

# Panel standards checklist: Refugee general panel

## Instructions

1. Please answer each question on this checklist to the best of your ability. It was created from the Legal Aid Ontario [Best Practices Guide](#).
2. For each answer, please indicate whether the file review raises concerns and/or if more information is required. If the file review does not raise concerns and no information is required, you can leave the answer blank.
3. Submit the completed checklist, via:
  - Email: [refugeestandards@lao.on.ca](mailto:refugeestandards@lao.on.ca)
  - Mail: Attention: Refugee and Immigration Panel Services  
20 Dundas Street West, Suite 201  
Toronto, Ontario  
M5G2H1
  - Fax: (416) 642-2273

Indicate, in your email or letter, if this information is to be used as part of a staff review committee (SRC) or a peer review committee (PRC) hearing.

## 1. Case information

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Reviewer's name:

(First / last name)

Panel application file #:

## 2. Type of matter

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Is this information to be used as part of a staff review committee (SRC) or a peer review committee (PRC) hearing?                      SRC      PRC

### 3. Lawyer assessment

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1. Reasonable efforts should be made to accommodate clients with special needs, including those who require interpreters and those with literacy or mental health issues.
  - Were there any indications that client(s) were people with special needs, and any indication as to whether the lawyer made reasonable accommodations for the client(s)?

Raise concerns  
More information is required
  
2. Lawyers shall endeavor to act professionally with civility and decorum, avoid unreasonable delays, provide the client with the information necessary to make informed decisions, respecting their representation and respond promptly to reasonable inquiries from the client.
  - From the materials submitted, is there any indication of the following:

Raise concerns  
More information is required

    - Poor representation?
    - Unprofessional conduct?
    - Unreasonable delays?
    - The lawyer's poor communication with the client?
  
3. Lawyers should act reasonably and refrain from pursuing issues that have no real prospect of success and that fail to advance the client's interests.
  - Did the lawyer pursue issues that failed to advance the client's interests or had no real prospect of success?

Raise concerns  
More information is required
  
4. Lawyers should have knowledge of and familiarity with relevant legislation, including:
  - IRPA and regulations
  - RAD, RPD, ID and IAD rules
  - Documents such as the *Charter of Rights and Freedoms*, *Federal Courts Act*, Federal Court Rules, and international conventions like the refugee convention, CAT
  - Did submissions or other aspects of their work indicate insufficient knowledge of relevant legislation, case law or resources?

Raise concerns  
More information is required
  - Was there a failure to refer to significant relevant case law where appropriate?

Raise concerns  
More information is required
  - Was there a failure to follow relevant rules and procedural requirements (e.g. RAD rules or Federal Court Rules)?

Raise concerns  
More information is required
  - Do written submissions refer to the appropriate authorities?

Raise concerns  
More information is required

5. Please provide comments or specific examples that support the decisions above in questions 1 to 4.

6. The lawyer (or person acting under their direct supervision) should interview the client at the first reasonable opportunity.

- Does it appear that the lawyer did not meet with their client?

Raise concerns

More information is required

## 4. First interview

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7. Relevant disclosure should be sought as soon as possible and include statements by the client, evidence pertaining to the claim (documents, images, recordings, etc.) and all reports of physical or mental harm.

- |   |  |
|---|--|
| • Was sufficient evidence submitted to support the arguments?   | Raise concerns<br>More information is required |
| • If it appears that medical or psychological reports could have been beneficial, did the lawyer obtain these?                        | Raise concerns<br>More information is required |
| • Were any police reports submitted to substantiate mental or physical harm or is there an explanation for why this is not available? | Raise concerns<br>More information is required |

8. Please provide comments or specific examples that support the responses to question 7.

## 5. Preparation and finalization of the forms

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9. Lawyers should be aware of general country conditions and conduct basic country condition research when appropriate before finalizing forms.
- Does the record indicate that efforts were made to substantiate the claim with relevant documentary evidence in circumstances where documentary evidence provided in the NDP was not sufficient?  
Raise concerns  
More information is required
10. Lawyers must personally interview a client about the contents of the forms before having them sign it.
- Is the narrative clearly written, in fluent English or French, demonstrating that the lawyer reviewed the BOC (or other forms) with the client prior to having the client sign?  
Raise concerns  
More information is required
  - Does the BOC narrative reflect the lawyer's understanding of refugee law (e.g., nexus, state protection, delay in claiming of failure to claim in third country, and identification of personalized vs. generalized risk)?  
Raise concerns  
More information is required
  - Does the BOC contain sufficient detail with regard to the incidents of persecution?  
Raise concerns  
More information is required
  - Are explanations provided for facts that could otherwise give rise to credibility concerns?  
Raise concerns  
More information is required
  - Is the BOC (or other forms/submissions) internally consistent?  
Raise concerns  
More information is required
  - Are facts and chronology clearly presented?  
Raise concerns  
More information is required
11. Lawyer must discuss with client the evidentiary requirements for the case and provide appropriate guidance regarding the collection of such evidence, as well as timelines.
- Was adequate evidence submitted to corroborate the claim (e.g. identity documents, membership in a particular group, psychiatric report, medical documents)?  
Raise concerns  
More information is required
    - If not, is there an explanation of why materials were not submitted?  
Raise concerns  
More information is required
  - Is there any evidence that documentary evidence was not adequately reviewed by the lawyer or that the lawyer did not provide appropriate guidance regarding collecting evidence (e.g. translation errors, documents submitted that actually undermine claimant's case)?  
Raise concerns  
More information is required

12. Please provide comments or specific examples that support the decisions above in questions 9 to 11.

## 6. Developing and supporting the case

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13. Lawyer should develop a sensible and coherent theory of the case prior to the hearing or filing of submissions.

