

4. LEGAL RESOURCES

Organizations for Legal Support and Advocacy

Depending on your clients' situation, they may need to talk to someone familiar with immigration law or other legal matters. In Manitoba there are organizations serving immigrants and/or refugees who may either provide legal advice and advocacy about immigration and other issues and/or can refer clients to a reputable lawyer who specializes in legal matters or immigration related issues. A number of community organizations that provide services to immigrants and refugees have paralegal support to assist clients to complete legal and immigration related forms and applications.

Organization	Services Available
<p>A Woman's Place A Program of the Immigrant Women's Counselling Services of Nor'West Community Health Centre 200-323 Portage Ave Winnipeg, MB R3B 2C1 Phone: (204) 940-2172 Fax: (204) 940-1971</p> <p>Contact: Kim Storeshaw Phone: (204) 940-6624 (Director of Domestic Violence Services)</p>	<ul style="list-style-type: none"> • Over 50 active interpreters trained in legal and medical terminology and issues related to the court system • Interpreters available for female clients and their families dealing with health, legal and immigration issues • Escorts/support is also available for attending court • A paid staff lawyer is on site 4 days per week to address immigration, domestic violence, and family law and child welfare issues • Paralegal support is available for completion of forms and applications related to legal and immigration issues including financial disclosure and affidavits • Consultation with the Crown attorney is available as needed • Through partnership with Legal Aid, the application fee for a Legal Aid certificate, as well as the approximately 4-6 weeks waiting period to see a legal aid lawyer is waived. There is direct intake. If a client is found not eligible for Legal Aid, the lawyer for a Woman's Place will either assist with an appeal or provide services as needed • Victims Services from the Department of Justice attends the site on a weekly basis • A new pamphlet "In Canada Women Have Rights" written by IWCS and translated into several languages is available on laws in Canada and women's rights.
<p>International Centre 406 Edmonton Street Winnipeg MB R3B 2M2 Phone: (204) 943-9158 Fax: (204) 956-7548</p> <p>Contact: Linda Lalonde Executive Director</p>	<ul style="list-style-type: none"> • Provincially funded to provide settlement and support services for immigrants. • Provides assistance to complete immigration, citizenship and other legal forms and for verification of translation of required documents. • Two notary publics on staff. • If a client is involved with Legal Aid and interpreter services are required an agency to agency request is made and interpreter services can then be provided by International Centre.

<p>Manitoba Interfaith Immigration Council Inc. Welcome Place 397 Carlton St. Winnipeg, MB R3B 2K9 Phone: (204) 977-1000 Contact: Janis Nichol- Inland Protection</p>	<ul style="list-style-type: none"> • The Welcome Place is federally funded to provide refugee settlement services • Provide orientation to Canadian laws and their rights in Canada. • Settlement counsellors provide assistance with completion of a wide variety of immigration related forms and other legal documents including the legal aid application form. • Interpreter services are available • Welcome Place is the only agency assisting refugee claimants and provides supports them in their preparation for the hearing before the Immigrant and Refugee Board (IRB). This includes completion of forms, personal history that make them qualify for refugee status and translation of information and supporting documentation into English
<p>Law Phone In and Lawyer Referral Services Phone: (204) 943-2305 Toll free: 1-800-262-8800 Lawyer referral only: (204) 943-3602 Office hours Monday to Friday (9am to 4pm)</p>	<ul style="list-style-type: none"> • The Law Phone –In and Lawyer Referral program is funded by the Law Society of Manitoba and the Manitoba Law Foundation and operated by Community Legal Education Association. This program provides general legal information over the phone in response to inquiries. Callers are also referred to appropriate law-related agencies when needed. • If your client requires assistance in obtaining a lawyer to represent them the Lawyer Referral Service (943-3602) can provide them with the name of a lawyer in their area who practices in the area of law relating to their specific problem. • There are approximately 130 lawyers who have chosen to register with this service. Immigration law is a very specialized area of legal practice, but there are some registered lawyers who do practice immigration law. • Lawyers and callers are matched by geographical area, language, whether they provide shut in services, whether they accept Legal Aid and whether or not they accept contingency cases. • The lawyer your client will be referred to will meet them for a free interview lasting about half an hour. If they require further legal help and the lawyer agrees, a fee can be negotiated between the client and the lawyer.

