

Continuation of Immigration Services

As a result of an agreement reached between the federal and provincial governments, the Legal Services Society (LSS) will receive a budget of \$1.7 million to fund limited immigration services for the fiscal year 2004/2005.

This funding changes the Memorandum of Understanding (MOU) between LSS and the Ministry of Attorney General, signed March 5, 2003, which did not provide provincial funding for immigration law services beyond March 31, 2004 (see the Notice to Counsel dated April 17, 2003). Since last March, LSS has continued to discuss options for immigration services with the provincial and federal governments.

After consulting with the Immigration Tariff Committee, LSS has determined that the \$1.7 million budget will cover —

- hourly duty counsel services for people held in detention by Canada Immigration,
- legal counsel for refugee claimants, subject to merit screening, to prepare and file personal information forms with the Immigration and Refugee Board (these services will be limited to a maximum of 8 hours per case),
- a small number of non-refugee services, and
- a limited number of judicial reviews, subject to merit assessment.

We will issue a revised *Guide to Legal Aid Tariffs*, reflecting these changes to the immigration tariff, as soon as possible.

We are continuing to discuss with both levels of government the possibility of additional funding to cover a level of hearing representation beyond that set out above. At this time, however, we can confirm that extra fees will no longer be available on immigration and immigration appeal referrals. We expect to confirm details of additional hearing services by later in February, to avoid any greater disruption to services than has occurred to date.

Referrals issued after February 1, 2004

Referrals on **all immigration tariff matters other than appeals** issued after February 1, 2004, will have a service stop date of March 31, 2004.

Accounts pertaining to these referrals must be submitted by April 8, 2004. These short billing times are required so that LSS can process as many accounts as possible before the substantial reduction to our service budget occurs. We encourage the bar to submit accounts for services as quickly as possible after the completion of the service.

Referrals for **immigration appeals** issued after February 1, 2004, will have a service stop date of February 28, 2005, and will be limited to judicial reviews approved and set down for hearing before February 28, 2005. Judicial reviews that are already set down for a hearing date after March 1, 2004, will continue to be funded. Counsel should advise the Appeals Division of such cases, and the service stop date on the current referral will be amended.

We anticipate a further Notice to Counsel in February, which will outline the service stop dates for referrals for services provided after March 31, 2004. We are currently developing these policies and will announce them as soon as possible.

James Deitch
Manager of Tariff Services

Reminder: Referrals issued prior to February 1, 2004, have a stop date of February 28, 2004, and must be billed by March 31, 2004 (see Notice to Counsel dated April 17, 2003).