- Does the BOC reflect a clear theory of the case? Raise concerns  
More information is required

14. Lawyer should, when appropriate, obtain objective evidence to support the case, including relevant country of origin information, and advise the client on gathering relevant personal documents.

- Were sufficient personal documents and country documents submitted to substantiate the claim? Raise concerns  
More information is required
- Does any of the evidence undermine the client's claim? Raise concerns  
More information is required

15. In those matters where there is no hearing (e.g. H&C, PRRA), lawyer should develop clear and coherent written submissions in support of the application, addressing the relevant legal, factual and evidentiary issues raised by the application.

- |   |  |
|---|--|
| • Were the submissions persuasively written?                              | Raise concerns<br>More information is required |
| • Do they demonstrate a clear understanding and application of the law?   | Raise concerns<br>More information is required |
| • Do submissions make reference to applicable case law where appropriate? | Raise concerns<br>More information is required |

16. Please provide comments or specific examples that support the decisions above in questions 13 to 15.

## 7. Prior to the hearing

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17. Lawyer must review any disclosure from the IRB, CBSA or CIC prior to the hearing, and discuss and make best efforts to resolve with the client any contradictions, omissions or other issues arising.
- Did the lawyer provide updated submissions and evidence to respond to disclosure if appropriate? Raise concerns  
More information is required
  - Any indication that disclosure was reviewed with client and omissions/contradictions explored? Raise concerns  
More information is required
18. Lawyer must become familiar with the documentation contained in the NDP and its relevance to the client's case, and should conduct independent country conditions research to ensure that reasonably available, relevant and reliable objective evidence supporting the claim is placed before the Board before the deadline for disclosure.
- Were country documents submitted to substantiate the claim? Raise concerns  
More information is required
19. Lawyer must meet with the client prior to the hearing in order to fully prepare the client for giving evidence.
- Any indication that lawyer did not meet with client prior to the hearing, or that the client was unprepared to give evidence? Raise concerns  
More information is required
20. Lawyer must prepare for the hearing, including by developing a coherent and sensible theory of the case, preparing to make, or respond to, any reasonable preliminary motions or objections, and must prepare to examine the claimant/witnesses and make any oral submissions that will be required.
- Is there any indication from the RPD decision that the lawyer was inadequately prepared for the hearing, did not make appropriate motions or objections, or failed to sufficiently prepare the claimant or witnesses (e.g., contradictions in claimant and/or witnesses statement) Raise concerns  
More information is required
  - Did the lawyer prepare a draft of oral submissions? Was the lawyer otherwise prepared to give oral submissions? Raise concerns  
More information is required
  - Did the lawyer seek procedural accommodations for a vulnerable claimant if appropriate? Raise concerns  
More information is required
  - Was any request for a postponement substantiated with appropriate documentation (for example, medical documents) Raise concerns  
More information is required



21. Please provide comments or specific examples that support the decisions above in questions 17 to 20.

## 8. At the hearing

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22. Lawyer must represent the client at the hearing (unless the client has consented to representation, in advance, by another lawyer (who must be a panel member).

- Was the lawyer present to represent client at the hearing?

Raise concerns

More information is required

23. At the hearing, the lawyer is expected to:

- represent the client's interest fearlessly and competently, including by:
  - bringing relevant motions
  - raising objections where necessary or appropriate
  - fully questioning witnesses, and
  - providing fulsome closing submissions addressing all the "live issues" at stake.

Raise concerns

More information is required

- Does the decision indicate that the lawyer adequately examined the claimant, or re-examined if appropriate?
  - Raise concerns
  - More information is required
- Does the decision indicate that witnesses were fully questioned?
  - Raise concerns
  - More information is required
- Does the decision indicate that the lawyer raised the necessary objections or motions where necessary or appropriate (e.g., to object to inadequate interpretation, to object to inappropriate questioning by the Board member)?
  - Raise concerns
  - More information is required
- Does the decision/transcript/submissions indicate that the lawyer adequately addressed all the “live issues” at stake through the lawyer’s submissions?
  - Raise concerns
  - More information is required

## 9. After the hearing

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24. The lawyer is expected to, where requested by the RPD and having not done so orally at the hearing, provide post-hearing submissions in writing.
- Were written submissions submitted after the hearing, if requested or not done so orally?
    - Raise concerns
    - More information is required
25. A lawyer should remain generally aware of conditions in the country of origin of the client following the hearing and to provide post-hearing evidence to the RPD where appropriate.
- Any evidence that post-hearing evidence was submitted where appropriate?
    - Raise concerns
    - More information is required
26. Please provide comments or specific examples that support the decisions above in questions 24 to 25.

27. Overall comments:

a. Recommendations based on the overall review:

Meets panel standards

Does not meet panel standards, conditional empanelment recommended

Does not meet panel standards

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 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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