

For general and appellate panel standards

Completing this form

This form must be completed by all lawyers wishing to represent Legal Aid Ontario (LAO) clients in immigration and refugee matters. Existing members of the panel who do not submit a completed standards form together with the required documents by the indicated deadline on LAO's website may have their status rendered inactive until these documents are submitted. Inactive service providers are unable to acknowledge new refugee and immigration certificates, but may continue to complete work on existing legal aid certificates.

Applicants seeking panel membership for the first time, including new calls, can submit this form at any time, together with the [empanelment form](#). New calls and other first time applicants must meet the standards and be admitted to the panel before they can provide refugee and immigration services on a legal aid certificate.

Further information on the [general and appellate standards](#), a [checklist of documents](#) that must be submitted with this form, and copies of the applicable releases can be found at the end of this document. Please ensure that you complete all sections of the standard form, execute the applicable releases, and attach the required supporting documents before submitting your application.

If you require assistance completing this form, please contact the Lawyer Service Centre at 1-866-979-9934 (toll-free) to speak with a representative.

Where to send completed forms

Completed forms and supporting documents should be sent by mail, fax or email to:

Mail:

Refugee and Immigration Services GTA
Legal Aid Ontario
200-40 Dundas Street West
Toronto, Ontario, Canada
M5G 2H1

Fax:

Toll-free: 1-844-416-1713
GTA: (416) 642-2273

Email:

refugeestandards@lao.on.ca

Administrative use only

Name:

Legal Aid Solicitor Number:

Telephone:

Email:

1. Personal information

Name:

First / last name

Contact info

(Note: this address will be used on Legal Aid Ontario's referral lists, which will be made available to clients)

Address:

City:

Province:

Postal code:

Telephone:

Fax:

Email:

Legal Aid Ontario solicitor number:

Law Society number:

Date of call:

[YYYY-MM-DD]

Province of call:

2. Recent refugee courses completed

Refugee and immigration related continuing professional education courses completed in the prior calendar year.

Name of course, seminar, presentation	Location	Number of CPD hours

3. Civil / criminal / administrative record

Do any of the following apply to you?

3.1 Any complaints currently on file with the complaints resolution department of the investigations department of the Law Society of Upper Canada or any other law society?¹

Yes No

If yes, please explain:

3.2 Any complaints currently with the proceedings authority committee of the Law Society of Upper Canada or any other law society?²

Yes No

If yes, please explain:

3.3 Any sanctions by the Law Society of Upper Canada or any other law society?³

Yes No

If yes, please explain:

3.4 Any errors or omissions presently on file with the Lawyers' Professional Indemnity Company against you?⁴

Yes No

If yes, please explain:

-
1. LAO will consider the application of a candidate who is involved in this situation if, after receiving details, LAO is of the opinion that the nature of the situation is such that it would not prevent the candidate from being eligible.
 2. Candidates will generally not be considered if involved in such a complaint; however, if LAO receives sufficient information about the complaint being frivolous or lacking in foundation, then it will not be a bar to the candidate being considered.
 3. Candidates will generally not be considered if they have been sanctioned by a Law Society. However, if LAO receives sufficient information about the circumstances surrounding the sanction, then the sanction will not be a bar to the candidate being considered.
 4. Candidates will generally not be considered if they have an outstanding Error and Omissions claim registered with the Lawyers' Professional Indemnity Company, however, if LAO receives sufficient information that the claim is not substantiated, then such a claim will not be a bar to the candidate being considered.

3.5 Any current involvement as a defendant in any civil (excluding family matters) proceedings?¹

Yes No

If yes, please explain:

3.6 Any outstanding civil judgments against you or any past or present proposals to creditors or assignments in bankruptcy? ¹

Yes No

If yes, please explain:

3.7 Any current involvement as an accused in any criminal proceedings? ¹

Yes No

If yes, please explain:

3.8 Any criminal offence for which you were found guilty and for which you have not received a pardon? ¹

Yes No

If yes, please explain:

1. LAO will consider the application of a candidate who is involved in this situation if, after receiving details, LAO is of the opinion that the nature of the situation is such that it would not prevent the candidate from being eligible.