Accessing Lawyers Through Legal Aid

All lawyers in Manitoba are regulated by the Manitoba Law Society and have professional responsibilities to their clients. Lawyers in private practice are also required to have liability insurance from the Professional Liability Claims Fund.

<p>Legal Aid Manitoba (LAM) Phone: (204) 985-8500 Toll Free 1-800-261-2960 Web site: http://www.legalaid.mb.ca/</p> <p>For Information on the status of legal aid applications in:</p> <p>Brandon Phone: (204)729-3484 Toll-Free: 1-800 876-7326</p> <p>Winnipeg Phone: (204) 985-8506 Toll-Free: 1-800-261-2960</p> <p>Dauphin Phone: (204) 622-7000 Toll-Free: 1-800-810-6977</p> <p>Thompson Phone: 204 677-1211 Toll-Free: 1-800-665-0656</p>	<p>Legal Aid Manitoba exists to help people who need a lawyer but who cannot afford to pay for one.</p> <p>Upon request Legal Aid can provide advice to a client who is in jail, a mental health institution or a women's shelter</p> <p>Legal Aid Manitoba has staff lawyers who work in Legal Aid offices. There are also private lawyers who take legal aid cases but who have their own offices. There is no difference in training and professional qualifications between staff and private lawyers.</p> <p>More information on Legal Aid Manitoba can be found on the website http://www.legalaid.mb.ca</p> <p>Legal Aid Certificates</p> <ul style="list-style-type: none"> • If your client cannot afford a lawyer, they may formally apply to get a legal aid certificate to help pay for a lawyer through a local Manitoba Legal Aid office. This certificate is a paper that Legal Aid sends to the lawyer who is representing your client. It authorizes a lawyer to work on your client's case and confirms that Legal Aid will pay that lawyer. Information on applications can be found on web • There is a \$25 dollar application fee for legal aid certificates for those people who are not on social assistance, who are not students or who are not in a shelter or mental health facility. There are exceptions. • Immigrant and refugee status does not automatically exempt a client from this fee unless they qualify for exemption due to low income. Both Welcome Place and A Woman's Place will assist clients with legal aid applications. In these cases the twenty five dollar fee is waived.
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There are three main types of Legal Aid Services:

<p>1. Free Legal Aid Drop-In Advice Service 300-294 Portage Ave Drop in hours 1:30 to 6:00 pm every Tuesday, Wednesday, and Thursday No appointment is necessary. People are seen on a first come first serve basis</p>	<ul style="list-style-type: none"> • Members of the public may meet with a lawyer or supervised paralegal to discuss any legal problem for approximately 15 to 30 minutes, free of charge. No application is needed for this type of service-everyone qualifies. • This service will assess and refer clients to Legal Aid or other agencies who can address their issues appropriately and directly. If the matter is an urgent Child and Family Services matter call 985-8566 instead of attending the Drop-In Centre. • Outside of Winnipeg, you or your client can call the Legal Aid office closest to where your client lives to find out how and when they can make an appointment and apply for legal aid. Rural offices do not have "drop-in services." <p>Upon request Legal Aid can provide advice to a client who is in jail, a mental health institution or a women's shelter.</p>
<p>2. Formal representation Legal Aid Manitoba pays or helps to pay for a lawyer</p>	<ul style="list-style-type: none"> • Coverage is only provided where a case is found to have merit (a likelihood of success)-this applies to all areas of coverage. • For immigration matters LAM will cover almost any type of action

