

Legal Help and Other Services for Refugee Claimants

This fact sheet is for anyone who is seeking refugee protection in Canada. When you make a refugee claim, it is a good idea to get legal help. This publication describes the options for legal help that are available to you when you make a refugee claim.

This fact sheet has information about the following:

- Legal aid
- Private lawyers
- Immigration consultants
- Interpreters and translators
- Settlement agencies

Legal aid

You may be eligible to get a free lawyer to help you with your refugee protection claim. The Legal Services Society (LSS) helps people who have a legal problem but cannot afford a lawyer. This is called legal aid. Before you can get legal aid, you have to be financially eligible, and LSS has to decide whether your case has merit (a chance of succeeding).

When should I apply for legal aid?

Apply for legal aid right after your eligibility interview at Citizenship and Immigration Canada (CIC). (For information about the eligibility interview, see fact sheet #1, *Starting a Refugee Claim*.) You have **only 28 days** to file your Personal Information Form (PIF), which is the form you use to apply for refugee status in Canada.

How do I apply for legal aid?

To apply for legal aid, contact your local LSS office. See page 5 for a list of offices that provide legal aid.

When you go to the legal aid office, bring —

- proof of your household income and the value of your assets (the things you own, including your savings);
- personal identification;
- your refugee claim papers; and
- any other documents that will show your claim has merit.

A staff person at the legal aid office will ask you some questions. Be prepared to explain exactly why you fear persecution or a risk of torture, loss of life, or cruel and unusual treatment or punishment if you return to your home country — and from whom. (For more information about the refugee claim process, see fact sheet #1, *Starting a Refugee Claim*.)

What if I do not speak English?

If you do not speak English, take a trusted friend or relative who speaks English and can interpret for you during your appointment. If you do not have anyone who can do this for you, LSS will provide a qualified interpreter to help you apply for legal aid (at the Vancouver legal aid office only).

How does LSS decide if I get legal aid?

Whether or not you get legal aid depends on your household income, the facts of your case, and the merit of your claim.

If you have little or no income, you will be financially eligible. But if you have relatives in British Columbia, LSS may ask them to help pay your legal fees.

If you are from a country whose citizens are often successful in making refugee claims in Canada, and you are financially eligible, you will be granted legal aid.

LSS may require you to complete a Refugee Claimant Questionnaire. LSS will use this questionnaire to determine whether your refugee claim has merit.

A legal aid worker will give you the questionnaire. If necessary, he or she will provide you with an interpreter to help you fill it out (Vancouver only). The questionnaire asks you to describe why you are making a refugee claim and why you are a person in need of protection outside your country. Make sure you answer all the questions clearly and fully. You may attach any additional documents that support your claim.

Based on the information you provide, LSS may give you legal aid. LSS will try to make a decision promptly. Three business days after handing in your questionnaire, call or go back to the legal aid office to find out if your application for legal aid was accepted.

If your refugee claim is covered by legal aid

If you are granted legal aid, and you do not already have a lawyer, ask the staff at the office where you applied to give you the name of

one. Legal aid will only pay the lawyer for a limited number of hours to prepare your PIF.

Legal aid will also pay the cost of an interpreter to help the lawyer to prepare your PIF. See page 6 for a list of agencies that provide interpreter and translation services.

Note: Getting legal aid does not mean that your refugee claim is accepted.

Legal aid for refugee hearings

If you cannot afford a lawyer to represent you at your refugee hearing, you can re-apply for legal aid to get a lawyer. Apply for legal aid when you have received either the Refugee Protection Division (RPD) screening form or notice of hearing. Go to your nearest legal aid office with a copy of your PIF, the screening form, the notice of hearing, and any other documents that support your claim.

Legal aid for appeals

If your claim for refugee protection in Canada is denied, and you think the decision was based on a serious error, you can apply for legal aid to provide a lawyer who can help you apply to the Federal Court of Canada for a judicial review (appeal). Go to your nearest legal aid office with a copy of the decision of the RPD or CIC officer, and any other supporting documents about your case. You have **only 15 days** from the day you received the decision to apply to Federal Court.

