

---

## ONTARIO'S LEGAL AID CRISIS - SPRING 2019

### ISSUE:

As part of sweeping cuts to Legal Aid Ontario (LAO) in the April 11, 2019 Ontario Budget, the Province told LAO that it could no longer use Provincial funds to cover legal aid for refugee and immigration matters. Days later, LAO discontinued all new refugee and immigration services, with few exceptions.

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 for many, particularly refugees who cannot pursue their claims on their own and who need access to counsel to prevent their deportation. The Federal Government has authority over removals, and must halt all removals of individuals who have been deprived of access to counsel because of the legal aid cuts until the crisis is resolved.

### BACKGROUND:

Legal Aid provides Ontarians living below the poverty line of \$17,000 in annual income with access to a lawyer when their fundamental rights and freedoms are at stake.

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.
- **Appeal refusals:** This includes appeals of negative refugee decisions to the Refugee Appeal Division and judicial reviews to the Federal Court.
- **Defend people who are facing removal from Canada:** Refugees face removal when they cannot appeal wrongly made decisions. Families also face removal when they are deprived of counsel to help them prove that removal is against the best interests of their children.
- **Represent them when they are detained:** Refugees and immigrants remain in detention unnecessarily when they cannot prepare properly for their detention review hearings. They may be removed from Canada directly from detention.

Unrepresented people, including women, children and LGBTQ2S individuals, face deportation to the very persecution, torture, detention or death that they fled. The lack of counsel will also reverse the progress the Federal government has recently made in reducing delays in the refugee system.

### RECOMMENDATION:

The Federal Government must ensure that nobody who has been deprived of access to a lawyer due to Ontario's Legal Aid cuts is removed from Canada without representation.

The Federal Government should also urgently come to the table to resolve the funding crisis with the Provincial Government.