4. References

Please provide contact information for two experienced refugee and immigration lawyers who are familiar with your work and willing to act as references. New calls and others unable to acquire references from experienced refugee and immigration lawyers can provide contact information for other relevant references (law professors, community advocates, etc.).

Reference 1

Name:

Title/position:

Firm/organization:

Phone number:

Reference 2

Name:

Title/position:

Firm/organization:

Phone number:

5. General standard application

5.1 Certification

- I certify that I am a licensee of the Law Society of Upper Canada

5.2 Experience requirements

Please check the option that applies:

- **Recent experience**

I meet the recent experience threshold. In the past two years I have dedicated a minimum of 25% of my practice to refugee/immigration law and I have completed ten or more of any combination of:

- BOCs
- RPD hearings
- ID hearings
- IAD hearings
- PRRA submissions
- Danger opinions
- H and C applications
- RAD appeals
- Judicial reviews in respect of RPD, ID, IAD, RAD, PRRA, H and C or danger opinion decisions
- Stay motions
- Appeals/interventions before the Federal Court of Appeal or the Supreme Court in respect of refugee/immigration law matters.

OR

- **Historical experience**

I do not meet the recent experience threshold. However, I meet the historical experience threshold as during at least five of the past seven years, I have dedicated a minimum of 25% of my practice to refugee/immigration law, and during that time I have completed 25 or more of any combination of:

- BOCs
- RPD hearings
- ID hearings
- IAD hearings
- PRRA submissions
- Danger opinions
- H and C Applications
- RAD appeals
- Judicial reviews in respect of RPD, ID, IAD, RAD, PRRA, H and C or danger opinion decisions
- Stay motions
- Appeals/interventions before the Federal Court of Appeal or the Supreme Court in respect of refugee/immigration law matters.

OR

- **Alternatives to experience**

I do not meet the recent or historical experience thresholds. However, I am able to deliver high quality general refugee and immigration legal services, and therefore seek the exercise of discretion by LAO as I fully meet the general standards. I have attached a letter supporting my request for the exercise of discretion using the criteria set out in the document checklist as a guide.

OR

New call

I do not meet any of the three experience requirements (recent, historical or alternatives). I have been in practice for less than two years. I am therefore seeking to meet the general standards conditionally.

OR

● Transitioning to a refugee practice

I do not meet any of the three experience requirements (recent, historical or alternatives). I have been in practice for more than two years. However, I wish to practice refugee and immigration law, and I am therefore seeking to meet the general standards conditionally.

5.3 Supporting documents

- I certify that I have submitted the documents that are required to support my application for general standards quality assessment as set out in the [checklist of documents](#) attached to the back of this form.

OR

- I certify that I have not completed any combination of two RPD cases, H and C applications, danger opinions and PRRA applications in the prior calendar year and therefore cannot submit a combination of the same to support my application. I understand that once I submit my application, LAO will conduct an in-person discussion with me to determine what documents I will be required to submit to support the general quality standards assessment.

5.4 Acknowledgements

- I acknowledge that LAO panel members who meet the general standards only, whether fully or conditionally, are generally expected to act, on an annual basis, on a minimum of any combination of five:
 - RPD hearings
 - ID hearings
 - IAD hearings
 - PRRA applications
 - Humanitarian and compassionate applications
- I acknowledge that LAO panel members who meet both the general and the appellate standards, whether fully or conditionally, are generally expected, for the purposes of meeting general standards, to act on an annual basis, on a minimum of any combination of five:
 - RPD hearings
 - ID hearings
 - PRRA applications
 - Humanitarian and compassionate applications
 - RADs
 - Perfected Federal Court applications for leave and for judicial review of RPD, ID, IAD, RAD, PRRA, H & C, or danger opinion decisions
 - Federal Court judicial review hearings in respect of RPD, ID, IAD, RAD, PRRA, H&C's, or danger opinions, or
 - Appeals/interventions before the Federal Court of Appeal or the Supreme Court of Canada in respect of refugee/immigration law matters

■ I understand that in appropriate circumstances, LAO has the discretion to remove me from the panel if I do not fulfill this requirement, but that no such removal will be made if my failure to complete this condition is a consequence of a reasonable cause (for example, disability, parental leave, practicing in a smaller centre, etc.).

