

Immigration Roster Reference Guide

September 24, 2025

Welcome and Disclaimer

If you are new to the practice of immigration law as a roster lawyer for Legal Aid Alberta, welcome and thank you for joining our team. We appreciate your interest in access to justice and your willingness to serve our immigrant and newcomer community.

If you have been serving as immigration roster counsel for a while now and you are reading this guide to sharpen your skills, welcome and thank you for your dedication to continued learning. We appreciate you taking the time to improve your skills in service to our clients.

The purpose of this guide is to serve as a reference tool regardless of where you are in your practice and partnership with LAA. Ideally, it should be read in conjunction with our Tariff, Rules, and Administrative Policies. It is our intention that this helps you become familiar with, or re-familiarize yourself, with the basics. However, after you are done reading, do not stop here. We encourage you to explore other resources and texts to continue learning more about immigration law.

1. About Legal Aid Alberta

What is LAA?

LAA is an independent organization that is accountable to the Minister and Law Society of Alberta for the operation of LAA and the Legal Aid Plan. A copy of the Governance Agreement and a list of our mandated services can be found on our website.

By partnering with our roster members across the province, LAA provides essential legal services for eligible Albertans to ensure access to justice through a variety of service delivery programs. LAA advances the public interest by helping people resolve their legal problems through a cost-effective, innovative, and flexible program within an affordable funding envelope.

LAA has over 300 staff members and 1200 private practice roster lawyers acting for LAA to deliver our client and legal services for certain areas of law. LA provides a full spectrum of legal services – from duty Counsel services to full-representation Counsel in immigration, criminal, family law including child welfare matters, as well as some limited civil matters such as adult guardianship and trusteeship matters.

2. Vision and Mission of LAA

Our mission is to provide legal services and expertise to individuals and the legal community to support fairness in the justice system. As part of that mission, we rely on roster lawyers to provide a large proportion of these legal services.

Vision: An Alberta where everyone is able to understand and protect their legal rights.

Mission: We resolve legal problems for disadvantaged Albertans and, in doing so, protect the Rule of Law for the benefit of everyone.

Value: We are one, we are protectors, we are exceptional, we are independent.

3. About this Guide

This guide is a reference tool and not a comprehensive manual. Set out below are excerpts from various LAA policies, and an overview of the areas of immigration practice legal aid certificates cover. This is not a supplement to self-study and continuing professional development.

3.1. Definition of the matter we cover

Matter	Definition
Refugee Claim	Claims for refugee protection before the Refugee Protection Division ["RPD"].
Refugee Appeal to Refugee Appeal Division	Appeals of negative refugee determinations from the RPD to the Refugee Appeal Division ["RAD"]
Judicial Review of a Refugee Claim	Applications to the Federal Court of Canada of negative refugee claims or refugee appeals.
Admissibility Hearing	Matters before the Immigration Division ["ID"] to determine if the person concerned is admissible to Canada.
Removal Appeal due to criminality	Appeals of removal orders to the Immigration Appeal Division ["IAD"]
Detention Hearings	Matters before the ID to determine if an individual in immigration detention should be released.
<i>Non-Substantive Certificates (i.e. Merit Assessments/Opinions)</i>	<i>Providing written legal opinions on the merit of refugee appeals, removal appeals, judicial review applications, and ministerial appeals. Merit assessments are not required for detention reviews, admissibility hearings, and refugee claims.</i>

3.2. Table of matters we cover

Substantive Matter	Hours Provided (listed below are the base hours, add 2 hours for each additional family member)
Refugee Claim	12 hours
Refugee Appeal to Refugee Appeal Division	25 hours
Judicial Review of a Refugee Claim	25 hours
Admissibility Hearing	3 hours
Removal Appeal due to criminality	10 hours
Detention Hearings	3 hours (only the first hearing is covered)
<i>Non-Substantive Certificates</i>	<i>2 hours</i>

3.3. LAA Resources – Our Tariff, Rules and Policies

A roster lawyer should read LAA's Tariff ("the Tariff"), rules and administrative policies. These will provide you with the framework for your relationship with LAA. Below is a list of policies that are most relevant and helpful in managing LAA immigration files:

- Legal Aid Alberta Tariff
- Tariff cheat sheets
- Immigration Tariff Invoicing Guide
- Legal Aid Alberta Rules
- Administrative Policy 05 – Case Management for Certificate-Based Matters
- Administrative Policy 06 – Roster Management

3.4. Immigration Legislation and Rules

A lawyer new to immigration practice must start with reading the applicable legislation and rules. They are:

- Immigration and Refugee Protection Act [IRPA]
- Immigration and Refugee Protection Regulations [IRPR]
- Refugee Protection Division Rules [RPD Rules]
- Refugee Appeal Division Rules [RAD Rules]
- Immigration Division Rules [ID Rules]
- Immigration Appeal Division Rules [IAD Rules]
- Federal Courts Act
- Federal Courts Rules
- Federal Courts Citizenship, Immigration and Refugee Protection Rules

3.5. IRB and Federal Court Websites

It is a lawyer's obligation to be acquainted with the websites for the Immigration and Refugee Board [IRB] and the Federal Court of Canada.

The IRB's webpage contains links to important resources such as – templates for applications; the chairperson's guidelines; persuasive jurisprudence and practice notes applicable to all the Divisions. The Federal Court of Canada's website contains links to important resources such as forms, guidelines and directions, along with vital notices to the profession.

A lawyer appearing before these adjudicative bodies must regularly check their webpages for updates to guidelines and notices to the profession.

3.6. Leading Caselaw

This is a non-exhaustive list of seminal decisions that every lawyer should know. This list was generated using the Federal Court of Canada's Common List of Authorities for immigration matters entitled "*Volume 1: Immigration and Refugee Law*", and Bellissimo Law Group's webpage "*Important Immigration Court Decisions*":

- *Ali v. Canada (Public Safety and Emergency Preparedness)*, 2024 FC 1085
- *B010 v Canada (Citizenship and Immigration)*, 2015 SCC 58
- *B135 v Canada (Citizenship and Immigration)*, 2013 FC 871
- *Bains v. Canada (M.E.I.)* (1990), 109 N.R. 239 / (1990) FCJ No 457
- *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817
- *Brown v Canada (Citizenship and Immigration)*, 2017 FC 710
- *Brown v. Canada (Citizenship and Immigration)*, 2020 FCA 130
- *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689
- *Canada (Citizenship and Immigration) v. Huruglica*, 2016 FCA 93
- *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12
- *Canada (Minister of Citizenship and Immigration) v. Thanabalasingham*, 2004 FCA 4, [2004] 3 F.C.R. 572
- *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65
- *Canada (Minister of Employment and Immigration) v. Villafranca*, [1992] F.C.J. No. 1189, 99 D.L.R. (4th) 334 (F.C.A.)
- *Canada (Public Safety and Emergency Preparedness) v Chhina*, 2019 SCC 29
- *Canada (Public Safety and Emergency Preparedness) v Lunyamila*, 2018 FC 211
- *Chan v. Canada (Minister of Employment and Immigration)*, [1995] 3 S.C.R. 593
- *Charkaoui v. Canada (Citizenship and Immigration)*, 2007 SCC 9, [2007] 1 S.C.R. 350
- *Chiau v. Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16793 (FCA)
- *Chieu v. Canada (Minister of Citizenship and Immigration)*, 2002 SCC 3, [2002] 1 S.C.R. 84
- *Ezokola v Canada (Citizenship and Immigration)*, 2013 SCC 40
- *Febles v Canada (Citizenship and Immigration)*, 2014 SCC 68
- *Hailu v. Canada (Citizenship and Immigration)*, 2021 FC 15
- *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61
- *Li v. Canada (Minister of Citizenship and Immigration)*, 2005 FCA 1
- *Maldonado v. Canada (Minister of Employment and Immigration)*, [1979] F.C.J. No. 248 (FCA)(QL), [1980] 2 FC 302 (CA)
- *Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40
- *Oloumi v Canada (Citizenship and Immigration)*, 2012 FC 428
- *Ribic v. Canada (Minister of Employment & Immigration)*, 1986 CarswellNat 1357
- *Rozas Del Solar v. Canada (Citizenship and Immigration)*, 2018 FC 1145
- *Sidhu v Canada (Citizenship and Immigration)*, 2019 FCA 169

- *Singh v. Canada (Citizenship and Immigration)*, 2022 FC 1309
- *Singh v. Minister of Employment and Immigration*, [1985] 1 S.C.R. 177
- *Sittampalam v. Canada (Citizenship and Immigration)*, 2006 FCA 326 (CanLII), [2007] 3 FCR 198
- *Sivakumar v. Canada (Minister of Employment and Immigration)*, [1994] 1 F.C. 433 (F.C.A.)
- *Skelton v. Canada (Public Safety and Emergency Preparedness) [Skelton]*, 2024 FC 1353
- *Suleiman v Canada (MCI)*, 2004 FC 1124
- *Suresh v Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1
- *Thirunavukkarasu v. Canada (Minister of Employment and Immigration)*, [1994] 1 F.C. 589 (F.C.A.)
- *Tran v Canada (Public Safety and Emergency Preparedness)*, 2017 SCC 50
- *Wang v. Canada (Citizenship and Immigration)*, 2020 FC 262
- *Wang v. Canada (Public Safety and Emergency Preparedness)*, 2021 FC 226
- *Weldemariam v. Canada (Minister of Public Safety and Emergency Preparedness) (2020)*, 75 Imm. L.R. (4th) 201

3.7. Other Legal Reference Materials

Lastly, consideration should be given to adding any of the following texts, reference papers and online materials to your professional library.