If your refugee claim is not covered by legal aid

If you do not qualify for legal aid, you may want to hire a lawyer to help you with your refugee claim, or with part of the process.

If you do not know a lawyer, call the Lawyer Referral Service. This service will give you the name of a lawyer you can call for a half-hour appointment that costs \$10. Ask for a lawyer who has experience doing refugee claims. Find out if there is one who can speak your language. If the lawyer cannot speak your language, take a relative or close friend with you to interpret, or hire an interpreter (see page 6).

Ask the lawyer what he or she will do for you, what it will cost, and how you should pay. To find out more about the Lawyer Referral Service, call —

Lower Mainland: (604) 687-3221
Elsewhere in BC: 1-800-663-1919 (toll free)

Or visit the website: [www.bccba.org/
Guest_Lounge/lawyer_referral.asp](http://www.bccba.org/Guest_Lounge/lawyer_referral.asp)

When you meet with a lawyer

To help you with your refugee claim, your lawyer will have to know all the facts about your case. This is true whether you use a legal aid lawyer or hire a private lawyer.

You need to be able to talk freely about the details of your claim. For this reason, lawyers are not allowed to tell other people what a client says to them unless the client authorizes them to.

Sometimes it is hard to understand what the lawyer is saying. Do not hesitate to ask questions until you are clear about what is being said.

Before your first appointment with your lawyer, collect the documents you need to support your refugee protection claim and complete what you can on your PIF (see fact sheet # 3, *How to Fill Out a Personal*

Information Form). If you do not have a PIF, ask for it at the same place that you got this fact sheet, or at a legal aid office. The PIF is also available in other languages on the LSS website (these forms are for reference only). Go to www.lss.bc.ca and look under “publications.”

To find out more about talking with a lawyer, read the Law Society of BC’s brochure *You and Your Lawyer*. This brochure is available in Chinese, English, French, Punjabi, Spanish, and Vietnamese. A settlement agency will have copies. It is also available in English on the Internet at www.lawsociety.bc.ca.

Immigration consultants

For a fee, immigration consultants will help you with your refugee claim. Immigration consultants have experience in immigration issues. They may or may not have legal training.

You can find immigration consultants in the yellow pages (“SuperPages”) under “Immigration and Naturalization Consultants.” You can also find them on the Internet by doing a search for “immigration consultants.”

It is important to hire an immigration consultant who is registered with the Canadian Society of Immigration Consultants (CSIC). Only a registered immigration consultant can represent you at an Immigration and Refugee Board (IRB) hearing.

To find out if an immigration consultant is registered, contact CSIC (see page 6).

The registered consultant you hire must have an office in British Columbia. As a refugee claimant, you are not allowed to travel to the United States.

Make sure an immigration consultant does not charge you for any of the following *free* services:

- Legal aid application
- Welfare application
- Enrolling your kids in school
- Medical exams for your refugee claim
- English classes at a non-profit agency

Beware of immigration consultants who guarantee that you will be accepted as a Convention refugee. They are misleading you. Only the IRB can accept your claim for refugee status.

If you are not happy with the work of your immigration consultant, or have a complaint, contact CSIC (see page 6).

What to ask a private lawyer or immigration consultant

Whether you work with a private lawyer or an immigration consultant, it is important to make the best use of the help you have.

If you do not speak English, take a relative or close friend with you to interpret, or hire an interpreter.

Make sure you get the answers to the following questions:

1. How much will the lawyer or consultant's work cost?
2. What does the bill include? For example, does it include —

- Translations
- Interpretation
- Photocopies
- Mailing charges
- Experts' reports

3. What kind of work is the lawyer or consultant going to do for you? For example, will the lawyer or consultant —
 - prepare you for your initial interview with the IRB,
 - translate identification documents,
 - prepare and complete your PIF,
 - file your PIF with the IRB,
 - prepare for your refugee hearing, and/or
 - represent you at your refugee hearing?
4. When does the lawyer or consultant expect to be paid? How does he or she want to be paid?

