hour certificates to provide disclosure under the LCC process may now be used to prepare and submit personal disclosure within 30 days after the referral to the RPD.

If a refugee hearing is scheduled, these certificates may be amended to include coverage for the hearing (6 hours of additional preparation time). There is no change to the current process, and counsel may obtain hearing coverage by providing a copy of the Notice to Appear.

If the claim is sent to a pre-referral abandonment hearing, the 6-hour hearing authorization may also be requested, provided it can be established that the claim is eligible for referral to the RPD.

Temporary Framework for Work on a Family Member Narrative

The current tariff includes a 3-hour “enhancer” for BOC preparation when a family member of the principal claimant requires a separate narrative because they have a different country of citizenship, or a separate risk profile. This enhancer is now authorized for use in the basis of claim information section of the RCA. It may be requested using the Refugee claim certificate authorizations request form.

Temporary Framework for Pre-Removal Risk Assessments (PRRA)

Under the temporary framework, LAO will continue to issue 10-hour PRRA certificates, with an additional 6 hours of preparation time available if a PRRA hearing is scheduled. Clients are eligible to receive a PRRA certificate once the Canada Border Services Agency formally notifies the client of their right to apply for a PRRA and provides the client with the application deadlines.

Clients whose inland refugee claims are ineligible to be referred to the RPD will continue to receive 9-hour or 12-hour BOC certificates, as described above. In the new RCA, ineligible inland claimants are only required to complete the first part of the RCA (personal information questionnaire) but are not required to submit the second part (the basis of claim information section). Lawyers may bill these 9-hour or 12-hour BOC certificates for work on PRRA applications for ineligible claimants, in addition to the work of completing the first part of the RCA.

Clients will continue to be eligible to receive a 10-hour PRRA certificate even if the BOC certificate is used for PRRA work.

Temporary Framework for When a Designated Representative is Appointed

The current tariff includes a 3-hour “enhancer” that is available when the RPD appoints a Designated Representative for a claimant who is an adult who cannot appreciate the nature of the proceedings. This “enhancer” is now authorized for use when the Minister appoints a Designated Representative in PRRA, danger opinion, or enforcement of removal

proceedings, or when the IRB appoints a Designated Representative in proceedings before any division, and the client is an adult claimant or an unaccompanied/separated minor.

It may be requested using the Refugee claim certificate authorizations request form (for RPD Proceedings) or the Immigration certificate authorizations request form (for all other proceedings).

Basis of Claim Upload Requirement

Since 2023, LAO has required roster lawyers to upload completed Basis of Claim forms and narratives to the Legal Aid Online portal within 30 days after their completion.

The BOC form has been discontinued and is replaced by the basis of claim information section of the RCA, which contains the risk-related questions.

Lawyers must now upload a copy of the completed basis of claim information section of the RCA, and any narrative, within 30 days after their completion.

All other instructions related to this requirement continue to apply.

TABLE OF CONCORDANCE

	Services covered on a temporary basis to align with the federal legislative changes	Existing certificate wording	Legal Aid Services Rules Schedule 2, Fees and Disbursements Part D, Table 9		
			Item	**Description of services**	**Maximum hours allowed**
Temporary Framework for Standard 9-Hour Refugee Claim Certificates and for Pre-Removal Risk Assessments					
Stage 1 Coverage	**For clients with claims eligible for referral to the Refugee Protection Division (RPD)** For preparation and filing of the Refugee Claim Application (RCA). OR **For clients with inland claims ineligible for referral to the RPD** For preparation and filing of the personal information questionnaire section of the RCA, and for preparation of a Pre-Removal Risk Assessment (PRRA) application. Clients may also receive a further 10-hour certificate for PRRA pursuant to item 104 of Table 9 of Schedule 2 to the Rules.	*For refugee claim filing, including preparation of the BOC and refugee portal application. Tariff maximum of 9 hours.*	89	For preparation and filing of a Basis of Claim form (BOC) and refugee portal application for a claimant from a country or claim type not subject to the Immigration and Refugee Board (IRB) expedited process	9

	Services covered on a temporary basis to align with the federal legislative changes	Existing certificate wording	Legal Aid Services Rules Schedule 2, Fees and Disbursements Part D, Table 9		
			Item	Description of services	Maximum hours allowed
Stage 2 Coverage	**Available after client has submitted a completed RCA, or after a pre-referral abandonment hearing has been scheduled (for claimants eligible for referral to the RPD).** For all services pertaining to representation before the RPD of the Immigration and Refugee Board (IRB), including advice related to personal disclosure provided during the MDD period; preparation and filing of personal disclosure within 30 days after referral of claim to RPD; preparation for and attendance at a pre-referral or post-referral abandonment hearing; and preparation for hearing and all other services other than attendance at the refugee hearing.	*For representation at RPD proceedings. Tariff maximum of 9 hours for all services other than attendance at the hearing*.	91	For all services pertaining to representation before the Refugee Protection Division of the Immigration and Refugee Board, including all preparation and adjournments, but excluding attendance, for claimants from countries and claim types not subject to the Immigration and Refugee Board expedited process	9