- Ari Daghighian, Raj Sharma – Inadmissibility and Remedies
- Canadian Association of Refugee Lawyers – Detention Toolkit
- David Matas, Gentiana Morina – Canadian Refugee Protection Law Guide
- Henry Goslett and Barbara Jo Caruso’s – Annotated Immigration and Refugee Protection Act of Canada
- Immigration, Refugees and Citizenship Canada Operational Manuals
- Legal Aid Ontario – Practical Tips Representing Minors & Persons with Mental Health Disorders or Disability before the IRB
- Legal Aid Ontario – Refugee Caselaw Toolkit: A starting place for practitioners
- Legal Aid Ontario – Refugee Lawyer Practice Manual
- Lorne Waldman – Immigration Law and Practice, 2nd Edition binder
- Mario Bellissimo – A Practical Guide to Canadian Citizenship and Inadmissibility (Refugee Law Edition)
- Mario Bellissimo – Canadian Citizenship and Immigration Inadmissibility Law
- Refugee Law Lab website (contains visualizing data about RPD outcomes; reporter for positive IRB decisions; etc.)
- United Nations High Commissioner for Refugees handbook

4. Intro to the Immigration and Refugee Board, and Federal Court of Canada

4.1. IRB Divisions and their roles

The Immigration and Refugee Board has four Divisions. The description of each Division's role, in the table below, are from the IRB's website:

Refugee Protection Division The Refugee Protection Division (RPD) hears and decides claims for refugee protection made in Canada in keeping with the international Geneva Convention, as implemented through the <i>Immigration and Refugee Protection Act</i> . A claim for refugee protection can be made in Canada by speaking to an officer from the CBSA at any port of entry upon arrival in Canada, or to an officer from either the IRCC or the CBSA at an inland office. The officer decides whether the claim is eligible to be referred to the IRB. If the claim is eligible, it is referred to the RPD to start the refugee protection process.	Refugee Appeal Division The Refugee Appeal Division (RAD) decides appeals from decisions of the RPD to allow or reject claims for refugee protection. The RAD may decide to confirm or to change the RPD's decision. It may also decide to send the case back to the RPD to hear it again, giving directions to the RPD that it considers appropriate.
Immigration Division At the request of the CBSA or IRCC, the Immigration Division (ID), conducts admissibility hearings for foreign nationals or permanent residents believed to be inadmissible to, or removable from Canada under the law. The ID also conducts detention reviews for foreign nationals or permanent residents detained by the CBSA to review the reasons for detention.	Immigration Appeal Division The Immigration Appeal Division (IAD) of the IRB hears appeals on immigration-related matters. There are several types of appeals that are heard by the IAD: <ul style="list-style-type: none">• Appeals of family class sponsorship applications refused by IRCC officials• Appeals of removal orders made against permanent residents, protected persons, and holders of permanent resident visas

<p>Detention reviews are held:</p> <ul style="list-style-type: none"> • Within 48 hours of the start of detention or without delay afterwards • Then, within 7 days of that first review • After that, the ID reviews the grounds for detention at least once every 30 days until the person is either released or removed from Canada 	<ul style="list-style-type: none"> • Appeals by permanent residents who have been found by an IRCC official outside of Canada not to have fulfilled their residency obligation • Appeals by the Minister of Public Safety of decisions where the ID made a decision that a person is not inadmissible
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4.2. Federal Court of Canada

The following is an excerpt from the Federal Court of Canada's website:

The Federal Court provides judicial oversight for Canada's immigration system. The Court's jurisdiction over citizenship, immigration and refugee matters comprises the following:

- *Any matter arising under the Immigration and Refugee Protection Act (IRPA). This law governs immigration to Canada including temporary residence, permanent residence, and refugee protection. The Court hears judicial reviews of any matter arising under this Act. This includes the following:*
 - *Decisions of all levels of the Immigration and Refugee Board, including refugee claims, inadmissibility, immigration detention and immigration appeals;*
 - *Decisions of immigration officers regarding applications for permanent and temporary residence;*
 - *Decisions regarding pre-removal risk assessment;*
 - *Decisions of Ministers and their delegates concerning border and immigration matters;*
 - *Decisions regarding immigration enforcement including removal from Canada;*
- *Any matter arising from the Citizenship Act. This law governs the granting and loss of Canadian citizenship. The Federal Court hears matters arising under this Act, including the following:*
 - *Judicial reviews of citizenship decisions;*
 - *Actions by the Minister regarding citizenship revocation.*


5. LAA Certificates, Billing and Invoicing

This section contains excerpts LAA's Administrative Policy 5 entitled "Case Management for Certificate-Based Matters" (Admin Policy 5), and Administrative Policy 6 entitled "Roster and Panel Management" (Admin Policy 6). While reading this section it is helpful to refer to LAA's "Immigration Invoicing Guide".

5.1. Hourly Certificates

The number of hours a lawyer is allowed to bill under the Tariff will vary depending on the type of immigration matter (see table above under 3.2). Therefore, it is important to carefully review the certificate upon acceptance to ensure that you understand the scope of the matter; the number of hours allocated; and confirm that the details in the certificate are accurate. From time to time, you may receive a certificate for a matter where a client has been approved for coverage before their matter has been referred to the IRB. In instances where you receive a premature certificate, follow the condition code on the certificate: 'Advise client in writing of next steps for their matters and final bill to close the certificate'. If you notice there is an error in the certificate, send your query to certificatemanagement@legalaid.ab.ca.

Image 1: Sample Opinion Certificate



Legend:
 1. Description of the area of law and specialization.
 2. Service type and whether travel authorized or not.
 3. Conditions - Number of hours and limitations.
 4. Legal issues - Immigration matter type.

Certificate Number [REDACTED]		File Number [REDACTED]		Issued on Behalf of [REDACTED]	
Certificate Start Date [REDACTED]		Service Decision Number [REDACTED]		Address of Client [REDACTED]	
Lawyer Courthouse Edmonton				Edmonton	
Area of Law	Immigration ①	Lawyer	FLO Edmonton, LAA FLO	Date of Birth	[REDACTED]
Matter Type	Appeal	Service Type	Limited Hours Certificate - Opinion	Client	T: [REDACTED]
Specialization	Removal Appeals	Travel Authorized	No ②	Telephone	M: [REDACTED]
Service Location	Edmonton	Duty Counsel Type		Numbers	W: [REDACTED]
Status	Active	DC Court Location	Courtroom	Preferred Phone:	[REDACTED]
Contact Person	Certificate Team	Highest Legal Issue Level	Non criminal	Client E-mail Address	[REDACTED]
Transfer From	1.866.845.3425	Policy Exemption Reason	Not Applicable		

FLO Edmonton, LAA FLO
 Suite 300, 10320 102 Avenue
 Edmonton, Alberta T5J 4A1
 Work Number: (780) 415-8800
 Fax Number: (780) 427-1536
 Email: floedministrator@flo.legalaid.ab.ca

Certificate

CONDITIONS/RESTRICTIONS

Condition	Comment
01 - As per Legal Aid Alberta's Administrative Policy 05 - Case Management for Certificate-based Matters, a lawyer or staff office must submit their final bill on a case within six (6) months of the date of completion of the certificate service.	
19 - Completed opinion to be forwarded to lsc@legalaid.ab.ca	
20 - Opinion to advise LAA if there is merit in pursuing appeal	③
21 - Restricted Hours Certificate – Coverage is limited to actual time up to a maximum of _____ hour(s).	2 hours
61 - We request your reply by: _____ (enter date)	February 10, 2024
75 - (RE:)	no renewed/additional immigration proceedings
94 - If this certificate is transferred to another lawyer, no referral fee may be charged.	


Services Approved	If further Services are required, Legal Aid must be notified.
Docket Number: N/A	
Next Court Appearance & Time	Level Non criminal
Court Event	Hearing Court Level Administrative Tribunal
Court Location	Edmonton Adult/Youth Adult
Legacy Courtroom	Courtroom Courtroom Unknown
Legal Issue(s)	Regarding Count
Immigration Re: Refugee Appeal to RAD (0050) ④	1

Certificate Amendment

Action	Amendment	Amendment Reason	Amended On

This certificate is subject to the provision of the Legal Aid Rules, the Legal Aid Tariff, and any conditions/restrictions on the face of the certificate

Image 2: Sample Substantive Certificate



Legal Aid Alberta

Legend:

1. Description of the area of law and specialization.

2. Service type and whether travel authorized or not.

3. Conditions - Number of hours and limitations.

4. Legal issues - Immigration matter type

Certificate Number [REDACTED]		File Number [REDACTED]		Issued on Behalf of [REDACTED] una	
Certificate Start Date [REDACTED]		Service Decision Number [REDACTED]		Address of Client [REDACTED]	
Lawyer Courthouse Edmonton				[REDACTED]	
Area of Law	Immigration	Lawyer	FLO Edmonton, LAA FLO	Date of Birth	[REDACTED]
Matter Type	Standard	Service Type	Limited Hours Certificate	Client	T: [REDACTED]
Specialization	Other ①	Travel Authorized	Yes ②	Telephone	M: [REDACTED]
Service Location	Edmonton	Duty Counsel Type		Numbers	W: [REDACTED]
Status	Active	DC Court Location		Preferred Phone:	[REDACTED]
Contact Person	Certificate Team	Courtroom		Client E-mail Address	[REDACTED]
	1.866.845.3425	Highest Legal Issue Level	Non criminal		
Transfer From		Policy Exemption Reason	Not Applicable		

FLO Edmonton, LAA FLO
10123 99 Street NW
Edmonton, Alberta T5J 3H1
Work Number: (780) 415-8800
Fax Number: (780) 427-1536
Email: floedminitiator@flo.legalaid.ab.ca

Certificate

CONDITIONS/RESTRICTIONS

Condition	Comment
01 - As per Legal Aid Alberta's Administrative Policy 05 - Case Management for Certificate-based Matters, a lawyer or staff office must submit their final bill on a case within six (6) months of the date of completion of the certificate service.	③
94 - If this certificate is transferred to another lawyer, no referral fee may be charged.	
28 - If client has received LAA coverage prematurely and they do not have an active matter before the IRB, please advise client in writing of next steps for their matter and final bill to close the certificate. The client should re-apply to LAA once the matter is before the IRB.	
21 - Restricted Hours Certificate - Coverage is limited to actual time up to a maximum of _____ hour(s).	3 HOURS
75 - (RE:)	No renewed/additional immigration proceedings

Services Approved

Docket Number: N/A

Next Court Appearance & Time		Level	Non criminal
Court Event	Admissibility Hearing	Court Level	Administrative Tribunal
Court Location	Edmonton	Adult/Youth	Adult
Legacy Courtroom		Courtroom	Courtroom Unknown

If further Services are required, Legal Aid must be notified.

