

# 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.

## 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 Canadian Society of Immigration Consultants (CSIC). The CSIC membership list is on their web site at <[www.csic-scci.ca](http://www.csic-scci.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. 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.

Legal Aid Ontario 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, Legal Aid Ontario will pay for the report.

To apply for a legal aid certificate, contact your local Legal Aid office. To find the office nearest you, look under “Legal Aid” in your phone book. You can also check Legal Aid Ontario’s web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)> or phone them:

Toll-free outside Toronto .... **1-800-668-8258**  
In Toronto..... **416-979-1446**  
Toll-free TTY..... **1-866-641-8867**  
TTY in Toronto .....**416-598-8867**

When you go to the Legal Aid office to apply for a certificate, bring the following with you:

- someone to interpret if you have difficulty speaking or understanding English or French,
- personal identification, such as a passport, birth certificate, or some other identity document,
- financial information, such as rent receipts, bank books, proof of your income, or proof that you receive social assistance, and
- any other documents that relate to your refugee claim, including the PIF if you have already filled it out.

You must be able to explain briefly to Legal Aid why you are making a refugee claim.

If the Legal Aid office 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 Legal Aid application number.

If you already have a lawyer, Legal Aid 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 Legal Aid. Then Legal Aid 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 first language. For more information, see the section below 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 **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 Legal Aid Ontario 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.

You can usually find the community legal clinic nearest you by looking under “Legal Aid” or “Lawyers” in your phone book. You can also check Legal Aid Ontario’s web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)> or phone them:

Toll-free outside Toronto .... **1-800-668-8258**  
In Toronto..... **416-979-1446**  
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## 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 if you hire a lawyer before the deadline for getting your PIF to the IRB. 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 Legal Aid Ontario and ask to change lawyers. But Legal Aid Ontario 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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