[If you do not want to be considered for the appellate standards, please proceed to section 7.](#)

6. Appellate standards application

6.1 Certification

- I certify that I am a licensee of the Law Society of Upper Canada

6.2 Experience requirements

Select the option that applies:

- Recent experience**

I meet the threshold eligibility requirements for the appellate standards as I have dedicated 50% of my practice to refugee/immigration law over the past two years and I have completed ten or more of any combination of:

- RADs
- Perfected Federal Court applications for leave and for judicial review of RPD, ID, IAD, RAD, PRRA, H and C or danger opinion decisions
- Federal Court judicial review hearings in respect of RPD, ID, IAD, RAD, PRAA, H&Cs, or danger opinion decisions
- Federal Court motions to stay removal
- Appeals/Interventions before the Federal Court of Appeal or the Supreme Court of Canada in respect of refugee/immigration law matters.

OR

- Historical experience**

I do not meet the recent experience requirements of the appellate standards. However, I meet the historical experience requirement of the appellate standards as I have during at least five of the past seven years, dedicated a minimum of 50% of my practice to refugee/immigration law. During that time I have completed 25 or more of any combination of:

- RADs
- Perfected Federal Court applications for leave and for judicial review of RPD, ID, IAD, RAD, PRRA, H and C or danger opinion decisions
- Federal Court judicial review hearings in respect of RPD, ID, IAD, RAD, PRAA, H&Cs, or danger opinion decisions
- Federal Court motions to stay removal
- Appeals/Interventions before the Federal Court of Appeal or the Supreme Court of Canada in respect of refugee/immigration law matters.

OR

- Alternatives to experience**

I do not meet the recent or historical experience thresholds. However, I am able to deliver high quality appellate refugee and immigration legal services, and therefore seek the exercise of discretion by LAO as I fully meet the appellate standards. I have attached a letter supporting my request for the exercise of discretion using the criteria set out in the document checklist as a guide.

OR

● **New call**

I do not meet any of the three experience requirements (recent, historical or alternatives). I have been in practice for less than two years. I am therefore seeking to meet the appellate standards conditionally.

OR

● **Transitioning to a refugee practice**

I do not meet any of the three experience requirements (recent, historical or alternatives). I have been in practice for more than two years. However, I wish to practice refugee and immigration law, and I am therefore seeking to meet the appellate standards conditionally.

6.3 Supporting documents

- I certify that I have submitted the documents that are required to support an appellate standards assessment as set out in the [checklist of documents](#) attached to the end of this form.

OR

- I certify that I have not completed and billed two legally aided appeal/judicial review cases in the prior calendar year. I therefore cannot submit the documents required to support my application. I understand that once I submit my standards form, LAO will conduct an in-person discussion with me to determine what documents I will be required to submit to support the quality standards assessment.

6.4 Acknowledgements

- I acknowledge that LAO panel members who meet the appellate standards, whether fully or conditionally, are generally expected to complete on an annual basis, a minimum of any combination of five:

- RADs
- Perfected Federal Court applications for leave and for judicial review of RPD, ID, IAD, RAD, PRRA, H and C or danger opinion decisions
- Federal Court judicial review hearings in respect of RPD, ID, IAD, RAD, PRAA, H&Cs, or danger opinion decisions
- Federal Court motions to stay removal
- Appeals/Interventions before the Federal Court of Appeal or the Supreme Court of Canada in respect of refugee/immigration law matters.

- I understand that in appropriate circumstances, LAO has the discretion to remove me from the panel if I do not fulfill this requirement, but that no such removal will be made if my failure to complete this condition is a consequence of a reasonable cause (for example, disability, parental leave, practicing in a smaller centre, etc.).