Legal Issue(s)	Regarding	Count
Immigration Re: Admissibility Hearing - Deportation (0066)	④	1

Certificate Amendment

Action	Amendment	Amendment Reason	Amended On

5.2. Time Records

Roster lawyers are required to keep timekeeping records for immigration certificates. For details on what should be included in the time record, see paragraph 6.2 in Part 6 of Admin Policy 5:

- (a) *provide a comprehensive and legible record of actual time spent working on the file and legal services performed that is inclusive from the date of certificate acceptance until the date of certificate closure;*
- (b) *contemporaneously track actual time spent working on the file and performing legal services that include:*
 - (i) *the day or days when the lawyer performed any such services and the timeframe of hours spent on that day or days;*
 - (ii) *a reasonably descriptive and/or itemized list of specific tasks performed and identify how much time was spent on each item;*
 - (iii) *the place or courtroom where a service was performed; and*
 - (iv) *any other information required under LAA policy;*
- (c) *provide a total number of hours spent providing legal services performed that is inclusive from the date of certificate acceptance until the date of certificate closure;*
- (d) *an itemized list of disbursements incurred when representing a client on a certificate;*
- (e) *any other information necessary to justify the lawyer's charge under the Tariff or discretionary authorization.*

Image 3: Timekeeping Record/Timesheet for active file (sample)

DATE	ACTUAL TIME SPENT (HH:mm)	BILLABLE TIME (HH:mm)	TARIFF	ACTIVITY	DESCRIPTION
03/14/2024	00:54	00:54	Immigration	Meet With Client	Welcome appointment with client
03/18/2024	00:12	00:12	Immigration	Correspondence to/from Client	Read and responded to email from assistant re express processing selection dated
03/22/2024	01:00	01:00	Immigration	Read and Review	Read and review refugee claim documents and compiled disclosure instructions.
03/26/2024	01:48	01:48	Immigration	Meet With Client	Preparing for express processing app - review refugee claim docs and disclosure
03/27/2024	00:36	00:36	Immigration	Correspondence to/from Client	Read and responded to Halima's email. Downloaded and labelled evidence.
04/04/2024	00:18	00:18	Immigration	IMM-Prep/File Disclosure for IRB & CBSA	Read and responded to client email re clarification for disclosure.
04/11/2024	00:18	00:18	Immigration	Research	Watched the videos client sent. Researched and found articles
04/29/2024	00:12	00:12	Immigration	Correspondence to/from Client	Read and responded to email exchanges between client and assistant re meeting
05/07/2024	00:12	00:12	Immigration	IMM-Prep/File Disclosure for IRB & CBSA	Prepped and updated disclosure - sent to assistant for submission
09/05/2024	00:06	00:06	Immigration	Correspondence to/from Client	Listened to client's voicemail from Aug 30 and read email. Responded
09/12/2024	00:12	00:12	Immigration	Read and Review	Made edits to latest disclosure from client and sent to her for review via email
09/12/2024	00:06	00:06	Immigration	Correspondence to/from Client	Responded to client email re disclosure. Organized and ready for assistnat
10/09/2024	00:12	00:12	Immigration	Correspondence to/from Client	Read and respond to client email re disclosure and interpretation for hearing
01/07/2025	01:30	01:30	Immigration	IMM-Prep/File Disclosure for IRB & CBSA	Prepare hearing binder. Updated disclosure for submission
01/22/2025	00:24	00:24	Immigration	IMM-Preparation for IRB Hearing	Started reading Uganda NDP
01/23/2025	01:36	01:36	Immigration	IMM-Preparation for IRB Hearing	Finished reading Uganda NDP
01/27/2025	01:54	01:54	Immigration	IMM-Preparation for IRB Hearing	Continued working on hearing preparation for Jan 30
01/27/2025	00:42	00:42	Immigration	IMM-Preparation for IRB Hearing	Completed hearing preparation and emailed materials to client
02/05/2024	00:06	00:00	Lawyer Non-Billable	Telephone Call to/from Client	Return client's voicemail from this morning
03/12/2024	00:24	00:00	Lawyer Non-Billable	Read and Review	Reviewed client file in preparation for welcome meeting
03/18/2024	00:06	00:00	Lawyer Non-Billable	Correspondence to/from Client	Forward to client invoice from interpreter at March 14 meeting
07/08/2024	00:06	00:00	Lawyer Non-Billable	Correspondence to/from Client	Sent client email re hours spent and interim billing
01/17/2025	00:18	00:00	Lawyer Non-Billable	Telephone Call to/from Client	Called client about interpreter for hearing practice. Sent email to confirm
Total Time Spent	12:54	12:12			

5.3. Additional Hours

You must submit an Authorization Request for additional hours. Authorization Requests can be sent through the Lawyer Portal. LAA may approve some, all or none of the extra hours requested.

A detailed time-keeping record/timesheet **MUST** be included with the request, preferably in PDF format. Requests submitted without timesheets will be refused and will need to be resubmitted. There is no standard format for timesheets. Refer to the sample above labelled 'Image 3: Timekeeping Record/Timesheet for active file' as a guide.

A lawyer must **include** in their request detailed information about the file; the reason why extra hours are needed; and how the extra hours will be used.

IMPORTANT

- Requests for more hours should be submitted in advance of doing the work. In general, LAA will **NOT** reimburse lawyers for legal services performed without prior approval – exceptions are outlined below.
- Reviewing Authorization Requests takes time therefore the earlier a request is submitted the better. As much as possible, avoid making late requests or requests after the work is done.

5.4. Retroactive Hours

"Retroactive Hours" means time spent on legal services prior to submitting an authorization request. Approval of retroactive hours is the exception and not the norm.

LAA **may** approve these requests in the following circumstances:

- The lawyer submitted the Authorization Request before performing the services. The circumstances required that the services be done without delay. LAA had not yet responded to the Request when the lawyer performed the services.
- It was reasonably necessary to perform the service to protect the client's interests.
- The Authorization Request could not have been reasonably anticipated at an earlier stage of proceedings.
- The Request was submitted promptly after the service was performed.

5.5. Disbursements

The excerpt below is from paragraph 6.3 in Part 6 of Admin Policy 5:

6.3 For both ordinary and special disbursements under the Tariff, a lawyer must keep and provide to LAA upon invoicing:

(a) any invoices, records, receipts, or reports associated with those disbursements that must include:

- (i) the date;*
- (ii) an identifiable service provider and contact information for the service provider;*
- (iii) an itemized list of services provided;*
- (iv) the total dollar amount of the disbursement; and*
- (v) if GST is applicable, the GST registration number.*

It is a lawyer's responsibility to ensure that the cost of professional services they retain for a matter does not exceed the authorized amounts outlined in the Tariff. The maximum amounts are set out as either a total amount or hourly rate. For example – The maximum authorized amount for translations and interpretations is \$2000. However, for psychological assessments there is a maximum hourly rate of \$155 (see paragraph 3.23 of Admin Policy 5).

If a lawyer believes it is necessary to incur an expense beyond that set out in the Tariff, they can submit a Disbursement Request. The request should include an estimate (or pre-invoice) from the proposed service provider. The same guidelines and expectations that apply to requests for additional hours are applicable to Disbursement Requests, along with the following factors:

- When considering a request LAA will consider the potential benefit/advantage the client stands to gain from the disbursement requested.
- If the expense relates to a specific legal issue or argument, and the likelihood of its success.

Disbursement Requests should be submitted **BEFORE** engaging the service of the desired professional. In general, LAA will **NOT** reimburse lawyers for expenses incurred prior to approval.

5.6. Key Billing and Invoicing Rules

Legal Aid Alberta's commitment to accountability for billings, for both clients and roster, requires roster lawyers to submit an annual interim invoice for every certificate issued.

Our clients are required to pay for the legal aid services billed by our roster lawyers. Interim invoicing provides clients with more consistent clarity on what they will owe LAA for legal aid services after their roster lawyer submits a final invoice. More stability and consistency in roster lawyer billing to LAA helps our clients plan ahead with their payment plans, rather than receiving a large bill after several years. For roster lawyers, interim invoicing provides more income stability and tariff items are less likely to be missed.

a) Interim Invoices

- These are required 12 months from the date of the certificate being accepted – not based on calendar year. Roster lawyers receive an email reminder at the 11-month mark: one month before the interim invoice is due on that certificate. If there are multiple certificates, multiple emails are sent.
- Exceptions to the interim invoicing requirement will be handled on a case-by-case basis through an authorization request.

b) Final Invoices

- Must be submitted to LAA no later than six months following the last step taken to complete a certificate. The final bill must include the outcome of the case, the date upon which certificate services were completed and any other materials required. LAA has no liability for the payment of an account rendered more than six months after the completion of services covered by the certificate.
- Set out below is more detailed information regarding a lawyer's obligation to LAA and our clients when it comes to billing and invoicing. These are excerpts from Parts 4 (Rules Surrounding Billing and Invoicing) and 6 (Lawyers' Accounts and Review of Accounts) of Admin Policy 5.

Lawyer May Not Accept Additional Payments for Certificate Services

4.1 When a lawyer acts on a certificate or as duty counsel, LAA must be the sole source of funding for any matters falling within the scope of that certificate or duty counsel appointment. A lawyer must not:

- (a) *seek or accept any payment or reimbursement from the client or from any source other than LAA for any services provided (or disbursements incurred) when acting on that certificate or as duty counsel, or,*
 - (b) *accept any gift or gratuity of more than a nominal value,*
- unless LAA specifically approves that payment, reimbursement, gift, or gratuity in writing.*

Lawyers Must Keep Records for Four Years from Final Invoice

6.5 *If this policy requires a lawyer to keep a record or information in relation to a certificate, the lawyer must keep the record or information for at least four years from when the lawyer submits the final invoice for that certificate.*

Interim Accounts

6.7 *A lawyer may submit an interim account on a certificate for any legal services the lawyer provides (or disbursements the lawyer incurs) before the client's matter concludes.*

6.8 *LAA may, by an internal business rule:*

- (a) *require a lawyer to submit interim accounts on certificates periodically; or*
- (b) *limit how frequently a lawyer may submit an interim account on a certificate.*

Final Accounts and Deadline for Submitting Final Accounts

6.9 *Delays submitting accounts have a significant impact on LAA's ability to manage its financial affairs and LAA's ability to recover expenses from clients who may be responsible for repaying the lawyer's account.*

6.10 *As a result, there is a deadline for lawyers to submit accounts in relation to their certificate matters. A lawyer must submit their final account no later than six months after:*

- (a) *LAA cancels the client's coverage on the certificate,*
- (b) *all matters covered by the certificate have been resolved or have concluded, or*
- (c) *the lawyer stops acting for the client on the matters covered by the certificate,*

6.11 *A lawyer who has missed the deadline for submitting an account may submit an Authorization Request to LAA, requesting an extension of time to submit the account. The*

Authorization Request must explain why the lawyer failed to submit the account before the deadline.