	<p>at any level of immigration proceedings which will have significant negative consequences for the applicant. The only exceptions are sponsorship applications and some routine departure notices which do not in and of themselves carry lasting consequences</p> <ul style="list-style-type: none"> • For family law cases • For a person charged with a criminal offence- only where there is a likelihood of jail or loss of livelihood. Summary offences (charges where there is little chance of jail) are handled by the University Law Centre or Duty Counsel • For poverty law or some other cases-see specialized services • To represent groups in cases of public interest <p>For this kind of service individuals must complete an application and be found eligible. In some cases, Legal Aid will provide this service through Duty Counsel.</p>
<p>3. Duty Counsel</p> <p>Lawyers are present in many criminal and youth and some child welfare courts to help and advise anyone who has to appear before a judge</p>	<p>An application is not needed for this type of service-everyone qualifies. Duty Counsel Service is limited and if more than one court appearance is required, clients must be found financially eligible and the offence must be one where there is a risk of jail or loss of livelihood to receive ongoing service.</p>

Other Legal Aid Specialized Services

A. Assistance for non-residents and residents out of province program

Legal Aid Manitoba has an agreement with all of the other provinces and territories in Canada to give legal assistance to people who need lawyers outside of their home province. This agreement covers family and other civil matters. It does not routinely cover administrative and immigration matters except on a special case by case basis. It does not cover criminal matters. For criminal matters an application to Legal Aid must be made in the province where the case will be heard. Call (204) 985-8536 for more information from the inter-provincial coordinator.

B. Poverty Law Program

This program will help persons who have legal problems that are unique to poor people, and accepts eligible cases with merit that have a likelihood of success pertaining to income security and housing issues. These include appeals of decisions by social assistance, Canada Pension Plan disability, Workers Compensation and the Personal Injury Protection Plan under Manitoba Public Insurance as well as Residential Tenancies Branch cases. In some cases Legal Aid will provide help in this program without going through the formal application process. This program does not directly address immigration law issues (immigration and refugee claims, deportations etc). To access the program people can call (204) 985-8550.

C. University Law Centre

The University Law Centre is located at the Faculty of Law at the University of Manitoba. Second and Third Year law students are available to represent people pro bono (free of charge) for minor criminal or traffic charges that are not likely to end in jail time and some minor non-criminal matters such as residential or consumer issues provided the client is financially eligible

for Legal Aid assistance. These students volunteer their time and are supervised by staff lawyers and the law professor overseeing the centre. They do **not** deal with immigration law. As even minor criminal charges may have implications for immigration, most cases will be assessed and referred to Legal Aid and a lawyer assigned. Clients are generally referred by other Legal Aid staff and clients must make an appointment.

In criminal cases your client can still get help from a student even if they have been refused Legal Aid because it was not felt that there was a danger of the client going to jail or losing their job. Students can sometimes help with small claims matters (cases involving claims of less \$10,000) and other minor matters that Legal Aid does not handle. Clients can be referred through the Legal Aid Drop in service or an appointment can also be made directly by phone or in person at the University Law Centre located at the University of Manitoba Fort Garry Campus, Room 101, Dysart Road in Winnipeg at (204) 985-5206.

D. The Child Protection Unit

The Child Protection Unit of the Family Law Office has been offering an innovative service at four Winnipeg courtrooms devoted to child protection matters. Low income parents who arrive at court without an attorney are provided with immediate information, legal advice and short term representation by a lawyer working for Legal Aid Manitoba. A team including a social worker and paralegal provide follow-up assistance. Almost all cases are resolved before going to trial. The result is a more timely service for parents and one that is more cost effective for the justice system.

E. Collaborative Law Project

Collaborative Law Project is an alternative service for some couples. The goal is to resolve issues pertaining to divorce, separation, time sharing for children, spousal support, child support and property division through negotiated settlement with both parents and their lawyers without going to court. The idea is to help parents find common ground in the best interests of the child, as opposed to a more adversarial approach of building a case against each other. This is a new approach in North America and since 2003; four lawyers at Legal Aid Manitoba have been practicing this approach.

F. Public Interest Law Centre

Public Interest Law Centre is a unique service in Canada, taking on test cases for public interest groups and low income individuals. It focuses on consumer, poverty, environmental, Aboriginal and Charter of Rights challenges. It was established in 1982 and has had significant victories enhancing the lives and law for all Manitobans.

Others Providing Immigration Services: Immigration Representatives

Both lawyers and immigration consultants or agents can provide advice about immigration and refugee matters. Many immigration consultants are **NOT** lawyers.