7. Certifications, undertakings and affirmations

- I acknowledge that all panel members who meet the standards must ensure their ongoing compliance with these standards (including LAO's quality service expectations, best practices guides, and any applicable conditions).
- I acknowledge that all panel members must also comply with the *Legal Aid Services Act*, its regulations and schedules, the tariff and billing handbook, and LAO's general policies and administrative procedures.
- I acknowledge that failure to comply with these requirements may result in my suspension or removal from panel membership.
- I understand that all panel members are required to complete a minimum of three hours of continued professional development each calendar year in refugee and immigration law related eligible educational activities. I undertake to meet this standards requirement for as long as I remain on LAO's panel.
- I understand that if I meet the standards and do so on an ongoing basis I will be able to provide refugee and immigration legal aid services for a duration of five years, unless I decide to no longer provide legal aid services or eligibility is revoked by LAO. At the expiry of the five-year term, I understand that if I wish to remain on the panel I may be subject to a further panel standards renewal assessment.
- I acknowledge that LAO may periodically review the quality of my work and will conduct such a review where complaints or concerns arise during the five-year period. I understand that I am required to co-operate fully with reasonable LAO verification of compliance with quality standards.
- I have executed the release forms for the [Law Society of Upper Canada](#) and the [Lawyers' Professional Indemnity Company](#) and have attached these executed forms with my completed application.
- I have enclosed all applicable required supporting documents as set out in the attached checklist of documents.
- I affirm that I have read and understood the refugee and immigration general and appellate standards and that the information contained herein is complete, true and accurate.

Applicant's signature

[YYYY-MM-DD]

Applicant's name (print)

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in the general administration of the payment of lawyers accounts including: case management, application of block fees and tariff, discretion, reviews, disbursement authorization, expedite requests, late billing, hard cap, and recoveries; and, is used in the panel management of lawyers including investigations, panel suspension, and panel removal. Questions about this collection should be directed to the FIPPA coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

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General and appellate standards information

Applicants found to meet the general quality standards will be able to acknowledge refugee and immigration certificates for matters before the Refugee Protection Division (RPD), Immigration Division (ID) and Immigration Appeal Division (IAD) as well as for humanitarian and compassionate (H&C) applications, danger opinions and pre-removal risk assessments (PRRA). Applicants found to meet the appellate standards will, in addition, be able to acknowledge refugee and immigration certificates for matters before the Refugee Appeal Division (RAD), Federal Court, Federal Court of Appeal, Ontario Superior Court, Court of Appeal for Ontario, and the Supreme Court of Canada.

Membership of the general panel is a prerequisite for membership of the appellate panel. Applicants seeking assessment under the appellate standards must therefore also seek assessment under the general standards.

To fully meet the general or appellate standards, applicants must demonstrate that they satisfy the requisite recent, historical or alternatives to experience thresholds and that the quality of their legal work meets the required standards. Applicants that do not meet these thresholds may be asked to agree to certain conditions such as to complete training, work with a mentor, or work under supervision.

Conditions are designed to ensure appropriate supports are in place to assist lawyers in quality standards compliance. Conditions will be developed, on a case-by-case basis, following consultation and discussion with the applicant concerned.

New calls

LAO welcomes applications from new calls that have both the ability and the commitment to do quality work for vulnerable immigration and refugee clients. For the purposes of the standards, new calls are defined as those with less than two years of experience who cannot meet the numerical thresholds for admission under the recent, historical or alternatives to experience categories.

New calls may choose to apply under the general standard only or may choose to apply for both the general and the appellate standards. New calls will however be asked to agree to certain conditions which will be developed on a case-by-case basis following consultation and discussion with the applicant concerned. One of the conditions for new calls who would like to practice appellate law may be that they only conduct RAD/judicial review/appeal work under the supervision of an experienced appellate lawyer.

Transitional applicants

LAO also welcomes applications from those who have the ability and commitment to do quality work for vulnerable immigration and refugee clients, but are transitioning from other areas of practice to general or appellate refugee and immigration work. These applicants will not yet have the requisite recent, historical or alternatives to experience to fully qualify to meet the standards for which they are applying. Such applicants may meet the standards conditionally. These conditions will be developed on a case-by-case basis following consultation and discussion with the applicant concerned.

Conditions

Those who do not have the requisite experience can be deemed to have conditionally met the standards.

Conditions will ensure appropriate supports are in place to assist lawyers in quality standards compliance. LAO may also impose conditions for applicants whose work displays quality concerns that are remediable. Conditions will be developed on a case-by-case basis following consultation and discussion with the applicant concerned.

Further information

In some instances, LAO may request an applicant provide further information or attend an interview to determine whether or not the applicant meets the standards.

Ongoing compliance

Panel members who meet the general and appellate standards are expected to demonstrate ongoing compliance with these standards.

