

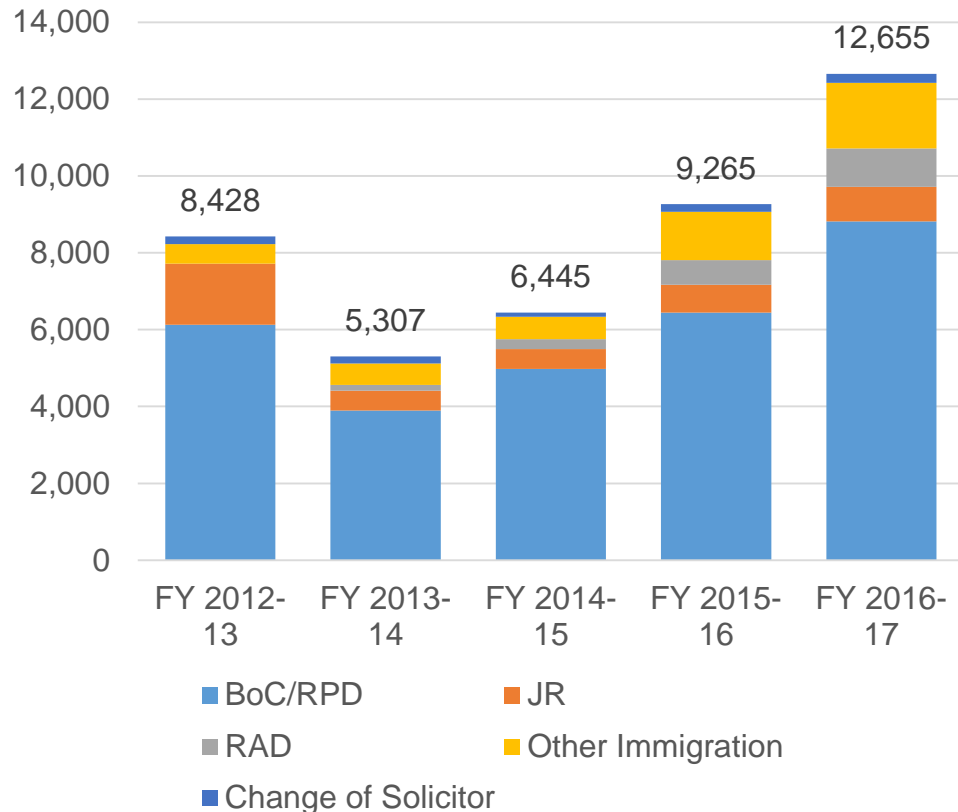
**REFUGEE AND IMMIGRATION
LAW SERVICES: SERVICE
SUSPENSION CONSULTATION**



PURPOSE OF THE CONSULTATION

- Legal Aid Ontario (LAO) has supported over-expenditures in the refugee program for a number of years and cannot do so any longer given the increase in demand for services and LAO's budget challenges in other programs.
- Without additional federal funding for refugee services, LAO will be temporarily suspending some services as of July 1, 2017 to reduce the annual cost of the program from \$33.6M to \$20.5M.
- LAO recognizes that this will have a serious impact on vulnerable clients and that difficult choices will regrettably need to be made.

IMMIGRATION AND REFUGEE DEMAND CLOSE TO HISTORICAL HIGHS



Demand for refugee and immigration certificates peaked at historical levels during the period 2008/12. In fiscal 2016/17, certificate demand matched these historical highs.

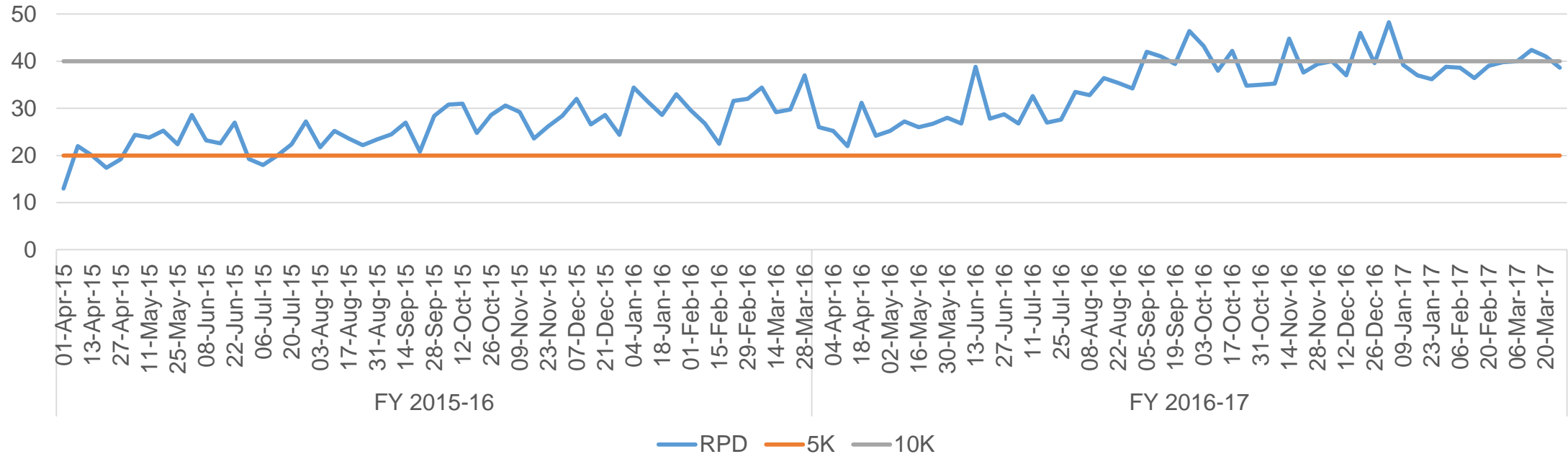
There is little evidence to indicate whether the current trend will stay in line with historic highs, decline, or surpass them.

