



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN



ONTARIO
BAR ASSOCIATION
A Branch of the
Canadian Bar Association

L'ASSOCIATION DU
BARREAU DE L'ONTARIO
Une division de l'Association
du Barreau canadien

July 9, 2019

Via email: bill.morneau@parl.gc.ca; minister@cic.gc.ca; mcu@justice.gc.ca

The Honourable William Morneau, P.C., M.P.
Minister of Finance
Department of Finance Canada
90 Elgin Street
Ottawa, Ontario, K1A 0G5

The Honourable Ahmed D. Hussen, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue, West
Ottawa, Ontario, K1A 1L1

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario, K1A 0H8

Dear Ministers:

Re: Funding for Immigration and Refugee Legal Aid Services in Ontario

We write on behalf of the Immigration Law Sections of the Canadian Bar Association (CBA Section) and Ontario Bar Association (OBA Section) to urge you to respond to a significant funding gap for immigration and refugee legal aid services in Ontario. The CBA is a national association of 36,000 members, including lawyers, notaries, academics and law students, with a mandate to seek improvements in the law and the administration of justice. The CBA Section comprises lawyers with an in-depth knowledge of citizenship and immigration law issues, including legislative changes, administration and enforcement. The OBA is the largest voluntary legal organization in Ontario, representing lawyers, judges, law professors and students, which assists government and other decision-makers with legislative and policy initiatives in the interest of the profession and public. The OBA Section includes lawyers who are leading experts in citizenship and immigration law and who represent virtually every stakeholder in the immigration system.

In recent years, Canada has recognized the importance of leadership in the face of a rising global refugee crisis, providing opportunity to those escaping conflict and oppression. This reflects

Canada's commitment to humanitarianism and the rule of law, and a belief that an investment in people pays dividends in industrious communities, an inclusive culture and a peaceful, prosperous future. Canada's reputation is hard earned, far-reaching and worthy of safeguarding.

Canada's immigration and refugee system must be fast and fair to serve this purpose. For refugees, access to legal aid is often their only chance to present their case in an efficient and meaningful way. When denied the help of a lawyer, claimants must navigate the complex set of laws, regulations, case law, rules and procedures on their own, often without proficiency in either official language, putting them in a precarious position against the resources of the government. Self-representation also results in unnecessary adjournments, elongated hearings, and increased cost to the parties, the decision-makers, and the system in general. Most alarmingly, without prompt and effective legal representation, refugee claimants are exposed to the risk of deportation where their lives may hang in the balance. The consequences are real and cannot be overstated.

The recent decision in Ontario to end funding for immigration and refugee legal aid services brings commitment to accessible justice to a crisis point. As a result of the decision, Legal Aid Ontario has suspended most new legal services for immigration and refugee clients – leaving a massive and immediate gap in services.

When legal aid programs receive inadequate funding, it creates uncertainty and erodes confidence in the justice system. The Canadian Bar Association and the Ontario Bar Association have called for stable, sustainable funding for public legal aid systems that assist individuals, families and communities who are financially disadvantaged or otherwise vulnerable to experiencing unmet essential legal needs. Federal, provincial and territorial governments all have a responsibility to show leadership to this end.

The absence of refugee and immigration law services unjustly impacts some of the most marginalized and vulnerable members of our society. A person's rights should not be infringed simply because he or she cannot afford meaningful access to the justice system. While the CBA and the OBA appreciate the complex history of federal and provincial legal aid funding, we urge the federal government to act swiftly to fund the gap in services, so that those in life and death situations are not caught in the crossfire.

Yours truly,

(original letter signed by Nadia Sayed for Marina Sedai and Sarah Fagan)

Marina Sedai
Chair, CBA Immigration Law Section

Sarah Fagan
Chair, OBA Citizenship and Immigration Law
Section