

Immigration Tariff



**Legal
Services
Society**

British Columbia
www.lss.bc.ca

Revision history (November 2006)

Date issued	Replaced pages	Effective date
11/06	all pages, Guide to Billing, Immigration Billing Form	11/06
01/06	ii, iii, 5 – 7, Guide to Billing, Immigration Billing Form	01/06
02/05	ii, iii, 3 – 13, Immigration Billing Form	02/05
06/04	all pages	06/04
11/02	all pages	01/99
10/01	section title page, 9 – 14, Immigration Billing Form	01/99
08/00	iii/iv, 3/4, 7 – 14, Immigration Billing Form	01/99
12/99	9 – 15, Immigration Billing Form	01/99
05/99	all pages	01/99

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1. Organization of This Section (June 2004)

The Immigration section is organized as follows:

- **General Tariff Information** provides information about the tariff and its use.
- The **Immigration Tariff** section lists the tariff items.
- The **Immigration Tariff Guide to Billing** contains information and instructions on completing the **Immigration Billing Form** and submitting your account to LSS. Following these instructions carefully will ensure that your account is processed as quickly as possible.
- Disbursements are listed separately in this guide in the **Disbursements for All Tariffs** section.

2. General Tariff Information (June 2004)

For information about coverage and eligibility for immigration cases, see the relevant sections of the **Introduction** to the *Guide to Legal Aid Tariffs*. For information about immigration appeals, see the relevant section of the **Appeals and Judicial Reviews Tariff**. For billing information, see the **Immigration Tariff Guide to Billing** at the end of this section. For information about billing disbursements, see the **Disbursements for All Tariffs** section. For general contractual information relating to the terms of your contract with LSS, see the **General Terms and Conditions** at the beginning of this guide.

3. Immigration Tariff (November 2006)

Important

- The service stop date for immigration referrals is noted on your referral.
- Even if your clients have been separately referred, LSS considers them multiple clients if they are set down for a joint hearing. You may bill full preparation time for only *one* of these clients. No matter how many additional clients you have, you can claim only up to an additional half block of preparation time. This means that no matter how many clients you represent, if their hearings have been joined, you can claim only up to one and a half blocks of preparation time. See the **Immigration Tariff Guide to Billing** for further information on how to bill for multiple clients.
- Changes of counsel will only be granted in exceptional circumstances and must be authorized by the managing lawyer of Tariff Services.
- For requests for extra legal fees, see General Terms and Conditions, items 41 and 42. If counsel anticipates that a request for extra legal fees will be in excess of twice the maximum hours allowed for the referral, counsel should seek prior authorization.

Tariff item	Rate/Maximum billable hours	Tariff code
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General preparation (February 2005)

- Billable per hour for general preparation or other work not specifically covered by another tariff item (e.g., interviewing the client, taking instructions, attending interviews with the client and Canada Immigration, and completing the Personal Information Form [PIF]). **Up to 10 hours** **4010**
- Provide the filing date of the PIF.
- Record the actual time spent as specified in your time records.

Caution

- ➔ Submit a copy of the filed PIF to the managing lawyer of Tariff Services when you bill.

Tariff item	Rate/Maximum billable hours	Tariff code
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Preparation for a hearing — refugee cases (November 2006)

- | | | |
|--|-----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour for preparing for an RPD hearing. • Record the actual time spent as specified in your time records. | Up to 10 hours | 4028 |
|--|-----------------------|-------------|

Cautions

- ➡ Preparation and attendance at a hearing require a specific authorization for hearing representation.
- ➡ You cannot bill general preparation on a hearing representation referral.

Attendance at a hearing — refugee cases (November 2006)

- | | | |
|---|--------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour for attending an RPD hearing. • Provide the attendance date. • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | actual time | 4168 |
|---|--------------------|-------------|

Cautions

- ➡ Attendance at a hearing requires a specific authorization for hearing representation.

Tariff item

**Rate/Maximum
billable hours**

**Tariff
code**

Preparation for a hearing during meal breaks (November 2006)

- When a hearing lasts more than a half day, additional time is available for hearing preparation undertaken during meal breaks. **Up to 1½ hours** **4181**
- Record the actual time spent as specified in your time records.
- This item applies to refugee and non-refugee cases.

Attendance at an expedited hearing (November 2006)

- Billable per hour for attending an expedited hearing. **actual time** **4159**
- Provide the attendance date.
- Bill the actual time spent as specified in your time records, from the time the expedited hearing was scheduled to begin to its conclusion, excluding meal breaks.

Cautions

- ➔ Attendance at an expedited hearing requires a specific authorization for hearing representation.

Tariff item	Rate/Maximum billable hours	Tariff code
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Preparation for a hearing — non-refugee cases (November 2006)

- You must have a referral from the LSS Appeals Section at the Vancouver Regional Centre.
- Billable per hour for preparing for a non-refugee hearing at the Immigration and Refugee Board. **Up to 10 hours** **4044**
- Record the actual time spent as specified in your time records.

Cautions

- ☞ You cannot bill general preparation on non-refugee case referrals.

