

Termination of immigration referrals in immigration appeal matters

This is to clarify that all immigration appeal referrals issued April 1, 2003, or later have a service stop date of February 28, 2004, notwithstanding any other date noted on the immigration appeal referral.

As with immigration referrals, all immigration appeals referrals must be billed by March 31, 2004. Any billings received after that date will not be honoured.

Please notify your clients about the limitations to your referral and ensure that you are not the counsel of record in any matter that is not completed by February 28, 2004. If, as of the date of this notice, you are scheduled to appear in Federal Court after February 28, 2004, you must write to the Legal Services Society (LSS) Appeals Division to request a special exemption to this policy.

Background

LSS and the Ministry of Attorney General finalized a three year Memorandum of Understanding (MOU) on March 5, 2003. Schedule E to the MOU deals with services in immigration law and provides no provincial funding in this area beyond March 31, 2004.

LSS hopes it can obtain funding to cover at least emergency or essential services for clients after March 31, 2004. To date, however, we have received no confirmation that such funding will be forthcoming.

The LSS Act prohibits the expenditure of revenue from the province on services not specified in the MOU. As a result, LSS sent a Notice to Counsel dated April 17, 2003, advising of changes regarding immigration referrals to ensure that no costs in this area remain outstanding after March 31, 2004. These changes were meant to apply to all immigration and immigration appeal referrals.

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