6.12 If a lawyer submits an account after this deadline, LAA may, at its sole discretion:

- (a) refuse to pay the lawyer's account, or*
- (b) choose to pay all or some of the lawyer's account.*

Lawyers Have a Limited Period in which to Correct Errors in Accounts

6.13 A lawyer who submits a final account has 45 days from when the account was submitted to advise LAA of any errors or omissions on the final account or any related interim accounts and to amend their account or accounts. A lawyer cannot make any changes to an account on the certificate once this period has passed.

6.14 Despite the preceding section, a lawyer cannot amend an account if:

- (a) the lawyer has already released funds to a client under Part 4 of this policy; and*
- (b) the account was issued before the lawyer released those funds.*

Client Complaints About Lawyers' Accounts

6.27 A client may contact LAA to raise a concern or make a complaint about a lawyer's account. LAA may require the client to complete the prescribed complaint form before LAA begins a review of that account.

6.28 A client may initiate a complaint about a lawyer's account no later than one year after the lawyer submitted their final account to LAA with respect to that matter.

Client Complaints – Step 1: Informal Review of a Client's Complaint

6.29 After receiving a client's complaint, LAA will alert the lawyer to the complaint and may contact the client and the lawyer to gather more information. LAA may attempt to resolve the complaint informally by discussing the matter with the client and the lawyer. At the conclusion of any informal review:

- (a) LAA may dismiss the client's complaint if it is satisfied that:*
 - (i) the complaint is frivolous or vexatious;*
 - (ii) the complainant has failed to respond to its reasonable requests for information; or*

- (iii) *it has enough information to conclude the complaint does not require an adjustment to the lawyer's account;*
- (b) *LAA may adjust the lawyer's account to correct any errors, oversights, or unjustified charges it has identified during this informal review; or*
- (c) *LAA may decline to resolve the matter informally and undertake a compliance review with respect to the account.*

6.30 *If a lawyer is dissatisfied with any adjustments LAA made to an account after an informal review, the lawyer may, within 15 days of being informed of the adjustment, submit a written request that LAA conduct a compliance review for the account. When requested by the lawyer, LAA will undertake a compliance review into the account, and the compliance review will determine what adjustments, if any, LAA will make to the account.*

Client Complaints – Step 2: Compliance Reviews Resulting from Client Complaints

6.31 *The person who conducts a compliance review in response to a client's complaint may hold an informal in-person or teleconference meeting with the lawyer and the client, either at the request of the lawyer or the client or on the reviewer's own motion, but there is no right to such a meeting.*

6.32 *To eliminate any doubt about whether LAA may have unfettered access to a client's file during a compliance review, LAA may, before proceeding with a compliance review in response to a client's complaint, require the client to sign a waiver directing the client's lawyer to provide LAA with a complete copy of the client's file.*

6.33 *A client who makes a complaint must respond to LAA's request for information, records, or a waiver within 30 days of the request unless LAA grants an extension of time to respond. If the client fails to respond to LAA's request within this timeline, LAA may:*

- (a) *dismiss the complaint and cancel the compliance review; or*
 - (b) *proceed with a compliance review based on the information known to LAA.*

6.34 *When LAA completes a compliance review in response to a client's complaint it will provide the lawyer and the client with a summary of its findings and will advise the lawyer and client of any right to request a review of the decision.*

Factors Considered on Review of an Account

6.36 After an informal review or a compliance review, LAA will determine whether a lawyer's account was inordinately high or unjustifiable because:

- (a) the account or its supporting records were materially incomplete or inaccurate;
- (b) the account did not comply with the Tariff, any LAA policy, a discretionary funding authorization, or any conditions attached to a certificate or an authorization;
- (c) the lawyer took plainly unnecessary steps in relation to the client's matter or spent grossly excessive time providing services to the client;
- (d) the lawyer has invoiced LAA for services that fall outside of the scope of the matters covered by a certificate;
- (e) a disbursement was excessive, unapproved, plainly unnecessary, or incorrectly allocated to the account.

6.37 When determining whether a lawyer's account was inordinately high or unjustifiable, LAA may consider:

- (a) any standards or criteria applied by the Review Office of the Court of Queen's Bench of Alberta when that office assesses the reasonableness of an ordinary lawyer's account, insofar as those standards or criteria may be adapted and applied to LAA accounts, and,
- (b) any billing, invoicing, or timekeeping guidelines, policies, or best practices that LAA has created to assist roster lawyers and has published on the LAA website.

Client Reimbursement for Overpayment

6.40 LAA will reimburse a client for any credit on their account if:

- (a) LAA concludes that a lawyer's account was inordinately high or unjustifiable;
- (b) the client has already paid LAA any excess amount the lawyer charged the client; and
- (c) there is a net credit on the client's LAA account after factoring in any other amounts the client owes LAA on other matters.

6. Best Practices for Immigration Matters

This section contains general information and suggestions that may be helpful to lawyers engaging in immigration practice. These are basic recommendations and **do not** replace a

lawyer's professional obligation to take steps beyond what is outlined below to provide clients with competent and fulsome representation. Please note that many of the suggestions set out below are from publicly available sources such as – the Immigration and Refugee Board's legal resources materials; Legal Aid Ontario's roster resource material; the Canadian Association of Refugee Lawyer's detention toolkit; the Federal Court of Canada's resources page; and LAA's own immigration trainings.

6.1. File Opening, Initial Client Interviews, Mapping File Progress

6.1.1. For ALL Matters

a) File Opening

- After receiving a certificate, the lawyer (or a person acting under their supervision) should examine it to ensure it contains accurate information. Any issues with the certificate should be brought to LAA's attention right away.
- Next, it is recommended that the client be contacted with directions on the file opening process. This is a courtesy that puts the client at ease and confirms appointment by LAA.
- A note should be made of the number of hours that have been allocated and steps taken to start a time keeping record.
- Finally, a notice of appointment should be sent to the Immigration and Refugee Board ["IRB"] to put the lawyer on record as counsel. This can be done either by sending a letter to the appropriate Division; using the Counsel Contact Information Form available on the IRB website; or completing the Notification of New Clients form on MyCase portal.

b) Connecting with Client and Welcome appointment

- The lawyer (or a person acting under their supervision) should contact the client to book a welcome meeting. Whenever possible this appointment should be in-person.
- The welcome appointment is a short meeting that provides the lawyer with the opportunity to:
 - introduce themselves to the client and explain their role;
 - review retainer letter and discuss LAA rules;
 - collect file opening materials; and,

- explain the general way matters unfold and expected timeline.

c) Initial appointment

- This is the lawyer's first substantive meeting with the client. During this meeting the lawyer should conduct an initial client interview and review all the immigration documents with client.
- Typically, a lawyer collects a copy of all documents and disclosure related to case from the client, but sometimes that does not happen. Documents and disclosure in an immigration file can include but is not limited to:
 - all oral and written statements by the client, and the details of the circumstances under which the statements were made;
 - all documents, images and recordings pertaining to the matter;
 - all reports of physical or mental harm;
 - everything the client has received from and provided to immigration authorities.
- If the client does not have everything, then the lawyer must contact the appropriate authorities to collect missing documents. This can be the IRB; Immigration, Refugees and Citizenship Canada ["IRCC"], and/or Canada Border Services Agency ["CBSA"].
- Discuss the content of the documents with the client and determine if its contents are accurate. Specifically, ensure that the client is satisfied that the documents containing their personal information (such as the Basis of Claim form) are complete, correct and clearly understood by the client.
- At all subsequent meetings/encounters, the lawyer (and anyone acting under their supervision) must be alert to potential linguistic, cultural or mental health issues that could affect the giving of instructions and/or the preparation or substance of the case.
- The lawyer must make reasonable accommodations or take reasonable steps to support the client. These can include but are not limited to providing an interpreter for meeting or offering appropriate referrals to medical or mental health practitioners and/or other relevant community resources.
- The lawyer should also consider if it is necessary to apply to have the Division declare the client a vulnerable person and if a designated representative needs to be appointed.

- The lawyer must ensure that the client generally understands the test to be met to reach the desired outcome in their matter, as well as the procedures, role and powers of the relevant tribunal or decision maker.
- The lawyer must discuss with the client the evidentiary requirements for the case and provide appropriate guidance regarding the collection of such evidence, as well as timelines and disclosure deadlines. The client should be provided with written directions on what to gather and how to collect it.
- The lawyer must make themselves available to provide the client with support and assistance to complete the collection of disclosure, or any other task necessary to be prepared for the client's hearing.
- Keeping in mind section 3.4 of the Law Society of Alberta's Code of Conduct (version dated June 7, 2024), a lawyer must remain alert to potential and actual conflicts of interest that may result in an inability to represent the client. Beware that conflicts may arise at any point in a file's life cycle.

d) File Mapping: Planning Your Strategy

- After the first introductory meetings with the client, a lawyer should set aside time to develop a sensible and coherent theory of the case. This theory will help the lawyer provide direction to the client on what disclosure to collect, and it will provide themselves with a foundation for hearing preparation. This should also include diarizing all relevant deadlines.
- Hereafter, the lawyer should keep the client apprised of any significant developments in the case.