	Services covered on a temporary basis to align with the federal legislative changes	Existing certificate wording	Legal Aid Services Rules Schedule 2, Fees and Disbursements Part D, Table 9		
			Item	Description of services	Maximum hours allowed
Temporary Framework for 12-Hour Less Complex Claims Certificates and for Pre-Removal Risk Assessments					
Stage 1 Coverage	**For clients with claims eligible for referral to the RPD** For preparation and filing of the RCA; advice related to personal disclosure provided during the MDD period; and preparation and filing of personal disclosure within 30 days after referral of claim to RPD. OR **For clients with inland claims ineligible for referral to the RPD** For preparation and filing of the personal information questionnaire section of the RCA, and for preparation of a PRRA application. Clients may also receive a further 10-hour certificate for PRRA pursuant to item 104 of Table 9 of Schedule 2 to the Rules.	*For refugee claim filing, including preparation of the BOC and refugee portal application. Additionally, for filing of documents in accordance with the IRB expedited process for refugee claimants. Tariff maximum of 12 hours.*	90	For preparation and filing of a BOC, refugee portal application and client disclosure in accordance with the IRB expedited process for a claimant from a country or claim type subject to the IRB expedited process	12

	Services covered on a temporary basis to align with the federal legislative changes	Existing certificate wording	Legal Aid Services Rules Schedule 2, Fees and Disbursements Part D, Table 9		
			Item	Description of services	Maximum hours allowed
Stage 2 Coverage	**Available after refugee hearing has been scheduled, or after a pre-referral abandonment hearing has been scheduled (for claimants eligible for referral to the RPD).** For all services pertaining to representation before the RPD of the IRB, including preparation for and attendance at a pre-referral or post-referral abandonment hearing and preparation for hearing and all other services other than attendance at the refugee hearing.	*For representation at RPD proceedings following referral of expedited claim to full hearing. Tariff maximum of 6 hours for all services other than attendance at the hearing*.	92	For all services pertaining to representation before the Refugee Protection Division of the Immigration and Refugee Board, including all preparation and adjournments, but excluding attendance for claimants from countries and claim types subject to the Immigration and Refugee Board expedited process following referral to a full hearing	6

	Services covered on a temporary basis to align with the federal legislative changes	Existing certificate wording	Legal Aid Services Rules Schedule 2, Fees and Disbursements Part D, Table 9		
			Item	Description of services	Maximum hours allowed
Temporary Framework for Work on a Family Member Narrative					
Enhancer	For preparation of the basis of claim information section of the RCA, when a claimant who is covered on the certificate has a different country of citizenship or a separate risk profile from the principal claimant and requires distinct responses.	*Additional 3 hours for Basis of Claim form preparation and filing for one or more additional family members.*	90.1	For items 89 and 90, when a claimant who is covered on the certificate requires their own BOC narrative	3
Temporary Framework for When a Designated Representative is Appointed					
Enhancer	For services related to working with a Designated Representative when the claimant has an inability to appreciate the nature of the proceedings before the IRB, as well as proceedings related to a PRRA, deferral of removal, or a danger opinion, covered under items 104(d)-(j) of Table 9 of Schedule 2 to the Rules.	*Additional 3 hours for representation before the RPD related to working with a designated representative when the claimant has an inability to appreciate the nature of the proceedings.*	96.2	For services related to working with a designated representative when the claimant has an inability to appreciate the nature of the proceedings	3

Invitation for Comment

LAO is in the process of determining how best to redesign certificate coverage and tariff allocations for refugee claims and pre-removal risk assessments to align with the significant changes to the refugee determination process that came into force on November 3, 2026.

LAO welcomes submissions from roster lawyers and other stakeholders regarding how legal aid coverage can be redesigned to align with the federal changes, to support high-quality legal services, and to reflect the work required at various stages of a refugee claim under the new process.

Feedback received will be considered during the development of proposed amendments to LAO's certificate tariff structure. Once the amendments have been prepared, they will be

posted on LAO's Consultation Registry for consultation in accordance with LAO's Public Consultation Policy.

Comments may be submitted to: **immigrationandrefugee@lao.on.ca**