Immigration consultants may or may not be insured or be regulated under any binding professional code of practice. It is important that your client know and understand who is giving them advice and the limitations of the consultant role.

In 2002, the Minister of Citizenship and Immigration Canada created an Advisory Committee to identify the various problems within the immigration consulting industry and make recommendations to regulate and improve the industry. The need for regulation stemmed from factors including that there were no set standards for levels of education and training, no quality assurance of services or professional accountability required in order to offer services as an immigration consultant. As a result, the committee found that there were consultants who were unscrupulous and pretended to be immigration experts despite having little or no training or experience. There was previously no formal complaints process established to deal with those consultants who abused the trust of their clients and tarnished the industry as a whole. All of these factors lead to confusion among the immigrant and refugee communities. Many did not understand the differences between a lawyer, an immigration consultant and a non-governmental organization and were unfamiliar with Canada's official languages and immigration laws and forms.

These findings resulted in the creation of the Canadian Society of Immigration Consultants (CSIC) an independent self-regulating body for immigration consultants who are members and who charge fees for their services. A list of CSIC members in good standing as well as a list of those who have lost membership and the reason is listed on the CSIC website.

The website also provides information on CSIC in several languages at www.csic-scci.ca

In 2004 the Government of Canada amended the Immigration and Refugee Protection Regulations so that all practicing immigration consultants in Canada need to be members in good standing with either the Canadian Society of Immigration Consultants, a Canadian Law Society (if they are also a lawyer) or the Chambre des notaires du Quebec in order to participate in new matters before Citizenship and Immigration Canada, the Immigration and Refugee Board (IRB) and the Canadian Border Services Agency (CBSA). Immigration authorities will **NOT** deal with a paid representative who is not a lawyer or a member of the CSIC. Your client should be aware that if the IRB refuses someone's claim and they wish to appeal, only a lawyer can represent them if they apply to Federal Court for a review.

Some applicants who wish to apply under the Manitoba Provincial Nominee Program (MPNP) may choose to use the services of an immigration representative. For purposes of the MPNP, an immigration representative is someone your client pays and authorizes to represent, advise,

consult or look into the status of their application. A representative can be a lawyer, consultant or any other person, including a friend they hire to prepare their application for the MPNP.

Things every client should know about immigration representatives:

- The MPNP will only communicate with one paid representative at a time per client.
- Be cautious when dealing with foreign-based representatives. Such companies or individuals may be outside the reach of Canadian law, and there may be no protection or remedy available in Canada to satisfy a client, should a problem occur.
- Lawyers and immigration consultants charge for their services. These fees are determined by each representative and can vary significantly. The services outlined in your client contract may also vary.
- It is a good idea to ask lawyers, consultants or any representative how much experience they have handling successful immigration cases before engaging their services.
- If your client is successful in obtaining permanent resident status, there are services available at no cost to new immigrants. Examples of these services include obtaining a health card or finding a place to live.
- If your client has a representative, all correspondence, including requests for information and additional documents, will be sent to the representative.
- Even if your client has indicated the name of the representative they wish the MPNP to contact, they should give their own mailing address and the address of their representative. It is important that the MPNP have your client's mailing address as well because in order to copy them on some correspondence, such as the final decision on their application.
- If your client changes representatives, or stop using his or her services, they must notify the MPNP office immediately. They will then send them a form to sign, confirming their decision. Without the signed form, information may continue to be sent to the representative indicated on their application. Changes can be sent by telephone, fax or e-mail for the required form at:

Telephone: (Canada 001) 204-945-2806

Fax: (Canada 001) 204-948-2256

E-mail: immigratemanitoba@gov.mb.ca

The Manitoba Department of Labour and Immigration will only recognize or release information to paid immigration representatives who:

- Are members in good standing of the Canadian Society of Immigration Consultants or a law society within Canada
- Are named by the applicant and/or employer in a signed Information Release form
- Have signed the Manitoba Code of Conduct for immigration representatives

- MPNP considers not to have engaged in activities contrary to the interests of the MPNP program integrity as described by the Code of Conduct.

