

ALLIANCE FOR SUSTAINABLE LEGAL AID

AN ALLIANCE OF ♦ACLCO♦FOLA♦CLA♦FLA♦LSO ♦OBA♦RLA♦TAS♦MHLC



April 22, 2020

Via e-mail: David.Lametti@parl.gc.ca

The Honourable David Lametti
Minister of Justice
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister Lametti:

Re: Immigration and Refugee Legal Aid Funding

I am writing on behalf of the Association for Sustainable Legal Aid (ASLA) to ask your government to continue supporting Legal Aid Ontario (LAO) in its provision of refugee and immigration legal services. Specifically, I am writing to ask that your government provide funding at the level of provided last year to avoid drastic and imminent cuts to refugee legal services.

We are grateful to the federal government for the leadership they demonstrated following the Ontario government's 30 per cent reduction in transfer payments to LAO, which was combined with a directive that no provincial funds should be expended on refugee and immigration services. As you know, in August 2019, the federal government provided an additional \$25.7 million in legal aid funding. This funding, when combined with the previously budgeted transfer of \$16.9 million, helped to ensure the provision of adequate legal services to vulnerable refugees and immigrants.

LAO has now exhausted those funds. Without an immediate injection of additional funds, services for immigrants and refugees will be drastically cut, as they were from April to August of 2019. In that period, certificates for refugee services were restricted to completion of a Basis of Claim. With the exception of a very limited number of services offered by staff lawyers, legal representation was not available for the following:

- hearings at first instance before the Immigration and Refugee Board (IRB);
- appeals from an initial IRB decision or judicial review in Federal Court;
- humanitarian and compassionate applications or pre-removal risk assessments;
- Immigration Appeal Division hearings;
- detention reviews;
- representations to the Canada Border Services Agency (CBSA) for deferral of deportation and stays of deportation.

Without the necessary federal funding, many refugees will be forced to represent themselves at every stage of legal proceedings beyond the Basis of Claim. As you know, many refugees do not

speak English or French, and are completely unaware of our claims process. Additionally, many suffer from trauma because of the hardships they have faced in their home countries. Of all members of Canadian society, refugees are least able to represent themselves, yet, without continued funding for LAO services, there is a material risk that they could be forced to do exactly that.

Adequate legal representation is a key element of fair and effective legal processes. In the case of refugee claims, adequate legal representation is dependent on consistent and sufficient legal aid funding. At its most stark, legal representation can make the difference between individuals establishing safe lives in Canada or facing possible detention, torture or death after deportation.

While we do not share Ontario's position that all refugee and immigration legal aid is a federal responsibility, we are asking for your help in ensuring that LAO can continue to assist these vulnerable people who are turning to Canada for asylum. We are hopeful that the spirit of cooperation between levels of government will continue beyond the emergency response to the COVID 19 pandemic and extend to addressing other needs of vulnerable people in Ontario and Canada.

We are seeking reassurance that the federal government will continue to support these important services, and look forward to working with the government to strengthen the legal aid services provided to refugees and immigrants in Ontario.

Sincerely,



Lenny Abramowicz
Chair

c.c.: The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada

The Honourable Bill Morneau
Minister of Finance

The Honourable Marco Mendicino, P.C., M.P.
Minister of Immigration, Refugees and Citizenship

The Honourable Doug Downey
Attorney General

Charles Harnick
Chair, Legal Aid Ontario