6.1.2. Additional Initial Considerations for Refugee Claims

- At the start of the file determine if the Safe-Third Country Agreement ["STCA"] has been engaged, or if the client was exempt from STCA. Make a note of this for future reference as this will impact what course can be taken if the client is unsuccessful in their claim.
- When reviewing documents with a client pay special attention to contradictions, inconsistencies and omissions. Where corrections are necessary draft and submit amendments. It is recommended that the client make it a habit to review their claim documents regularly to spot potential errors and/or omissions. Also, throughout the carriage of the file, the lawyer should be diligent to periodically check-in with the client to make sure the claim documents remain accurate and

complete. Significant amendments that raise 'red flag' credibility issues should include an explanation and/or supporting evidence.

- The lawyer should be familiar with the IRB resources, such as chairperson guidelines, legal resources, and procedures and practice notices. These resources contain important directions that will provide guidance on things like – disclosing documents to the RPD; applications a lawyer may need to submit; and direction on miscellaneous topics such as minors at hearings and vulnerable persons.
- While preparing the file the lawyer should consider the following strategies: If an in-person hearing is necessary for the client? Should the claim be reviewed and considered for adjudication by the Gender Related Task Force? Is this a matter that meets the requirements for adjudication under the shortened file-review process (i.e. paper application)? The forms for each of these considerations is available on the IRB website.

6.1.3. Additional Initial Considerations for Detention Reviews

- These certificates are for one appearance only. If the client remains in detention after your appearance, please direct them to call LAA to submit another application for coverage.
- While it can be challenging to connect with a detained client it is essential that the lawyer make every effort to communicate with them before the hearing. This may include asking the presiding Member for time with the client before the start of the hearing – especially where the lawyer was unable to meet with the client beforehand.
- If it is possible, prior to the first meeting with the client, the lawyer should read previous orders, hearing transcripts, and the Minister's disclosure package. This will help them understand what are the obstacles to the client's release and will greatly inform the first meeting with the client.
- Contact the Minister's Counsel before the hearing to clarify their position on release. These informal conversations can help highlight the central concerns/obstacles to release.
- Detention reviews are complex matters, and a lot must be done in a short period of time to prepare for a hearing. To assist in this preparation, it is recommended that the lawyer become familiar with the nuances of this area of practice. The lawyer may do so by reading the relevant sections of IRPA and IRPR; the ID Rules; the Chairperson's Guideline 2 on Detention; and detention related Division

practice notices and forms. Also, reading the Canadian Association of Refugee Lawyer's Detention Review Toolkit is advised.

6.1.4. Additional Initial Considerations for Removal Appeals

- LAA only provides coverage for appeals of criminally inadmissible individuals whose matters can be heard before the IAD. To ensure that certificates are issued for eligible matters only, merit assessments are conducted before coverage is granted. However, it is still good practice for the lawyer to confirm that the IAD has jurisdiction to hear the appeal at the start of a file.
- After a removal order is issued an individual has 30 days to submit the notice of appeal to the IAD. Upon appointment the lawyer must double-check that a notice of appeal has been filed. If a notice has not been filed, then one should be filed immediately. If the deadline to file the appeal has passed, then an application to extend the deadline must accompany the notice of appeal.
- It is important to pay special attention to the timelines and deadlines for removal appeals as these matters progress on a faster schedule than in other Divisions. Pay particular attention to the IAD rules regarding fixing a date for the hearing (see IAD Rule 61) and submission of disclosure (see IAD Rules 26 to 28).
- At the initial appointment the lawyer should discuss with the client: their immigration history; their personal background; and their criminal history including underlying reasons for criminal involvement.
- The lawyer should be familiar with the IAD's practice notices on appeals and the various forms available online to facilitate the submission of documents and/or applications.

6.2. Notice of withdrawal of claim/appeal

- Before filing a notice to withdraw a claim or an appeal, the lawyer must: (i) explain to the client the consequences of withdrawing and the impact it will have on their status in Canada; (ii) provide the client with a written copy of this advice and information; and (iii) if the client wishes to continue with the withdrawal, then the lawyer must obtain written instructions from the client before submitting the notice.

- Each Division has different rules for withdrawing. Before making such an application the lawyer must be familiar with the rules and the forms that must accompany a withdrawal application.
- For Refugee Claims: See RPD Rule 59 for the procedure on withdrawing a claim before the Division. Applications to withdraw must be accompanied by a complete copy of the IRB's 'Notice of Withdrawal of a Claim for Refugee Protection'.
- For Removal Appeals: See IAD Rule 94 for the procedure on withdrawing a claim before the Division. Applications to withdraw must be accompanied by a complete copy of the IRB's 'Notice of Withdrawal of Appeal'.
- If the Minister is a party to the matter, they must be included in and provided a copy of the application.

6.3. Changing hearing location and date

- Each Division has different rules for changing the hearing location and/or hearing date. Before making such an application the lawyer must be familiar with the rules and the forms that must accompany such an application.
- When applying to change the date of the hearing attach a complete copy of the IRB's 'Application to change the date or time of a proceeding'.
- When applying to change the location of the hearing attach a complete copy of the IRB's 'Application to change the location of a proceeding'.
- If the Minister is a party to the matter, they must be included in and provided a copy of the application.
- For Refugee Claims: See RPD Rules 53 and 54.
- For Removal Appeals: See IAD Rules 88 to 92.
- For Admissibility Hearings and Detention Reviews: See ID Rules 42 and 43.

6.4. Removal as Counsel of Record

- Before taking steps to get off the record a lawyer should re-acquaint themselves with the Law Society of Alberta's guidelines regarding withdrawal from representation. These can be found in section 3.7 of the Law Society of Alberta's Code of Conduct (version dated June 7, 2024).
- Each Division has different rules for applying to be removed as counsel of record. Before making such an application the lawyer must be acquainted with the rules and the forms that must accompany such an application.

- After the IAD issues a stay of removal order, the lawyer remains on record until they advise the Division in writing that they are no longer Counsel of record.
- If the Minister is a party to the matter, they must be included in and provided a copy of the application.
- For Refugee Claims: See RPD Rule 15.
- For Removal Appeals: See IAD Rule 11.
- For Admissibility Hearings and Detention Reviews: See ID Rule 15.

6.5. Gathering disclosure

- The lawyer must review and assess all disclosure provided by the client prior to submitting it to the tribunal. Ideally this should be done in a face-to-face meeting well before the disclosure is due.
- The lawyer should give their client a complete copy of all documents submitted to the tribunal.
- For Refugee Claims: Disclosure submitted should focus on confirming the allegations made in the refugee claim documents and demonstrate that there is a future risk of harm to the client. The lawyer must be acquainted with the RPD practice notice on procedural issues. This practice notice contains important directions on how disclosure must be submitted, and information on the most frequent applications that can be made during the conduct of a file.
- For Admissibility Hearings: Where there is an arguable case, disclosure submitted should focus on the Minister's failure to make its case and establishing that the client is admissible to Canada. The lawyer must be acquainted with the ID practice notices regarding the submission of documents to the Division.
- For Detention Reviews: Disclosure submitted can focus on – the weaknesses in the Minister's position; highlight reasons why release should be ordered; and/or provide the Division with documents that support alternatives to detention. The lawyer must be acquainted with the ID practice notices regarding – the submission of documents to the Division; the presentation of bondsperson information; and the disclosure of the Minister's documents.
- For Removal Appeals: Disclosure submitted will fall into one of three categories – evidence that the appealed decision is wrong in law, or fact, or mixed law and fact; evidence that shows a principle of natural justice has not been observed; and/or evidence that special relief is warranted.

6.6. Translation of documents

- Documents that are not in English or French must be translated into English or French before they are sent to the tribunal. Check the rules regarding translation for each Division.

6.7. Submitting Disclosure, Documents and Witness Applications

- Each Division has its own rules regarding the submission of disclosure, documents and witness applications. Below is table showing where the aforementioned applications can be found in each Division's rules –

	Refugee Claims/RPD Rules	Admissibility Hearings and Detention Reviews/ID Rules	Removal Appeals/IAD Rules
Submitting disclosure and documents	RPD Rules 31, 32, 34 to 43	ID Rules 24 to 31. Practice notice entitled 'Practice Notice on the submission of documents to the Immigration Division' amended November 18, 2022, increased the 20-page limit for faxed documents to 50-pages.	IAD Rules 24 to 39, and 41
Witness applications	RPD Rules 44 to 48	ID Rules 32 to 36	IAD Rules 55 to 59
Late disclosure	RPD Rules 49 and 50. A late application must be made using the ' <i>Application to submit late disclosure to the Refugee Protection Division</i> ' form.	ID Rules 37 and 38	IAD Rules 84 and 85

- Lawyers should register for the IRB's 'My Case' portal to submit and receive documents from all the IRB Divisions.
- For matters where the Minister is involved the lawyer should receive disclosure from the Minister around the same time that their client's disclosure is due.
- The IRB website has guides and templates for organizing disclosure:
 - For refugee claims: There are forms for late disclosure, voluminous disclosure, and a template for claimant documents.
 - For removal appeals: Three forms must accompany submitted disclosure: the witness list form; a list of documents form; and the confirmation of hearing needs form.
 - For matters before the Immigration Division: There are forms available for varying release conditions and providing bondsperson information.

