

Immigration tariff update

Due to unexpected volume decreases in immigration and refugee matters this year, the immigration tariff is now substantially under budget. As a result, LSS is relaxing some of its coverage criteria for these cases.

Background

As you know, LSS secured \$2 million in funding for immigration and refugee legal aid services for 2004/2005. Because this amount is substantially less than the cost for services in previous years, the society restricted coverage to the preparation of Personal Information Forms (PIFs), and legal representation at hearings in a limited number of merit-tested cases and judicial review and appeal cases.

Tariff changes effective December 15, 2004

The following changes relax several restrictions to the tariff that were announced in February 2004:

- Applications for representation at complex admissibility hearings (for example, where a refugee claim is suspended due to the minister's intervention), will be funded subject to a merit screening similar to the current standard for authorizing representation at refugee hearings.
- Refugee claimants may apply for representation at their hearings as soon as their PIF is filed. LSS will no longer require counsel to submit a refugee hearing questionnaire. However, we do ask counsel to either —
 - provide a copy of the PIF to the client, who in turn should bring it to LSS when applying for representation; or
 - send the PIF directly to the manager of Tariff Services at LSS.
- LSS will exercise discretion to pay extra fees in cases based upon the general tariff rule that the required services substantially exceeded the permitted time under the tariff. Please submit in writing requests for extra fees to the Tariff Services Department, along with a copy of time records and an explanation as to why the fees are warranted.
- LSS will exercise discretion to authorize requests for additional and exceptional disbursements where they are required to properly conduct the case.
- Representation at Immigration Appeal Division hearings will be funded subject to a merit screening similar to the current standard for authorizing representation at refugee hearings.
- PRRA and H&C cases will be funded subject to a merit screening similar to the current standard for authorizing representation at refugee hearings. Authorization for these cases must be obtained from the LSS Appeals Department.
- Representation for judicial reviews will be funded subject to a merit assessment to ensure cases have a substantial chance of success. Cases no longer need to meet the higher standard of involving an issue of broad general importance (as set out in Notice to Counsel #33).

Services beyond March 31, 2005

LSS is still waiting for confirmation of its budget for 2005/2006 and at this time is unable to commit to funding immigration cases beyond the current service stop date of March 31, 2005. Counsel may continue to prepare for hearings beyond that date, but should exercise caution when committing to represent clients at those hearings unless you receive specific authorization from LSS or arrange a private retainer for the work.

James Deitch
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