Interpreters and translators

Interpreters and translators are people who are fluent in more than one language. Interpreters are qualified to accurately repeat out loud in one language what someone is saying in another language. Translators are qualified to take written words in one language and accurately write them out in another language.

It is the job of an interpreter or translator to help you communicate with your lawyer. They cannot give you advice or opinions.

You may have to hire a translator to translate identification documents or information relevant to your refugee claim. Legal aid only pays for a limited number of translations.

The Canadian government will only accept translations from a certified legal translator. The professional association that regulates translators and interpreters is called the Society of Translators and Interpreters of BC. Translators and interpreters who are certified by this society have to follow a code of ethics that will help protect you. The IRB also certifies some translators and interpreters.

For a list of agencies that provide interpreters and translators, see page 6.

Settlement agencies

Settlement agencies provide a wide range of services to immigrants and refugee claimants, such as —

- Settlement and orientation services (temporary accommodation)
- Translation and interpretation services
- Information about education, health, and social services
- Referrals to services and programs
- English-language classes and other educational workshops
- Advocacy and short-term counselling
- Help to complete some immigration forms, such as applications for work permits

Settlement agencies may charge a fee for some of these services. See page 7 for a list of settlement agencies.

Where to find out more

Legal aid

LSS is an independent, non-profit organization that provides legal aid to low-income people in BC. It also provides legal information in

different languages. You can find out more about its services online at www.lss.bc.ca.

To apply for legal aid in person

This is a list of offices in BC that can take applications for legal aid. Phone the office nearest you to find out when it is open and whether you need to make an appointment.

Abbotsford	(604) 852-2141
Campbell River	(250) 287-9521
Chilliwack	(604) 793-7243
Courtenay	(250) 897-1400
Cranbrook	(250) 426-4066
Dawson Creek	(250) 782-7366
Duncan	(250) 746-3930
Fort St. James	(250) 996-7700
Fort St. John	(250) 785-8089
Hazelton	(250) 842-5218 or 1-877-842-5218 (toll free)
Kamloops	(250) 314-1900
Kelowna	(250) 763-8613
Nanaimo	(250) 754-1266
Nelson	(250) 352-3147
North Vancouver	(604) 980-7000
Penticton	(250) 493-7164
Port Alberni	(250) 724-5137
Port Coquitlam	(604) 585-6595
Prince George	(250) 564-9717
Prince Rupert	(250) 624-7701
Quesnel	(250) 992-8387
Richmond	(604) 273-9311
Salmon Arm	(250) 545-3666

Sechelt	(604) 885-4023
Surrey	(604) 585-6595
Terrace	(250) 635-2133 or 1-800-787-2511 (toll free)
Vancouver	(604) 601-6206
Vernon	(250) 545-3666
Victoria	(250) 388-4516
Williams Lake	(250) 392-4152

To apply for legal aid by phone

If you live in a community that does not have a legal aid office, or if you are in jail, call the LSS Call Centre:

(604) 408-2172 (Lower Mainland)
1-866-577-2525 (toll free, outside the Lower Mainland)

Immigration consultants

All immigration consultants must be registered with the Canadian Society of Immigration Consultants (CSIC) if they are going to represent someone before the Immigration and Refugee Board. Contact CSIC to find out if the immigration consultant you want to hire is registered to work in Canada:

Canadian Society of Immigration
Consultants
Canada Trust Tower,
161 Bay Street, 27th Floor
Toronto, Ontario M5J 2S1
Phone: (416) 572-2800 or
1-866-308-2742 (toll free)
Fax: (416) 572-4114
E-mail: information@csic-scci.ca
Website: www.csic-scci.ca/index.html

Interpreters and translators

The following agencies provide interpreter and translation services:

Abbotsford

Abbotsford Community Services
(604) 859-7681

Burnaby

Burnaby Multicultural Society
(604) 431-4131

Campbell River

Campbell River and Area Multicultural and Immigrant Services Association (MISA)
(250) 830-0171