6.8. Preparing for hearing

- The lawyer's preparation for a hearing must at minimum include:
 - a review of all materials related to the matter;
 - reviewing and organizing disclosure;
 - researching central issues to the matter;
 - preparing practice questions (for the client and witnesses)
 - drafting notes for oral submissions;
 - providing the client with a copy of hearing materials;
 - a hearing practice session with the client (that includes taking time to familiarize the client with the online platform).
- A lawyer should also consider reading sections of plain language resources on the IRB website that describe and explain immigration proceedings.
- If calling witnesses, the lawyer must prepare them for the hearing. The witnesses should know – what will happen at the hearing; what their role is at the hearing; when they can expect to testify; and how to answer questions posed to them.
- Before meeting with the client, send them a compilation of hearing materials, so they can review and prepare independently.
- The hearing practice session with the client should cover:
 - Familiarizing the client with how to access and use the online platform;
 - A summary of what happens at the hearing;
 - A recap of the evidentiary requirements to meet the case;

- Practice the type of questions that may be asked at the hearing and provide the client with feedback on their responses.
- For refugee hearings:
 - The lawyer must be familiar with the contents of the National Documentation Package for the country/countries from which their client is seeking protection. The National Documentation Package can be found in the IRB's country of origin information section.
 - Where necessary the lawyer must also conduct independent research on the conditions in the client's country/countries of origin.
 - It is recommended that lawyers read *Chairperson's Guideline 7* to learn more about the preparation and conduct of hearings before the Refugee Protection Division. The chairperson's guidelines can be found in the IRB's resources section.
- For removal appeals: When organizing and drafting questions and submissions use the *Ribic* factors as a guide.
- For detention reviews:
 - A bondsperson's primary role as a guarantor is to ensure that the person detained will follow the conditions of release. Before the hearing the lawyer must canvas with the proposed bondsperson – their ability to post a cash deposit (and/or provide a financial guarantee); their ability to exert a positive influence over the detainee; and their ability to present the detainee to CBSA if the detainee is not following the conditions. To better understand the role and responsibility of a bondsperson read the "*Bondsperson Information*" practice notice on the IRB's website and "*Enforcement Manual 8 regarding Deposits and Guarantees*" downloadable from the IRCC's website.
 - The lawyer should submit information about the bondsperson in advance of the hearing as per rules of disclosure. The form is available on the IRB website.
 - The proposed bondsperson must be a witness at the detention review; therefore, they should be prepared as any other witness would be for a hearing.

6.9. Hearing conduct

- The lawyer **must** attend the hearing with the client. They cannot send another lawyer or student in their place.
- Encourage the client to have family and/or friends attend the hearing for support. Remind them that these individuals are not allowed to take part. For refugee hearings (and other private hearings), the lawyer must write the RPD in advance for permission to have observers attend.
- Before the hearing begins, where applicable, ensure that the client and interpreter understand each other.
- By default, all IRB hearings are done by video conference. Video hearings come with their own set of issues. It is essential that everyone can always see and hear each other. Any technical issues that arise during the hearing must be brought to the Member's attention immediately.
- The sequence of events at virtually all hearings are – the Member's introduction and finalization of exhibit list and/or preliminary issues; questioning of client and/or other witnesses; legal submissions by counsel; and most conclude with an oral decision by the Member. Where the Minister is a participant in the hearing, they will have the opportunity to question the person concerned and/or other witnesses and give submissions.
- Throughout the hearing, a lawyer is obligated to pay attention; focus on central/determinative issues; take good notes; and use breaks to review notes before questioning and submission.
- At the hearing, the lawyer is expected to represent the client's interests confidently and competently, which can include – making relevant applications; fully questioning witnesses; and providing fulsome closing submissions addressing all the key issues. Don't be afraid to object where necessary but avoid being argumentative over ancillary issues. Be respectful and civil with all participants.
- It is important to raise any factual errors that may have crept into the record. This can be a frequent occurrence with detention reviews.
- At the conclusion of the hearing, a lawyer is expected to provide oral submissions. If the hearing was complex and the lawyer is of the opinion that more time is needed to formulate submissions, they can make an oral application to provide post-hearing submissions in writing.

- Where the presiding Member has reserved their decision, events may arise after the conclusion of the hearing that can impact the determination of a matter. If this happens, where appropriate, a lawyer must make an application for submission of post-hearing disclosure.
- For detention reviews: Pay attention to the factors the Minister is relying on to support continued detention. Highlight missteps made by the Minister and/or evidence that indicates detention may be indefinite.
- For removal appeals: It is common for the Member to interrupt both representatives during direct. Do not take offense – the purpose of this is to focus the hearing on lines of enquiry that are determinative of the main issue. After questioning is complete, the lawyer should consider approaching Minister's Counsel about the possibility of joint submissions.

6.10. Decision and closing file

- Upon receipt, the lawyer must read and assess written decisions.
- The lawyer should provide the client with a copy of the decision and a closing file letter.
- In their closing letter to the client, a lawyer must include an explanation of the decision and directions on next steps – whether the decision is positive or negative. It is also helpful to provide advice on the possibility of future obligations, such as reporting conditions, applications for permanent residence, appeals and judicial reviews.
- If the decision is a negative one the lawyer should meet with the client to convey the decision; explain the reasons for the refusal; discuss the possibility of challenging the decision; and avenues for recourse.
- For refugee claimants: If the decision is negative, the closing letter must include the deadline for filing a notice of appeal or an application for judicial review. It is also helpful to provide information about when the departure order becomes enforceable. If the decision is positive, clearly convey to the client what actions will trigger a revocation of their refugee and/or permanent resident status.
- For admissibility hearings: Where the client has the right of appeal to the IAD the closing letter must include the deadline to submit appeal forms.

- For detention reviews: There is only one appearance per certificate. Close the file after the first appearance. If the client remains in detention the closing letter should also include instruction to apply to LAA again for coverage.
- For individuals that were released from detention: The closing letter should include advice on how a client can change their conditions of release. To do so they must apply to the ID in writing to vary the conditions of release. A copy of this form is available on the IRB website.
- For removal appeals:
 - In cases where the lawyer was successful in securing a stay of removal for the client, they have the option of closing or keeping the file open until the reconsideration of the stay and final determination by the IAD. If additional hours are required to keep the file open, they must apply to LAA for additional hours as soon as possible. If the request for more hours is denied, then the file should be closed.
 - If the lawyer is closing the file, they must remember to also make an application to the IAD to be removed as counsel of record. If the lawyer forgets to do so, they will be contacted by the Division when it is time for the stay to be reconsidered. The lawyer would then have the obligation to contact the client, and at that point it is recommended that they direct the client to re-apply to LAA for coverage.
 - If the lawyer chooses to keep the file open and remain on record until the reconsideration, they must remain in contact with the client.

6.11. Refugee Appeals

6.11.1. Standard of Review before the RAD

- In most cases, correctness is the standard of review of RPD findings. See *Canada (Citizenship and Immigration) v. Huruglica*, 2016 FCA 93, paragraphs 78 and 103 (CanLII). The only instance where RAD would deviate from the correctness standard is where the RPD had a “meaningful advantage” in making findings regarding credibility or weight to be given to oral evidence heard. See *Rozas Del Solar v. Canada (Citizenship and Immigration)*, 2018 FC 1145, paragraphs 135–136 (CanLII).

6.11.2. Opening File and Preparing Appeal

- To ensure that certificates are issued for eligible matters only, merit assessments are conducted before coverage is granted. However, it is still good practice for the lawyer to confirm that the RAD has jurisdiction to hear the appeal at the start of a file.
- The lawyer must be familiar with the Refugee Appeal process. This can be done by reading the Refugee Appeal Division Rules and the Refugee Appeal Division Handbook (on the IRB website). It is also recommended that a lawyer working on an appeal for the first time seek out mentorship from a colleague with experience for guidance.
- When opening the file, the lawyer must determine if a notice of appeal has been filed. If a notice has not been filed, it is the lawyer's responsibility to do so on the client's behalf. If necessary, an application to extend time should be made. See RAD Rules 6 and 37.
- Make note of the deadline for perfecting the appeal.
- Collect all the documents and evidence that was before the RPD along with a copy of the hearing's recording. The RPD will not provide a transcript of the hearing.
- Read the decision and the documents submitted in support of the initial claim. Listen to the hearing recording. *If the client had a lawyer at the initial hearing, contact that lawyer to request a copy of their notes from the hearing.*
- Meet with the client to talk about the decision and why they believe the RPD's decision was wrong.
- Before preparing the Appellant's Record the lawyer must keep in mind the standard of review and consider the following:
 - Identify the determinative issues (i.e. the reasons why the decision should be overturned) **and** the adverse findings that go against the client. (i.e. negative conclusions that should be conceded).
 - The determinative issues tend to fall into four categories: (i) procedural fairness/natural justice; (ii) errors of law; (iii) erroneous factual findings (including credibility findings); (iv) deficient treatment of evidence (such as ignoring/disregarding/ failure to engage with the relevant evidence)
 - Is there evidence that contradicts the Member's conclusion? Did the Member consider this evidence?
 - Where credibility is a central issue examine the following:
 - Did the client say what the Member states they said?
 - Were the words taken out of context?
 - Did the client have the opportunity to address the Member's concerns?
 - Did the Member consider the explanation?

- Are the adverse findings being conceded determinative?
- Analyze each identified issue and explain where the Member went wrong and what the Member should have found. Consider whether the contested findings are central or ancillary to the determination.
- Will new evidence need to be submitted? Before considering the submission of new evidence, special attention must be paid to the RAD rule (see IRPA s.110(4)) regarding submission of new evidence.
- Is an oral hearing necessary?
- The Appellant's Record must include:
 - RPD Notice of Decision and Written Reasons
 - All or part of the transcript of the RPD hearing (if relying on the transcript in appeal)
 - New evidence (if there is any) with submissions for admissibility
 - Memorandum of Argument with remedy (no more than 30 pages one sided, or 15 pages double sided)
 - Provide 2 copies to the RAD

6.11.3. Key Deadlines and Other Notable Rules

- Legislated timelines (see s.159.91 and s.159.92 of IRPR)
 - Notice to Appeal must be filed within 15 days of receipt of RPD written reasons. See RAD Rule 2 for more details about filing an appeal notice.
 - Perfected Appellant's Record to be received by RAD within 30 days of receipt of RPD written reasons. See RAD Rule 3 for more details about perfecting an appeal.
 - Submit responses to the Minister's Appeal or interventions within 15 days of receipt of Minister's arguments and supporting documents. See RAD Rules s.5 and s.10 for more details about responding to an appeal or intervention.
- Make note of the following rules for applications:
 - Extension of time = RAD Rules 6 and 37
 - Request to be removed as Counsel of record = RAD Rule 19
 - Providing documents to the Division = RAD Rules 31 to 35
 - Application to submit late documents/submissions = RAD Rules 29 and 37

6.11.4. Decision and Closing file

- The file is ready to be closed after receipt of a decision from the decision. Follow the steps outlined above at paragraph 6.10