Attendance at a hearing — non-refugee cases (November 2006)

- You must have a referral from the LSS Appeals Section at the Vancouver Regional Centre.
- Billable per hour for attending hearings. **actual time** **4188**
- Provide the attendance date.
- Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks.

Judicial review applications, stay applications, appeals, and submissions to the Minister (June 2004)

Please see the **Immigration appeals** section of the **Appeals and Judicial Reviews Tariff** for information on judicial review applications, stay applications, appeals, and submissions to the Minister.

Administration fee (October 2005)

- Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. **\$40** **4000**

Tariff item	Rate/Maximum billable hours	Tariff code
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Opinion regarding the merits of an appeal (October 2005)

- | | | |
|--|----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour for preparing an opinion letter regarding the merit of appealing a court or tribunal decision. • Record the actual time spent as specified in your time records. • Please provide any materials you have to support your opinion. • Fax the completed form to the LSS Appeals Section at (604) 682-0956 | Up to 2 hours | 1210 |
|--|----------------------|-------------|

Cautions

- ➡ Bill this item if the Legal Services Society Appeals Section asks you to provide an opinion or if you believe the appeal has merit and is likely to succeed.
- ➡ You may submit either an Immigration Appeal Opinion Letter Questionnaire ([PDF](#)) or provide a letter that addresses the issues in the questionnaire. (Opinion letter questionnaires are available at www.lss.bc.ca. Click “For lawyers,” “Online resources,” then “Opinion letter questionnaires.”)

Tariff item	Rate/Maximum billable hours	Tariff code
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Travel (November 2006)

- | | | |
|---|------------------------------|-------------|
| <ul style="list-style-type: none"> • Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip. | \$180 (travel) | 1590 |
| <ul style="list-style-type: none"> • Billable for each half day you remain at the hearing location. | \$180 (out of office) | 1595 |
| <ul style="list-style-type: none"> • Provide your destination and travel date. | | |

Cautions

- ➡ To bill travel fees, you must have prior authorization. If “authorized” does not appear beside “Travel” under the “Conditions of Referral” on your referral form, apply to the managing lawyer of Tariff Services for authorization.
- ➡ The maximum travel and out-of-office fee on one date is \$360, unless you bill other services for the same day.
- ➡ The maximum travel and out-of-office fee for a day for which you bill other services is \$180.
- ➡ Travel fees are paid per trip, not per client.

Visiting clients in custody (October 2005)

- | | | |
|--|-------------|-------------|
| <ul style="list-style-type: none"> • Billable once per referral when you visit a client in custody at a correctional or detention facility other than a holding facility at a courthouse. | \$90 | 1580 |
| <ul style="list-style-type: none"> • Provide the visit date and the location where you visited the client. | | |

Cautions

- ➡ Do not bill this item for the same date with any other tariff item.
- ➡ Bill this item only once for any one date and location regardless of how many clients you visited.

4. Immigration Tariff Guide to Billing (November 2006)

Important

- If you use our E-billing service to bill your legal aid accounts online, go to the [Lawyer e-services login](#) on the LSS website. If you don't already have an online account and would like one, go to www.lss.bc.ca, click the "For lawyers" button, choose "Lawyer e-services log-in" from the menu, then click the "Register now!" link at the top of the screen.
- A master copy of the billing forms and the official version of the [Guide to Legal Aid Tariffs](#) are available in PDF on the LSS website at www.lss.bc.ca under "For lawyers." A copy of the **Immigration Billing Form** appears at the end of this **Guide to Billing**. All [billing and authorization forms](#) and completion instructions for the forms can also be found at www.lss.bc.ca under "For lawyers" (click "Online resources," then "Forms").
- Please submit a billing form, even if you are not claiming fees or disbursements, to inform LSS of the result for your client and allow LSS to close the case on the computer system.
- You may submit interim accounts if —
 - the fees total \$500 or more; or
 - disbursements total \$300 or more; or
 - you have changed law firms.
- Enter the correct tariff codes on the billing form to speed the processing of your account.
- Enter dollars and cents for all amounts.
- The underlined letter/number combination before each instruction corresponds to the circled letter/number(s) on the sample billing form shown on the page opposite the instructions.
- Make sure you enter all hearing file numbers on the billing form.
- Legal fees are billable at the LSS hourly rate, except where a block fee applies. Claim the Tier 1 rate on the billing form. When processing your account, LSS will automatically adjust the amount if you are eligible for Tier 2 or 3 rates.
- Provide the actual time spent for each item, even if it exceeds the maximum time billable. This information is used for possible tariff revisions. (The maximum limits are not minimum fees.)