Checklist of documents

1. All applicants

All applicants must submit:

- Completed refugee and immigration standards form
- Executed release of information form for the [Law Society of Upper Canada](#)
- Executed release of information form for the [Lawyers' Professional Indemnity Company](#)

2. Supporting documents

2.1 General standards

Applicants applying for the general standards must submit supporting documents for the first two LAO funded RPD cases completed in the prior calendar year. Supporting documents shall consist of:

- Copy of BOC (or certificate number and client name if you would prefer that LAO pull the BOC)
- Indices of documents submitted
- Written submissions (if any)
- The notice of decision and reasons for decision.

Applicants who did not complete two LAO funded RPD cases in the prior calendar year must submit supporting material from the first two LAO funded immigration and refugee cases completed in the prior calendar year that meet the following criteria:

- The two cases submitted must be drawn from any combination of non-legacy RPD claims, PRRA applications, H and C applications, or danger opinions.
- All legal work in relation to these matters must have been undertaken in the prior calendar year.

Supporting documents for non-legacy RPD claims as indicated above. Supporting materials for PRRA applications, H and C applications or danger opinions shall consist of:

- A copy of written submissions made
- Copies of any affidavits submitted (no exhibits)
- Indices of any documents submitted
- A copy of the decision if a decision has been rendered.

If you believe that the two cases that must be disclosed do not accurately reflect the quality of your work, you may choose to explain the reasons for this in a cover letter. Submit along with your application up to two additional examples of LAO funded immigration and refugee cases that were completed in the prior calendar year.

Applicants applying to meet the general standards who are unable to provide examples of work from two LAO

funded RPD cases, PRRA applications, H and C applications or danger opinions, will be contacted by LAO following submission of their standards form to discuss what documents they should submit to support their application.

2.2 Applicants seeking to meet the general standards on the basis of alternatives to experience

Applicants applying under the alternatives to experience category must attach information supporting the request for the exercise of discretion. In particular, if you are seeking admission under the alternatives to experience category you are asked to:

- Provide details regarding the length of time during which you practiced immigration and refugee law;
- Provide details regarding the number and type of refugee matters undertaken, indicating whether this work was under supervision or while being mentored;
- Explain the circumstances leading to the lower number (for example: practicing in a small centre with fewer cases; having taken parental or medical leave; having a disability; having experienced a significant recent reduction in claims from a client community that was the focus of the person's refugee practice; having been involved in lengthy or particularly complex test cases);
- Explain other relevant experience (for example: experience acquired as a refugee decision maker or experience acquired in academia);
- Explain any other relevant circumstances.

3. Appellate standards

In addition to the documents required for meeting the general standards, those seeking to meet the appellate standards must also submit:

- Supporting documents for the first two LAO funded application/appeal/stay/intervention records completed in the prior calendar year. Supporting documents shall consist of the following:
 - a copy of the decision that is the subject of the application/appeal record
 - copies of any affidavits filed "without exhibits"
 - copies of memoranda of argument written by you and any reply filed
 - a copy of the decision if a decision has been rendered, or the terms of settlement if the matter settled.

If you believe that the two cases that must be disclosed do not accurately reflect the quality of your work, you may choose to explain the reasons for this in a cover letter. Submit along with your application up to two further examples of LAO funded immigration and refugee cases that were completed in the prior calendar year.

Applicants applying to meet the appellate standards who are unable to provide the examples of legal work required above, will be contacted by LAO following submission of their standards form to discuss what documents they should submit to support their application.

3.1 Applicants seeking to meet the appellate standards on the basis of alternatives to experience

In addition, those applying for the appellate standards under the alternatives to experience category are asked to please attach information supporting their request for the exercise of discretion. In particular you are asked to:

- Provide details regarding the length of time during which you practiced immigration and refugee law;
- Provide details regarding the number and type of refugee matters undertaken, indicating whether this work was under supervision or while being mentored;
- Explain the circumstances leading to the lower numbers (for example: practicing in a small centre with fewer cases; having taken parental or medical leave; having a disability; having experienced a significant reduction in claims from a client community that was a focus of the person's refugee practice; having been engaged in lengthy or particularly complex test cases);
- Explain other relevant experience (for example: experience acquired as a refugee decision maker or experience acquired in academia);
- Explain any other relevant circumstances.