6.12. Judicial Reviews before the Federal Court of Canada

6.12.1. Standard of Review at the Federal Court

- Judicial reviews (JR) are a two-stage process:
 - In the **1st stage**, which is known as the “leave” stage, the Court will review the documents in the JR application to assess whether there is a “reasonably arguable case” which is likely to succeed. If leave is granted, it means that the Court has agreed to examine the refusal decision in depth and grant a hearing.
 - At this **2nd stage** post-leave, known as the “application for judicial review” itself, the Court will set an oral hearing where there will be an opportunity to explain why the decision was wrong or unreasonable.
- The favorable outcome of a JR application would be that the Court determine that the RPD/RAD’s decision was unreasonable or incorrect. In that case, the Court would order the Division to re-open and re-assess the claim by a different Panel Member. The Court cannot approve a claim and grant refugee protection.
- The Respondent in these applications are Minister of Citizenship and Immigration.
- The test to obtain leave is whether or not there is an arguable issue. See *Bains v. Canada (M.E.I.)* (1990), 109 N.R. 239 / (1990) FCJ No 457
- In review of a decision before it the Court will consider two things: (1) Whether the decision-making process was fair in all the circumstances – see *Ali v. Canada (Public Safety and Emergency Preparedness)*, 2024 FC 1085, and (2) Whether the decision was a reasonable one. Reasonableness is the presumptive standard for review of administrative decisions.
- When scrutinizing a decision on the standard of reasonableness, the reviewing court must ask whether the decision “bears the hallmarks of reasonableness – justification, transparency and intelligibility”. See *Vavilov v. Canada (MCI)*, 2019 SCC 65 at para. 99.
- In *Vavilov*, the Supreme Court of Canada identified two types of fundamental flaws that render a decision unreasonable: (1) Failure of rationality internal to decision-maker's reasoning process which is devoid of a line of analysis “that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived” (*Vavilov*, supra at paras. 101-102); (2) Untenability “in light of the relevant factual and legal constraints that bear on it”. Specifically, the following elements of the legal and factual contexts constrain the decision-maker: the governing statutory scheme; relevant principles arising from case-law; the evidence before the decision-maker; the submissions of the parties; and the potential impact of the decision on the individual to whom it applies (*Vavilov*, supra at paras. 101, 105-106).

6.12.2. Opening File and Preparing Judicial Review Application

- To ensure that certificates are issued for eligible matters only, merit assessments are conducted before coverage is granted. However, it is still good practice for the lawyer to confirm that the Federal Court of Canada is the correct venue.
- Before commencing work on the file, the lawyer must become familiar with the judicial review process by reading the Federal Court Rules and Federal Court Immigration Rules along with the list of notices under the law and practice tab on the Federal Court website. It is also recommended that a lawyer appearing before the Federal Court for the first time seek out mentorship from a colleague with experience for guidance.
- While opening the file the lawyer must determine if an application for leave has been filed. If leave application has not been filed, the lawyer must take steps to do so. The application for leave and for judicial review must be served on the Minister and filed with the registry of the Court within 15 days after the day on which the client was notified of the IRB's decision. See IRPA s.72
- If necessary, a request to extend time should be made in the application for leave. See the Federal Court's Citizenship, Immigration and Refugee Protection Rule 6.
- Make note of the deadline for perfecting the application. See the Federal Court's Citizenship, Immigration and Refugee Protection Rule 10.
- Collect all the documents and evidence that was before the original decision maker along with a copy of the hearing recording (if applicable). Neither RPD nor RAD will provide a transcript of the hearing.
- Read the decision and the documents submitted in support of the initial claim. Listen to the hearing. If the client had a lawyer at RPD hearing and/or RAD appeal proceeding, contact that lawyer to request a copy of their hearing notes (if applicable).
- Meet with the client to talk about the decision and why they believe the RPD/RAD decision was wrong.
- As a reminder, the court will only consider evidence that was before initial decision maker with rare exceptions, such as breaches of procedural fairness. Any evidence in support of the lawyer's argument must be provided in the form of an affidavit.
- Before preparing the memorandum of arguments, a lawyer must keep in mind the nature of the issues **and** consider the following:
 - Identify the determinative issues (i.e. the reasons why the decision should be quashed) and adverse findings that go against the client. (i.e. negative conclusions that must be conceded).
 - The determinative issues tend to fall into four categories: (i) procedural fairness/natural justice; (ii) errors of law; (iii) erroneous factual findings

- (including credibility findings); (iv) deficient treatment of evidence (such as ignoring/disregarding/ failure to engage with the relevant evidence)
- Is there evidence that contradicts the Member's conclusion? Did the Member consider this evidence? How did the Member consider this evidence?
 - Where credibility is a central issue listen to the RPD/RAD hearing to determine the following:
 - Did the client say what the Member states they said?
 - Were the words taken out of context?
 - Did the Member provide the client with the meaningful opportunity to address their concerns?
 - How did they consider the client's explanation?
 - Are there adverse findings that must be conceded? Which of them may be determinative?
 - Analyze each identified issue and explain where the Member went wrong and what the Member should have done/found. Keep in mind the Vavilov factors/elements of a reasonable decision.

6.12.3. Key Deadlines and Other Notable Rules

- An Applicant must file a record, with proof of service on the Respondent, within 30 days from the date of filing the application after confirming receipt of the tribunal's written reasons for the decision.
- Follow directions for the Applicant's record set out in Rule 10(2) of the Federal Court's Citizenship, Immigration and Refugee Protection Rules, and the Amended Consolidated General Practice Guidelines available on the Federal Court's website. Make sure to be working with the most current guideline.
- The leave application must state if the Applicant has received the decision, because the receipt of reasons triggers new procedural timeline. See Rules 9 and 10 of the Federal Court's Citizenship, Immigration and Refugee Protection Rules.
 - If the client has the decision, the timeline begins immediately.
 - As of the date of the publication of this guide, the current timeline is 75-days in accordance with page 2 of the notice to the profession dated May 14, 2025, entitled "Backlog in processing applications for leave and judicial review". This notice amends the original statutory timeline set out in Federal Courts Citizenship, Immigration and Refugee Protection Rules,
 - If a lawyer does not frequently practice before the Federal Court, they should make it their habit to always check for new notices and practices at the start of a new file.

- The Respondent has 30 days from the date of service of the Applicant's record to file, with proof of service on the Applicant, its memorandum of argument with affidavits. See Rule 11 of the Federal Court's Citizenship, Immigration and Refugee Protection Rules.
- The Applicant may file a reply to the Respondent's memorandum of argument, with proof of service on the Respondent, within 10 days of service of the Respondent's memorandum. See Rule 13 of the Federal Court's Citizenship, Immigration and Refugee Protection Rules.
- If leave is granted, the Court sets a date for hearing of the Application for Judicial Review and timelines will be set out in the order and further materials to be served and filed (see Rule 15 of the Federal Court's Citizenship, Immigration and Refugee Protection Rules). The hearing will not be scheduled earlier than 30 days and no later than 90 days after leave was granted.

6.12.4. Decision and Closing File

- If leave is granted, the matter is continuing until hearing or settlement. The lawyer must read the order thoroughly and make note of all the timelines and deadlines for further materials they wish to file as well as other steps. A redacted copy of a leave granted order is attached. The file will not be closed until the matter is complete.
- If the Court dismisses the leave application, the application for judicial review is also dismissed and the file is ready to be closed. Follow the steps outlined above at paragraph 6.10

6.13. Refugee Appeal Division vs. Judicial Review – Table of Facts

Chart from Legal Aid Ontario's 'Refugee Case Law Toolkit: A starting place for practitioners'

Characteristics	Refugee Appeal Division	Application for leave and judicial review
Type of forum	Specialized tribunal	Federal Court
Leave requirement?	No leave requirement. An eligible refused claimant can apply as of right. Section 4.2.2 provides a list of excluded claimants. Decision usually made within 90 days of receipt of appellant's record.	Leave requirement. Must demonstrate an arguable case on the merits/serious issue to be tried: see <i>Bains v. Canada</i> (1990), 47 Admin. L.R. 317 (Fed. C.A.) Decision on leave can take months.
Scope of review	Appeals can be based on a question of fact, law or mixed fact and law, and can (upon application) include consideration of new evidence.	A judicial review may be brought on questions of fact, law, mixed fact and law and procedural fairness. It is limited to the record before the tribunal. No new evidence will be accepted, except in exceptional circumstances arising from a breach of natural justice.
Standard of review	Less deferential than Federal Court treatment of RPD decisions, since appeal "on the merits" allows for independent assessment of facts and new evidence.	Reasonableness (very deferential) on issues of fact or mixed fact and law. Correctness on some questions of law and procedural fairness (for commentary on the role of the correctness standard see <i>Agraira v Canada (MCI)</i> , 2013 SCC 36; <i>Canada (MCI) v Huruglica</i> , 2016 FCA 93).

Characteristics	Refugee Appeal Division	Application for leave and judicial review
Relief that can be granted	Can declare person a Convention refugee, substitute decision (affirm or deny RPD finding) or send the claim back to RPD for re-determination	Can only order a claim to be re-determined by the RPD (or RAD or PRRA officer, as the case may be).
Amount of time to perfect application	30 days total to perfect appeal from date of receipt of written reasons Notice must be filed within 15 days of receipt of written reasons.	Up to 45 days total to perfect application for leave and judicial review <ul style="list-style-type: none"> • 15 days for notice • 30 days to perfect
Statutory stay while seeking review?	Yes, if file notice of appeal by deadline (within 15 days of receipt of written reasons).	No stay for claimants ineligible for RAD. Exception: Legacy claims (made prior to Dec 15, 2012) do get a stay.
Request for an extension of time to file notice	Must file the complete appeal record with request for an extension of time.	While there is no requirement to file application record with request for extension of time, it is advantageous to do so.

7. Counsel Conduct: Quality, Competency and Compassion

Legal Aid Alberta believes that everyone deserves protection under the law regardless of their circumstances. Legal rights are the cornerstone of a democratic society. LAA is committed to working with and supporting its roster lawyers to deliver high quality, competent and compassionate legal representation and assistance.

