

Changes to Immigration Services

All hearing referrals issued on or after April 1, 2008 and before January 19, 2009 are terminated by this Notice to Counsel. This termination is effective January 31, 2009. You must bill all work performed on the referral and all disbursements incurred on or before March 31, 2009.

Background

LSS is experiencing an unprecedented growth in demand for immigration and refugee services. Spending in this fiscal year will significantly exceed our available budget of \$1.7 million. The LSS Board of Directors has authorized the use of reserve funds to deal with increased demand in this fiscal year, but we do not expect to receive additional funding to meet this increased demand in future years. Therefore, we are taking the following steps to contain immigration spending within our available budget:

- Introducing stricter merit screening of applications for Personal Information Form referrals
- Managing Refugee Protection Division hearing referrals to remain within budget and introducing stricter standards for approving hearing referrals
- Terminating hearing referrals issued on or after April 1, 2008
- Introducing stricter standards for approving referrals on applications made to the LSS Appeals Department (e.g., Pre-Removal Risk Assessments, Humanitarian & Compassionate applications, Immigration Appeal Division applications, judicial reviews, etc.)

Merit screening applications for Personal Information Form referrals

In assessing applications for assistance in filing Personal Information Forms (PIF), LSS will carefully assess whether the claim has a reasonable chance of success. For example, we will refuse coverage if we determine that internal flight is available to the client or there is adequate state protection in the country of origin.

LSS will continue to monitor the volume of PIF referrals. Exceeding our budget target for PIF referrals would limit our ability to offer hearing referrals and other immigration services.

Managing Refugee Protection Division hearing referrals

In order to ensure that spending on Refugee Protection Division (RPD) hearings does not exceed the available budget, we will not accept applications for hearing referrals until closer to the hearing date. Effective January 19, 2009, LSS will not consider applications for RPD hearings until the earliest of:

- 10 months after the filing of the PIF, or
- upon receipt of a Notice to Appear and Confirmation of Readiness.

In assessing applications for hearing referrals, LSS will consider the merit of the application as disclosed in the PIF, the complexity of the claim, the risk to the client, and our available budget. We

anticipate having a budget for approximately 250 hearing referrals per year. This will mean our threshold for funding hearings will be stricter than in the past.

Terminating hearing referrals issued on or after April 1, 2008

All hearing referrals issued on or after April 1, 2008 and before January 19, 2009 are terminated by this Notice to Counsel. This termination is effective January 31, 2009. You must bill all work performed on the referral and all disbursements incurred on or before March 31, 2009. LSS will not honour any billings received after that date.

Clients who have hearing dates set or had a Personal Information Form filed more than 10 months ago may reapply for legal representation for their hearings. These cases will be reassessed using the standard we will now apply to new applications for hearing coverage.

If you have a hearing date scheduled before March 31, 2009 on a referral that is being terminated by this Notice to Counsel, contact the legal aid office that issued the original referral for a prompt consideration of the case. LSS will ensure that your professional obligation to your client where a hearing date has been set will not be compromised by termination of the referral.

Hearing referrals issued on or before March 31, 2008 will not be terminated. However, be aware that most of these cases will expire based on the service stop date. Generally the service stop date is 12 months from the date of referral. Check the service stop date on your referrals. All clients with hearing referrals issued on or before March 31, 2008 will need to have their financial eligibility reassessed before the service stop date will be extended.

Introducing stricter standards for approving referrals on applications made to the LSS Appeals Department

In assessing merit for Pre-Removal Risk Assessment (PRRA) applications, the LSS Appeals Department will carefully assess whether there is new information that was not available before the removal decision was made. In PRRA, Humanitarian & Compassionate applications, and all other immigration cases, LSS will carefully assess the risk to the client if he or she is returned to the country of origin or otherwise removed from Canada. Our available budget will be a factor in assessing whether LSS will provide coverage.

As always, LSS welcomes your feedback about its services, and you may direct any comments to lawyersresources@lss.bc.ca.

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