



*Coalition of Service Providers
for Refugee Claimants in Southern Ontario*

June 16, 2017

The Rt. Hon Justin Trudeau, Prime Minister
Office of the Prime Minister
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Ottawa, Ontario K1A 0A2

The Hon Jody Wilson-Raybould
Minister of Justice and Attorney General of
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House of Commons
Ottawa, Ontario K1A 0A6

The Hon Ahmed Hussen
Minister of Immigration, Refugees and
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The Hon Jane Philpott, MD
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Open Letter from the Coalition of Service Providers for Refugee Claimants in Southern Ontario calling on Federal and Provincial governments to fully fund Legal Aid Ontario's immigration and refugee services

The Coalition of Service Providers for Refugee Claimants in Southern Ontario calls on the Federal and Provincial governments to immediately increase funding to Legal Aid Ontario (LAO) to ensure that serious cuts are not made to immigration and refugee law services.

Due to budgetary constraints, Legal Aid Ontario is proposing cutting 40% of refugee and general immigration services beginning on July 1, 2017. Such cuts will put at risk the lives of thousands of people seeking safety within Canada's borders. Even one life is one too many to be put at risk.

The agencies of the Coalition are on the front line when it comes to responding to the needs of refugee claimants in Ontario. We, as service providers to refugees, support thousands of people each year as



they navigate the complex refugee determination system. We also assist them in exercising their right to access legal representation. We see firsthand the critical role of proper legal representation in accessing justice.

Our agencies are already beyond capacity in providing essential settlement services to refugee claimants. In addition to helping them access legal services provided by LAO, we support refugees in accessing affordable housing, education, health care, and other essential social services. As you are well aware, the desperate housing situation in many parts of Ontario has occupied many refugee service providers' time almost completely. We are therefore unable to fill the huge gap in legal support that would be created by the proposed cuts. Furthermore, our agencies are financially constrained charities staffed by settlement workers and volunteers. We are not legal professionals. Refugee and immigration law is a highly specialized area of law that requires well-trained and experienced lawyers. We as community workers simply are not able to provide the legal support necessary for refugee claimants to effectively seek protection in Canada.

As outlined below, the consequences of inadequate legal representation will be serious.

- Refugee proceedings have life and death implications. We expect the number of negative decisions at the Refugee Protection Division will increase, putting refugees' lives at serious risk. Poor or inadequate representation leads to decisions that can result in removal to a situation where refugees will face persecution, torture or death. This would amount to refoulement.
- More negative decisions at the RPD will require more applications to the Refugee Appeal Division (RAD) and/or the Federal Court to address the errors. Without adequate Legal Aid funding, these critical processes will be compromised. Both appellate processes are very complex and require legal expertise and familiarity with case law. Settlement workers are no substitute for proper legal representation in the appellate processes.
- Wrongful decision making will result in increased instances of failed refugee claimants choosing to remain in Canada without legal status due to serious fear of return to their country of origin. This situation puts vulnerable people in a precarious situation without access to essential services.

Many refugee claimants who lack financial resources will seek alternative ways to pay for counsel, thereby increasing their vulnerability. Refugee claimants already face too many barriers in the process of seeking protection in Canada. Many could be at risk of exploitation by employers taking advantage of their desperation for an income to pay their legal fees. Refugee claimants come to Canada to seek protection and may have to prioritize legal costs over their own basic needs. We expect to see refugee claimants without financial resources directing a significant portion of their social assistance towards paying legal fees. This will force already vulnerable claimants to depend more on shelters, food banks, and other services. In turn, this will inevitably push them into situations of extreme poverty. Furthermore, the pressure on social services such as emergency shelters, which are already under significant stress, will be multiplied. The undesirable consequence will be that the cost will be borne by other government departments in an indirect way. Proper Legal Aid funding will prevent a crisis.

Many of the Coalition members are transitional housing organizations. These organizations will inevitably absorb the cost of much of the financial pressures placed on refugee claimants, particularly if claimants are put in the position of having to pay legal fees over rent. We cannot in good conscience



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close the doors on those who see no other option but to direct social assistance to legal fees. However, the charitable sector is financially constrained. Our work of supporting refugee claimants will be further constrained if we find ourselves covering the costs of housing that are left when governments do not fulfill financial responsibilities. This would mean our overall ability to provide even basic services to refugees would be severely compromised.

The mandates of our organizations are to support at-risk people in finding protection and navigating essential social services at the same time. We do not have the resources to provide extra services. Legal representation is crucial to the refugee resettlement process and not something in which we are trained or have the capacity with which to assist. Therefore, we cannot support any action that will contribute to denying essential services to refugee claimants.

Canada has an international reputation of being at the forefront in providing protection to those fleeing persecution. This is the time for Canada to live up to that reputation.

On the historic 150th anniversary of this country, we implore you to stand up for what is right, and to ensure that access to justice is provided for the most vulnerable among us. Protection, justice and compassion are values that we all must work together to uphold. These are the values that make Canada a country truly worth celebrating.

Sincerely,

The Coalition of Service Providers for Refugee Claimants in Southern Ontario

Member Agencies:

Adam House, Toronto
Angela Rose House, Windsor
Carty House, Ottawa
Casa El Norte, Fort Erie
Casa Maria Refugee Homes, Peterborough
Chez Marie, Fort Erie
Christie Refugee Welcome Centre, Toronto
FCJ Refugee Centre, Toronto
Fort Erie Multi-Cultural Centre
Matthew House, Fort Erie
Matthew House, Ottawa
Matthew House, Toronto
Matthew House, Windsor
Mennonite Coalition for Refugee Support, Kitchener
Micah House, Hamilton
Quaker Refugee Committee, Toronto
Ray of Hope - Welcome Home Refugee House, Kitchener
Romero House, Toronto
Silas Hill Home for Refugees, Toronto
Sojourn House, Toronto