All paid immigration representatives must also comply with the following minimum standards:

1. To indicate clearly at all times and in all materials that they act as independent agents and do not represent in any way the Province of Manitoba or any of its departments (including the Department of Labour and Immigration and the Department of Industry, Economic development and Mines or agencies).
2. To advise all potential clients that applying to the Manitoba Provincial Nominee Program does not require them to use the services of an immigration representative, with this information to be provided to the client at the first contact or the earliest possible opportunity and again prior to their signing a contract with the immigration representative.
3. To advise all clients that they are free to communicate directly with the Manitoba Provincial Nominee Program on their own behalf even while represented by the immigration representative.
4. To advertise and accept assignments for only those services which the immigration representative is capable of providing and from which the immigration representative reasonably believes there will be real benefits to the client.
5. To disclose to the province the fact that they are representing their clients, and to relay all correspondence from the province about a client's file directly to the client without modification or undue delay.
6. To act responsibly, with due diligence and in a timely manner in the handling of their clients' cases.
7. To not sign, submit or otherwise be associated with any application letter, report, or other document provided by or submitted about a client which contains false or misleading information.
8. To not engage in any unlawful activity personally or on behalf of a client.
9. To not work or collaborate in any way with others who are engaging in unlawful activity.
10. To hold in strict confidence all information acquired in the course of the professional relationship concerning the affairs of their clients, and not to divulge any such information unless authorized by the client or required to do so by the Manitoba Provincial Nominee Program or by law.
11. To take care to avoid conflicts of interest and upon becoming aware of the existence of a conflict, to fully disclose at the earliest possible opportunity the existence and circumstances of the conflict to the client, and to the Province of Manitoba, if the conflict in any way affects the Manitoba Provincial Nominee Program.

12. To not allow any out side business or professional interests to jeopardize their professional integrity, independence or competence as immigration representative.
13. To provide clients with complete and accurate information regarding the Manitoba Provincial Nominee Program and all other matters about their client's real interest in immigration.
14. To advise the clients of the requirement that applicants under the Manitoba Provincial Nominee Program have a bona fide intent to reside and work or do business in Manitoba and to not knowingly submit or continue with Manitoba Provincial Nominee Program applications on behalf of clients who do not possess this bona fide intent.
15. To be truthful in all forms of communications and media and to refrain from misleading statements exaggerations or innuendo (The Province of Manitoba does not have any special or preferential arrangements with any immigration consultant or lawyer. Therefore an immigration representative cannot guarantee acceptance under the Manitoba Provincial Nominee Program, immigration status or citizenship. Similarly an immigration representative should not claim to have a special relationship or arrangement with or connection with the Government of Manitoba or any of its departments which implies preferential treatment etc.).
16. To not undertake to act for, charge or accept any fee, which is not fully disclosed, fair and reasonable.

For further information about the Manitoba Provincial Nominee Program and/or regulations related to immigration representatives, including the complaints process visit: <http://www.gov.mb.ca/labour/immigrate/pnp/immigratereps.html>

Or Contact:

Manitoba Labour and Immigration

Manitoba Provincial Nominee Program

9th floor, 213 Notre Dame Avenue

Winnipeg, Manitoba, Canada R3B 1N3

Telephone: (204)945-2806

Fax: (204) 948-2256

E-mail: immigratemanitoba@gov.mb.ca

Web Site: www.immigratemanitoba.com

Other Legal Resources:

The Community Legal Education Ontario (CLEO) has produced a series of fact sheets as part of CLEO's Immigration and Refugee series that are available for free from the website www.cleo.on.ca

Please note that the local resources listed in the fact sheets below are for the Province of Ontario only.

These include:

- Immigrant women and domestic violence (June 2005)
- Sponsoring a member of the family class (July 2006)
- Pre-removal risk assessment (PRRA) (May 2005)
- Making a refugee claim (May 2006)
- What can happen if a permanent resident is convicted of a crime (June 2006)
- What can happen if a permanent resident is convicted of a crime (June 2006)
- Your status as a permanent resident (Sept 2003)
- Hiring a lawyer to help with your refugee claim (May 2006)
- Being arrested and detained for immigration reasons (July 2006)

Section 4 – Appendix