Immigration Billing Form — Fees Summary (February 2005)

- I-1 **Case no.:** The Case Management System (CMS) assigns this seven-digit number and prints it in the top right corner of the referral form. Copy the case number from your referral form. Use this number on all correspondence with LSS.
- I-2 **Referral no.:** The Case Management System assigns this number and prints it in the top left corner of the referral form. Copy the referral number printed under “REF/NO.” (second item from the left under “Reference”) on your referral form. Use this number on all correspondence with LSS.
- I-3 **Lawyer:** Enter your name. This name should be the same as the one printed on the upper left side of your referral form (under “Reference”).
- I-4 **Lawyer vendor no.:** Enter your six-digit LSS vendor number. Your vendor number also appears beside “Counsel” under your name, address, and telephone/fax numbers on your referral form. If the vendor number here does not match the one on your referral form, your account will not be paid.
- I-5 **Client name:** Enter your client’s name. Verify that the name matches the client name printed on the upper right side of your referral form. If it does not match, contact the referring office before billing.
- I-6 **Date of assignment:** Enter the date of assignment shown at the top of your referral form.
- I-7 **Multiple client case file no(s):** Even if your clients have been separately referred, LSS considers them multiple clients if they are set down for a joint hearing. Enter the seven-digit case numbers (from the referral forms) of the clients you will be representing at a joint hearing. Attach a separate sheet if necessary.

You may bill full preparation time for only *one* of these clients. No matter how many additional clients you have, you may claim only up to an additional half block of preparation time.

Enter all full legal fees on one billing form and half fees claimed for multiple clients on another billing form. Submit additional billing forms to inform LSS of the result for each of your clients and allow LSS to close the case on the computer system.

Regardless of the number of clients, claim hearing fees only once.

If any of the multiple clients are severed from the joint hearing, bill for them on a separate billing form and enclose a letter explaining the circumstances to avoid delays in processing your account.

If, in a joint hearing, you represent multiple clients whose claims are separate and distinct, bill as you would for multiple clients and enclose a letter stating the reasons for the separate claim and the additional legal fees.

Address your letter to the attention of the managing lawyer of Tariff Services and submit it with your billing form.

- I-8 **Hearing type:** On the appropriate line (beside hearing #1, 2, or 3), enter the number of the option that corresponds to the hearing type from the box above this column.
- I-9 **Issue type:** Enter the initials of the issue type the client faces (e.g., DHR for detention hearing). The issue type and the corresponding initials appear on your referral form under “Case Details.”
- I-10 **Issue #:** Enter the issue number that appears on your referral form under “Case Details.”
- I-11 **Hearing file #:** Enter the tribunal/court file number for the hearing you are attending or preparing for. LSS requires this number for auditing purposes.
- I-12 **Results:** Enter the number of the option that corresponds to the result for your client from the box above this column.
- I-13 **Client status:** Enter 1 if your client has refugee status; enter 2 if your client does not have refugee status.
- I-14 **Client role:** Enter 1 if your client is the applicant; enter 2 if your client is the respondent.
- I-15 **Service date:** If applicable, enter the date you performed the service you are listing.
- Note:* This form has enough space to list eight items; if you have more than eight items, submit separate forms to complete your billing.
- I-16 **½ days/am/pm:** Tick am, pm, or both to indicate when you performed the service.
- I-17 **Service provider* — Status:** If someone other than the assigned lawyer performed the service, enter an initial to indicate his or her status (e.g., lawyer [L] or articling student[A]). If you are not the lawyer to whom the referral was issued, contact the referring office before billing.
- I-18 **Service provider* — Vendor #:** If a lawyer other than the assigned lawyer performed the service, enter his or her LSS vendor number. If you are not the lawyer to whom the referral was issued, contact the referring office before billing.
- I-19 **Description of service:** Enter a description of the service performed. Use the descriptions in the tariff section, wherever possible, to avoid confusion.
- I-20 **Tariff code:** Enter the appropriate tariff code for the service you are billing for. The tariff codes are listed beside the tariff descriptions in the **Immigration Tariff**.
- I-21 **Hearing # (1, 2, or 3):** Tick the appropriate hearing number(s) for the service you are billing for. Ensure that this number corresponds to the hearing number line used in the upper box.

- I-22 **Time (Hrs/10ths):** Record the actual time spent, in hours and tenths of hours, but bill only up to the maximum hours allowed by the appropriate tariff item.
- I-23 **Fees claimed:** Multiply the hourly rate by the time spent (see also I22) and enter the totals for each item in this column. Claim the Tier 1 rate on the billing form. When processing your account, LSS will automatically adjust the amount if you are eligible for Tier 2 or 3 rates.
- I-24 **Total hrs.:** Add all hours and tenths listed in the column above and enter the total.
- I-25 **LSS total:** Add all legal fees listed under **Fees claimed** and enter the LSS total.
- I-26 **Lawyer use only:** (optional) Copy the **LSS total** to the top of this box to calculate GST and reductions (for your records only — the LSS computer automatically calculates GST/reductions). Do not deduct these amounts from the LSS total in I25.
- I-27 **Signature:** Read the statement and sign the declaration. Your signature is your representation that, among other things, you performed the services billed on the dates indicated and that you are entitled to payment. See the **General Terms and Conditions** for more information. LSS will return the billing form if you have not signed it.
- I-28 **Date of last service to client:** Enter the date on which you performed the last billable service for your client. You must bill for services within six months of the last service date.
- I-29 **Billing date:** Enter the date on which you are submitting this account.
- I-30 **Lawyer's GST reg. number:** Enter your GST registration number; the Canada Revenue Agency requires this.