

Immigration tariff changes

Further to the Notice to Counsel dated January 29, 2004, we wish to clarify certain issues. Referrals issued after February 1, 2004, for services to be completed by March 31, 2004, are billable in accordance with the current tariff. Until that date, there is sufficient money available for immigration referrals to continue at the full level of service. Immigration appeal referrals, however, are immediately subject to the restricted tariff that is set out below.

Refugee hearings scheduled for March 2004

If a refugee claimant has a hearing scheduled in the month of March, and the claimant is unable to retain counsel privately, current referrals with a service stop date of February 28, 2004, will be extended to March 31, 2004.

Counsel may represent the claimant at the hearing, and may submit bills for hearing preparation, actual hearing attendance, and related disbursements for services rendered in March, notwithstanding the service stop date on the referral of February 28, 2004. LSS will not require clients to confirm their continuing eligibility, and counsel are not required to apply for prior authorization to continue providing these services.

Please ensure that all services are completed by March 31, 2004, and that the accounts in these matters are submitted by April 08, 2004. Accounts received after April 08, 2004, can not be paid.

Immigration appeals

Effective February 1, 2004, the test for funding judicial reviews is that the case raises an issue that has both a substantial chance of success and broad general importance. The applicant will have to demonstrate that he or she has a meritorious refugee claim and that if the judicial review is successful, the claim itself would be likely to succeed.

The following changes to the Appeals and Judicial Reviews Tariff tab of the *Guide to Legal Aid Tariffs*, Immigration appeals section, **apply to all referrals issued on or after February 6, 2004:**

- Applications for judicial reviews, appeals and submissions: General preparation (Tariff Code 1260) — eliminated
- Stay applications in Federal Court (Tariff Code 1879) — reduced from 15 to 10 hours
- Preparation for a judicial review:
 - Opinion letter (Tariff Code 1248) — reduced from 5 hours to 1 hour
 - Preparation of leave application (Tariff Code 1271) — reduced from 15 hours to 10 hours
 - Preparation if leave is granted (Tariff Code 1297) — reduced from 10 to 5 hours
 - Attendance at judicial review or appeal (Tariff Code 1313) — actual time is covered
 - Application to reinstate a proceeding before the IRB (Tariff Code 1342) — reduced from 5 hours to 3 hours
 - Submissions to Canada Immigration (Tariff Code 1582) — eliminated

Note: The Legal Services Society will no longer fund Danger submissions, H&C submissions, and PRRA submissions.

We regret that the reduced level of funding available to LSS requires these substantial changes to both the coverage policy for appeals as well as the amount of time that will be authorized.

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