Chilliwack

Chilliwack Community Services
(604) 792-4267

Kamloops

Kamloops Immigrant Services
(250) 372-0855

Nanaimo

Central Vancouver Island Multicultural Society
(250) 753-6911

North Vancouver

North Shore Multicultural Society
(604) 988-2931

Penticton

Penticton and District Multicultural Society
(250) 492-6299

Prince George

Immigrant and Multicultural Services Society
(250) 562-2900

Richmond

Richmond Multicultural Concerns Society
(604) 279-7160

Surrey

Surrey-Delta Immigrant Services Society
(604) 597-0205

Vancouver

Immigrant Services Society
(604) 684-7498

MOSAIC
(604) 254-9626

SUCCESS, Pender office
(604) 408-7274, extension 2044

Victoria

Immigrant and Refugee Centre Society
(250) 361-9433

Settlement agencies

For a complete list of settlement agencies, see *Directory: BC Multicultural, Anti-racism, Immigrant and Community Service Organizations* on the Internet at www.mcaaws.gov.bc.ca/ampip/sam/MAISO.htm.

One of the following refugee-serving agencies can also tell you where to find your local settlement agency.

Vancouver area

Immigrant Services Society of BC (ISS)
530 Drake Street
Vancouver, BC V6B 2H3
Phone: (604) 684-7498
E-mail: settlemt@issbc.org

Inland Refugee Society of BC (Inland)
101 – 225 East 17th Avenue
Vancouver, BC V5V 1A6
Phone: (604) 873-6660
E-mail: irsbc@telus.net

Mennonite Central Committee (MCC)

660 East 51st Avenue
Vancouver, BC V5X 1C9
Phone: (604) 325-5524
E-mail: admin@mccbc.com

MOSAIC

(Multilingual Orientation Services Association for Immigration Communities)
1720 Grant Street, 2nd floor
Vancouver, BC V5L 2Y7
Phone: (604) 254-9626

OPTIONS

Multilingual Help Line
100 – 6846 King George Highway
Surrey, BC V3W 4Z9
Phone: (604) 572-4060

Storefront Orientation Services (SOS)

360 Jackson Avenue
Vancouver, BC V6A 3B4
Phone: (604) 255-4611 (Spanish) or
(604) 253-8859 (Chinese)
E-mail: director@sosrefugee.org

SUCCESS

(United Chinese Community Enrichment Services)
Phone: (604) 684-1628 (Downtown Vancouver office)
(604) 468-6100 (Tri-city office)
(604) 270-0077 (Airport Reception Centre)

Surrey-Delta Immigrant Services Society

1107 – 7330 137th Street
Surrey, BC V3W 1A3
Phone: (604) 597-0205

Vancouver Association for Survivors of Torture (VAST)

2618 East Hastings Street
Vancouver, BC V5K 1Z6
Phone: (604) 299-3539
E-mail: care@vast-vancouver.ca

Victoria
Inter-Cultural Association of Greater Victoria
930 Balmoral Road
Victoria, BC V8T 1A8
Phone: (250) 388-4728
E-mail: admin@icavictoria.org

**Victoria Immigrant and Refugee Centre
Society**
305 – 535 Yates Street
Victoria, BC V8W 2Z6
Phone: (250) 361-9433
E-mail: mail@vircs.bc.ca

This fact sheet is one in a series for people who are making a refugee claim:

- #1 *Starting a Refugee Claim*
- #2 *Legal Help and Other Services for Refugee Claimants*
- #3 *How to Fill Out a Personal Information Form*
- #4 *A Guide to Humanitarian and Compassionate Applications*
- #5 *A Guide to Pre-Removal Risk Assessment Applications*

These fact sheets are available in Chinese, English, and Spanish. You can read them online at www.lss.bc.ca (under “publications”). For copies, contact:

Distribution
Legal Services Society
1500 – 1140 W. Pender Street
Vancouver, BC V6E 4G1
Phone: (604) 601-6075
Fax: (604) 682-0965
E-mail: distribution@lss.bc.ca

This fact sheet explains the law in general. It is not intended to give you legal advice on your particular problem.



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Society**

British Columbia
www.lss.bc.ca