To meet this commitment, LAA has developed Administrative Policy 6, a framework (in line with LAA Rule 7.2) for – how roster and panel membership is decided; the process for reviewing the quality of a lawyer’s service; and for appealing roster or panel membership decisions.

a) Quality of service review

Immigration clients are particularly vulnerable due to their precarious status in Canada. Therefore, extra special attention needs to be paid to the quality of representation.

LAA is not a professional regulator and is not responsible for monitoring a lawyer's competence or the quality of the legal services they provided. However, in some circumstances there may be complaints or concerns about a lawyer's service or behaviour that may be worthy of investigation or remedial action by LAA.

The excerpts below are from LAA's rules regarding quality of service from Admin Policy 6. They outline when Quality-of-Service Reviews are triggered and the steps for processing said reviews.

3.7 In general, LAA will initiate a quality-of-service review only if:

- (a) the complaints, concerns, or issues raised in the review appear straightforward and it seems likely the review does not require extensive investigation;*
- (b) LAA has no reason to believe a professional regulator is investigating the same or similar complaints or concerns;*
- (c) to the best of LAA's knowledge,*
 - (i) there is no reasonable prospect the quality of the lawyer's representation will become an issue on any appeal, or,*
 - (ii) the appeal periods for any related client matters have expired and no appeal has been taken, or if there was an appeal, the appeal has concluded; and*
- (d) the review relates to:*
 - (i) more than one related complaint or concern that has been raised about a lawyer's actions, behaviour, representation, or services,*
 - (ii) the services a lawyer has provided as a member of a panel,*
 - (iii) schedule-based duty counsel services, or,*
 - (iv) possible violations of LAA policy or procedures that are not conveniently investigated using the compliance review process in under Administrative Policy 5.*

Quality-of-Service Reviews

3.1 LAA may conduct a quality-of-service review to investigate and review the quality of service that a lawyer has provided to one or more LAA clients, or under one or more certificates.

3.2 LAA may conduct a quality-of-service review:

- (a) in response to a complaint or a concern raised by a client, a lawyer (including a staff lawyer), a judge or member of an administrative tribunal, or another interested party; or*
- (b) as part of a quality-of-service audit or review program, randomly or otherwise.*

3.3 The quality-of-service review process:

- (a) is intended to address nontrivial concerns about the representation the lawyer has provided a client or clients; and*
- (b) is not intended to second-guess a lawyer's reasonable exercise of their professional judgment or to minutely scrutinize the lawyer's customer service skills.*

3.18 After conducting a quality-of-service review, LAA may take no action, or LAA may:

- (a) limit the nature of certificates it offers the lawyer, either for a defined period or indefinitely and subject to reinstatement conditions, including by limiting:
 - (i) the highest legal issue level it will offer the lawyer in criminal matters, or,*
 - (ii) the types or certificates or service areas of certificates it will offer the lawyer;**
- (b) require a lawyer to undertake continuing professional development and provide proof of completion of any continuing professional development activities;*
- (c) require a lawyer to contact a practice advisor at the Law Society of Alberta to seek assistance in any defined subjects or areas of practice – and, if required to do so by LAA, provide the practice advisor with a copy of LAA's letter or decision summarizing any findings – and provide LAA with proof of having done so;*
- (d) refer the matter to the Law Society of Alberta or another regulator for further investigation;*
- (e) conduct a compliance review of the lawyer's accounts under Administrative Policy 5; and*
- (f) recommend that the lawyer be suspended or removed from a panel or from the roster under Part 4 of this policy.*

3.19 LAA applies the following principles when deciding what steps to take after a quality-of-service review, if any:

- (a) LAA's clients are entitled to the same quality of service as a reasonable person of modest means who has retained a lawyer using their own limited funds;
- (b) LAA's primary concern is protecting LAA's vulnerable clientele; and
- (c) in general, actions taken in response to a review are intended to be remedial and to protect LAA's clientele, and these actions are not intended to punish a lawyer or to deter others.

3.20 LAA will send the subject lawyer a letter summarizing its findings and setting out any steps LAA is taking in response to the quality-of-service review.

b) Competency and Compassion

It is essential that a lawyer maintain their ability to represent clients competently **and** with compassion. Along with traditional forms of continuing legal education, it is also important for a lawyer to become trauma-informed and learn how to spot the signs of vicarious trauma in themselves. Below is a table of recommended resources to consider:

Trauma-Informed Legal Practice Toolkit	https://www.goldeneaglerising.org/photos/trauma-informed-legal-practice-toolkit
CBA Resources for Trauma Informed Lawyering	https://www.cba.org/Truth-and-Reconciliation/Resources/Take-Action
Affiliation of Multicultural Societies and Service Agencies of BC	Burnout, Vicarious Trauma, and Compassion Fatigue; Issue 58 January 8, 2021 https://www.amssa.org/resource/migration-matters-burnout-vicarious-trauma-and-compassion-fatigue-issue-58/

Compassion Fatigue Workbook	Mathieu, Francoise. The Compassion Fatigue Workbook: Creative Tools for Transforming Compassion Fatigue and Vicarious Traumatization. https://www.taylorfrancis.com/books/mono/10.4324/9780203803349/compassion-fatigue-workbook-fran%C3%A7oise-mathieu
Law Society of Alberta	Home > Resource Centre > Key Resources > Well-Being https://www.lawsociety.ab.ca/resource-centre/key-resources/well-being/
The Trauma-Informed Lawyer hosted by Myrna McCallum	https://thetraumainformedlawyer.simplecast.com
The Brainstory Toolkit and Course	https://www.albertafamilywellness.org/
YouTube videos about the nervous system and the brain	<ul style="list-style-type: none"> • Khan Academy Medicine: https://www.youtube.com/channel/UCJayvjGvKEblkA3KYK1BQQw • Crash Course: https://www.youtube.com/user/crashcourse
Mindfulness Resources	<ul style="list-style-type: none"> • Headspace app: https://www.headspace.com/ • The Curious Heart course: www.movingmindfully.ca • Insight meditation app: https://www.insightmeditation.org/
Work-Life Balance	<ul style="list-style-type: none"> • Interview with Cal Newport on productivity: https://rickhanson.com/being-well-podcast-rethinking-productivity-with-cal-newport/

Conclusion

We hope you have found the information and suggestions contained in this guide helpful.

We welcome any feedback you may have to help us improve the guide's content. **Remember,** this is not a comprehensive reference tool – we urge you to keep learning and have fun developing your expertise!



Federal Court



Cour fédérale

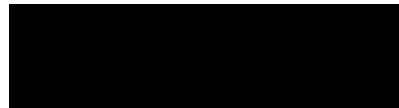
Date: 20240326

Docket

Ottawa, Ontario, March 26, 2024

PRESENT:

BETWEEN:



Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

ORDER

UPON APPLICATION for leave of the Court to commence an application for judicial review of the decision of Immigration, Refugees and Citizenship Canada, dated December 8, 2022;

AND UPON READING the material filed;

THIS COURT ORDERS that:

1. The application for leave is granted, and the application for judicial review is deemed to have been commenced.
2. The hearing of the application for judicial review shall take place before this Court in person at the Federal Court, Scotia Place - Tower 1, 10060 Jasper Avenue, 5th floor, in the City of Edmonton, in the Province of Alberta, on Monday, June 10, 2024, to commence at 9:30 a.m. (Mountain Time), for a duration not exceeding ninety (90) minutes. The presumptive mode of hearing and the process to request a change in the scheduled hearing mode are set out in the Court's Consolidated Practice Direction: [Update #9 and Consolidated COVID-19 Practice Direction \(October 24, 2022\)](#).
3. The hearing shall be conducted in the English language, unless one of the parties notifies the Registry of the Court otherwise.
4. Within fifteen (15) days of receipt of this Order, the parties shall consider the possibility of settling the application, and if both agree that it is appropriate, they shall engage in settlement discussions, and the respondent shall file a statement of the outcome, and
 - (a) If settlement is reached, the parties shall then take necessary steps to discontinue the application or request a judgment on consent; or
 - (b) If no settlement is reached, the parties may advise the Court that settlement is a reasonable possibility, and may request the Court's assistance in facilitating

settlement. The Court will consider providing such assistance when settlement discussions are at an advanced stage and there is some reasonable prospect of achieving a settlement. In such cases, the Court may provide one session of judicially assisted mediation that will not delay the scheduled hearing. Court mediation is contingent on available judicial resources.

5. All materials to be filed by either party – including those filed prior to leave being granted – must be compliant with the features for electronic documents as set out in paragraph 21 of this Court’s Consolidated Practice Direction: [Update #9 and Consolidated COVID-19 Practice Direction \(October 24, 2022\)](#). These include: (a) page numbering and pinpoint references; (b) bookmarking; (c) optical character recognition [OCR] information; and (d) special procedures for confidential documents.
6. Further affidavits, if any, shall be served and filed by the applicants on or before Monday, April 15, 2024.
7. Further affidavits, if any, shall be served and filed by the respondent on or before Thursday, April 25, 2024.
8. Cross-examinations on affidavits, if any, shall be completed on or before Monday, May 6, 2024.
9. The applicants' further memorandum of argument, if any, shall replace the applicants' memorandum of argument filed pursuant to Rule 10 and reply memorandum (if any) filed

pursuant to Rule 13, and shall be served and filed on or before
Wednesday, May 15, 2024.

10. The respondent's further memorandum of argument, if any, shall replace the respondent's memorandum (if any) filed pursuant to Rule 11, and shall be served and filed on or before Monday, May 27, 2024.
11. The transcript of cross-examinations on affidavits, if any, shall be filed on or before Monday, May 27, 2024.
12. Notwithstanding the above, parties may consent to an alternate time line for completing the steps in paragraphs 6 and 7 (further affidavits), 8 (cross-examinations), 9 and 10 (further memoranda), and 11 (transcript of cross-examinations on affidavits), in which case a joint amended schedule shall be filed with the Registry. All steps shall be completed no later than the date set under paragraph 11 for submission of the transcript of cross-examinations, if any.
13. Books of Authorities shall be filed no later than end of day on the Friday preceding the hearing, pursuant to the Consolidated Practice Direction: [*Consolidated General Practice Guidelines*](#) dated June 8, 2022.

Judge