CERTIFICATE COSTS

CERTIFICATE COSTS (\$M)	2013-14	2014-15	2015-16	2016-17	2017-18 Forecast
Refugee Protection Division (RPD)	\$13.0	\$13.6	\$13.4	\$17.9	\$23.1
Judicial Review	\$1.4	\$1.4	\$1.8	\$1.6	\$2.1
Immigration Appeals	\$0.2	\$0.2	\$0.2	\$0.2	\$0.3
Refugee Appeal Division	\$0.2	\$0.5	\$0.9	\$1.5	\$1.9
Other Immigration	\$0.4	\$0.4	\$0.9	\$1.7	\$2.2
Total	\$15.2	\$16.1	\$17.2	\$22.9	\$29.6

Certificate costs are forecast to reach \$29.6M in fiscal 2017/18, a 24% increase over 2016/17.

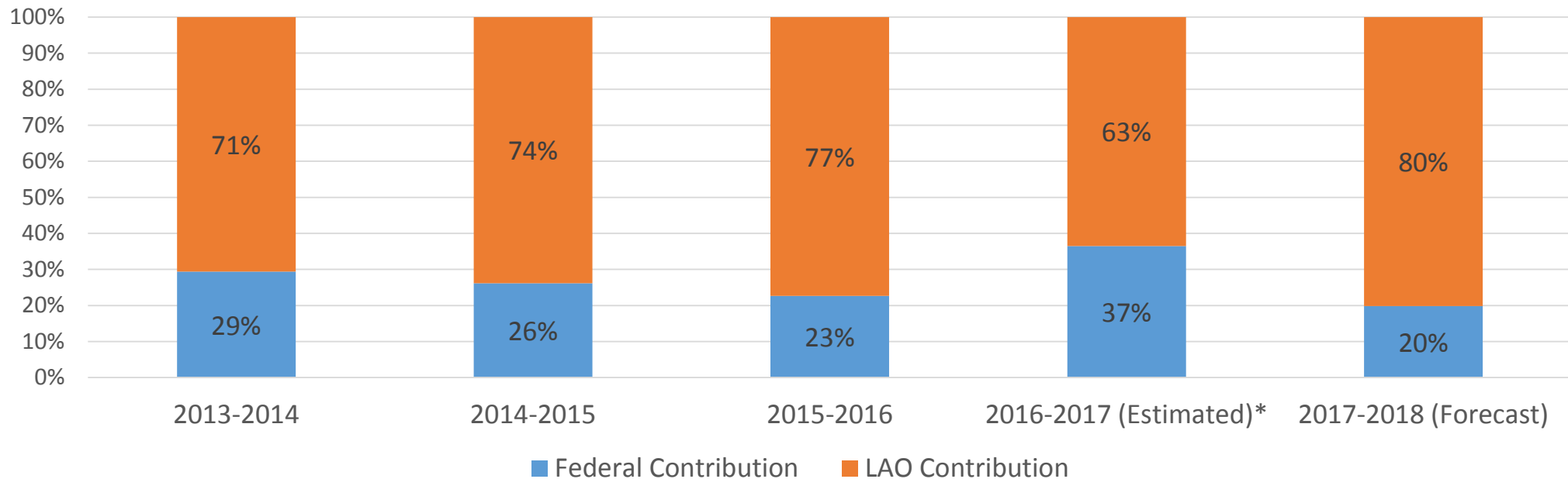
THE RATE OF ISSUANCE OF CERTIFICATES FOR RPD CLAIMS AT THE IRB HAS NEARLY DOUBLED



- Since October 2016, LAO has issued approximately 40 certificates per day – approximately 10K certificates annually.
- Historically, LAO has issued a high of 9,900 initial claim certificates in 2008/09.

