

ONTARIO'S LEGAL AID CRISIS SPRING 2019

ISSUE:

Following significant cuts to Legal Aid Ontario (LAO) in the April 11, 2019 Budget, LAO announced that the Province would no longer be funding legal aid for refugee and immigration matters.

Refugees and immigrants require lawyers to navigate high-stakes legal processes including refugee determination and removals from Canada. The abrupt and unilateral withdrawal of legal aid funding has created a serious human rights crisis affecting many, including newly arrived refugees, long-term permanent residents, and citizens seeking to sponsor their family-members. The consequences of inadequate legal representation in this setting are severe and irreversible: this crisis must be addressed immediately.

BACKGROUND:

Legal Aid provides Ontario's poorest (those earning less than \$17,000 annually) with access to a lawyer when their fundamental rights and freedoms are at stake. Refugee and immigration services are a small but essential portion of the overall LAO budget.

Refugees and immigrants need lawyers to:

- **Navigate a complex legal system:** The refugee determination process is rigorous. Claimants need to prepare a detailed narrative and present evidence to support a claim e.g. medical reports, police reports, affidavits, human rights reports. They undergo hours of questioning about the claim.
- **Provide legal support to vulnerable people in transition:** People arriving are traumatized from persecution, some are still physically unwell from torture, many do not speak English and are unfamiliar with our legal system.
- **Defend people who are facing removal from Canada:** This includes long-term permanent residents, some of whom have been in Canada since childhood, who simply have not applied for citizenship.
- **Appeal refusals:** This includes appeals by permanent residents and even Canadian citizens who are seeking to sponsor family members. It also includes appeals of negative refugee decisions to the Refugee Appeal Division and judicial reviews to the Federal Court.
- **Help them to be released from detention:** Refugees and immigrants remain in detention unnecessarily when they cannot prepare properly for their detention review hearings.

Legal Aid services help ensure that the courts and the tribunals function efficiently, with the help of professionals. Unrepresented litigants are forced to navigate complex legal systems on their own which will cause backlogs and delays that affect all residents of Ontario.

RECOMMENDATION:

The Province should restore funding to Legal Aid, including refugee and immigration services.