

Hiring a lawyer to help with a refugee claim

This fact sheet is for people who work with refugee claimants. Throughout the fact sheet, “you” refers to refugee claimants. This is meant to make it easier to pass the information on to those who need it.

CLEO has a fact sheet called “Making a refugee claim” that explains the process and some of the rules that apply to refugee claimants. To order a copy or read it online, please see the contact information at the bottom of [page 4](#).

On June 29, 2010, the government passed a law to change the Immigration and Refugee Protection Act. There are new rules regarding applications to remain in Canada on humanitarian and compassionate (H&C) grounds. (The new rules do not apply to H&C applications filed before the law was passed.) The government has said that other changes, affecting refugee claimants, will be put into place on June 29, 2012. When those changes take effect, some of the information in this fact sheet will no longer be accurate.

Getting legal help

You have the right to have a lawyer or other representative at your refugee hearing. Immigration officials should tell you about this right. You also have the right to choose your own lawyer.

If you are making a refugee claim, you need someone who knows refugee law to help you. Refugee lawyers know the specific laws that apply to your case and the particular rules that must be followed in presenting a refugee claim.

You have the right to make your claim in English or French. If you choose to make your claim in French, it is important to hire a lawyer who speaks French.

If you cannot afford to pay a lawyer, you may be eligible for legal aid. For more information, see the section on [page 2](#) called *Legal aid certificates*.

It is a good idea to get legal help as soon as you can. If possible, try to get legal help before you fill out any forms that relate to your refugee claim.

Your **Personal Information Form (PIF)** is a crucial part of your refugee claim. A refugee lawyer can tell you about the information you should include in your PIF.

Make sure that you understand everything in your PIF before you sign it. Sign only a completed PIF, never a blank one.

You must get your PIF to the Immigration and Refugee Board (IRB) by the deadline. The deadline is **28 days** from when you were given the PIF. Or, if it was mailed to you, the deadline is **35 days** from the mailing date.

If the IRB does not get your PIF by the deadline, you might not be allowed to present your refugee claim and you could be removed from Canada.

You can hire someone who is not a lawyer to represent you. But immigration authorities will deal with paid representatives only if they are lawyers allowed to practise in Canada or if they are members of the Immigration Consultants of Canada Regulatory Council (ICCRC). The ICCRC membership list is on their website at www.iccrc-crcic.ca.

If the IRB refuses your claim and you apply to the Federal Court to review that decision, only a lawyer can represent you in Federal Court.

Legal aid certificates

You can apply for a legal aid certificate from Legal Aid Ontario (LAO). To qualify, you need to prove that you cannot afford to pay a lawyer, and that your refugee claim has some chance of success.

Legal aid certificates pay lawyers for specific services. They do not pay for the services of consultants who are not lawyers.

LAO will pay for an interpreter if you need one when you meet with your lawyer. They will also pay for translating certain documents that are not in English or French.

If your lawyer decides that a medical or psychological report is needed in your case, LAO will pay for the report.

To apply for a legal aid certificate, you can contact LAO by phone:

Toll-free **1-800-668-8258**

Toronto area **416-979-1446**

Toll-free TTY..... **1-866-641-8867**

Toronto area TTY.....**416-598-8867**

If you have difficulty with English or French, LAO can provide an interpreter on the phone.

You must be able to explain briefly to LAO why you are making a refugee claim. You will be asked for other information including:

- when you arrived in Canada,
- when you left your country of origin,
- your “client ID” number with Citizenship and Immigration Canada (CIC) if you were issued a document by CIC, and
- whether you have family members in Ontario and, if so, whether they are also making refugee claims.

If LAO approves your application for a legal aid certificate, they will mail the certificate to you in a week or two. If you have provided all the necessary information and documents, you might get the certificate sooner, even on the same day.

Because of the strict deadlines for delivering documents to the IRB, you should not wait for the legal aid certificate before you contact a lawyer. Tell the lawyer you have applied and give the lawyer your LAO application number.

If you already have a lawyer, LAO will mail the certificate to your lawyer. In many cases, the certificate will pay for your lawyer to write a letter about the case to LAO. Then LAO will decide whether or not to issue another certificate to pay for the lawyer to represent you at your hearing.

If you need help finding a lawyer, a community legal clinic might be able to give you the names of some lawyers who practise refugee law. You can also ask if the clinic knows of any lawyers who speak your primary language. For more information, see the section on this page called *Community legal clinics*.

The Refugee Law Office

If you are in the Toronto area, you can contact the Refugee Law Office (RLO). The RLO may be able to represent you if you have a legal aid certificate.

Lawyers at the RLO, with the help of paralegals, represent refugee claimants at the IRB and in Federal Court. The RLO also represents people who are detained for immigration reasons, including refugee claimants.

For more information, you can phone the RLO at **416-977-8111** or the LAO toll-free number at **1-800-668-8258**.

Community legal clinics

You may be able to get free legal help from a community legal clinic. You do not need a legal aid certificate to go to a community legal clinic.

Community legal clinics get money from LAO to provide legal services to people with low incomes. Community legal workers and lawyers work at clinics.

You can call the legal clinic in your area to find out if they represent refugee claimants. Clinic staff will tell you if they are able to help you with your refugee claim or if they can refer you to a refugee lawyer.

To find the nearest community legal clinic visit the LAO website at www.legalaid.on.ca. Click on “**Contact LAO**” then “**Community legal clinics**”. Or you can call one of the phone numbers listed on [page 2](#).

You can also look in the CLEO booklet called *Getting legal help: A directory of community legal clinics in Ontario*. To order a copy or view it online, please see the contact information on [page 4](#).

Working with your lawyer

When you hire a lawyer, the lawyer works for you. This is true even if you get a legal aid certificate to pay the lawyer or if the lawyer works in a community legal clinic.

It is important to find a lawyer who you can trust and talk openly to because your lawyer needs to know all the facts about your refugee claim. It is your lawyer’s job to

help you understand the process of making a claim. If you do not understand or are not sure about something, ask your lawyer about it. A lawyer who knows refugee law can help you by presenting the facts of your case in relation to the law. And unless you agree to it, your lawyer cannot tell other people what you have said about past events.

If you need to have an interpreter when you meet with your lawyer, your lawyer can arrange this. But tell your lawyer ahead of time. If you are planning to bring your own interpreter, let your lawyer know before the meeting, so your lawyer can tell the interpreter how and when they can be paid.

Your lawyer should go over your Personal Information Form (PIF) with you. This should happen before you sign it. You must be sure that everything in the PIF is true. If you sign a PIF with information that is not true, this could hurt your case.

If you have documents that are not in English or French, your lawyer will need

to have them translated. Your lawyer may also want to get a medical or psychological report for you.

If you move or get a new telephone number, let your lawyer know right away. Without your current contact information, your lawyer will not be able to get instructions from you and might not be able to continue representing you.

If you are having problems working with your lawyer, talk to your lawyer about them. If you do this and you still have concerns, you might want to get a different lawyer.

If you have a legal aid certificate, you can apply to LAO and ask to change lawyers. But LAO will only let you do this if they think you have a good reason. For example, if the lawyer does not meet with you before you are asked to sign your PIF or if you are asked to sign a PIF you do not understand or agree with, you have a good reason to change lawyers.

This publication contains general information for people in Ontario. It is not a substitute for getting legal advice about your particular situation.

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