FEDERAL CONTRIBUTION BY PERCENTAGE

Legal Aid Ontario, Federal Contributions to Immigration and Refugee Expenses



The federal contribution to immigration and refugee services has declined from 29% in 2013/14 to a projected 20% in 2017-18. In 2016/17 the federal contribution increased to 37%, a result of a one time in-year contribution of \$6.7 million.

PRIORITIZATION OF SERVICES

LAO suggests the following prioritization of its services based on a risk model:

- ❑ RPD
- ❑ RAD
- ❑ stay motions and underlying federal court judicial reviews (negative decisions, including requests for deferral)
- ❑ pre-removal risk assessments and danger opinions
- ❑ detention reviews/applications for habeas corpus
- ❑ general immigration services, including humanitarian and compassionate (H&C) submissions.

SUSPENSION - GENERAL IMMIGRATION

Given the lower priority, LAO proposes to suspend general immigration certificate services immediately. It is estimated this suspension would save \$2.12M annually. This suspension would have to be combined with suspensions in other coverage areas (RPDs, RADs, JRs, for example) to bring the program within a \$20.5M envelope.

General immigration cases 2016/17

Certificate costs

<input type="checkbox"/> representation at inquiry	\$290K
<input type="checkbox"/> H&C submissions	\$400K
<input type="checkbox"/> pre-removal risk assessment submissions	\$550K
<input type="checkbox"/> deferral submissions	\$245K
<input type="checkbox"/> appeals to the IRB (appeal division) from denial of sponsorship (16 hours and attendance time)	\$100K
<input type="checkbox"/> opinions re: merits of appeal to IRB from deportation order (three hours)	\$95K
<input type="checkbox"/> Appeals to the IRB (appeal division) from deportation order (16 hours and attendance time)	\$315K

TOTAL ANNUAL SAVINGS

\$2.12M

SERVICE SUSPENSION – OPTION 1

Option 1: Suspension of all refugee and immigration services when funding runs out in August/September 2017

- If all services are considered a priority, and if LAO continues without any changes to coverage, LAO could fund existing services under its current service delivery model until August or September 2017.
- Suspension would result in no refugee and immigration coverage for the remaining six months of LAO's fiscal year, including no RPD matters, no RAD matters and no federal court judicial reviews.

SERVICE SUSPENSION – OPTION 2

Option 2: Suspension of all refugee and immigration services except RPD services

- If RPD coverage receives the highest priority, services might be limited to representation at the RPD (including Basis of Claim (BOC) and preparation for and attendance at hearing).
- With a budget of \$16.5M for refugee certificate services, LAO is able to issue approximately 5,900 RPD certificates at an average cost of \$2,800 per certificate. In 2016/17, LAO issued 9,000 RPD certificates.
- In addition to focusing certificate services on RPD matters, LAO could focus its staff services on RPD matters in order to ensure as much RPD representation as possible. LAO has a direct refugee and immigration service staff cost of \$3M. With a sole focus on RPD matter, all three staff offices (Toronto, Hamilton, Ottawa) could complete approximately 1130 cases annually at an average cost of \$2,654 per case. LAO panel services, summary legal advice and administrative costs are \$1M.

SERVICE SUSPENSION – OPTION 3

Option 3: Suspend all refugee and immigration services except RPD BOC preparation, RADs, federal court judicial reviews and stays.

- If RPD coverage is to receive the highest priority, and as many refugee clients as possible be served, this option considers Basis of Claim Form preparation only. For 2016/17, LAO issued 9,000 RPD certificates. This option provides partial RPD coverage for all refugee clients. It would be open to the lawyer to negotiate a private retainer with the client for continued representation at the refugee hearing.
- For 2016/17, LAO issued 9,000 RPD certificates. Total certificate costs of the BOC only coverage is approximately \$9M (9,000 certificates x \$1,000 BOC average case costs). With a refugee certificate funding envelope of \$16.5M, the remaining funding (i.e. \$7.5M) could be allocated to other refugee and immigration services such as stays (\$77,000), RADs (\$1.5M) and federal court judicial reviews (\$1.8M).
- LAO could set aside the remaining \$4.1M for representation at RPD hearings of highly vulnerable claimants (e.g. minors, domestic violence, and diagnosed mental health challenges – schizophrenia, bipolar, chronic depression, detainees).
- LAO's staff services might similarly focus on BOC preparation, RADs, federal court judicial reviews and stays.

FOR DISCUSSION

- What are your views on LAO's prioritization of refugee and immigration services?
- What are your views on the immediate suspension of general immigration services?
- What are your views on the suggested service suspension options?
- What other service suspension routes should LAO consider to reduce the annual cost of the program from \$33.6M to \$20.5M?