



Canadian Association of  
Professional Immigration Consultants

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L'Association Canadienne des  
Conseillers Professionnels en Immigration

# **CAPIC Submission Concerning Legal Aid Saskatchewan Refugee and Immigration Program Policy**

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# CAPIC Submission Concerning Legal Aid Saskatchewan Refugee and Immigration Program Policy

## Introduction

The Canadian Association of Professional Immigration Consultants (CAPIC) is aware that Legal Aid Saskatchewan (LAS) is adding immigration and refugee services (I&R) to its services.<sup>1</sup> CAPIC is following the progress of this initiative<sup>2</sup> and aims to contribute to it, as our members who are Regulated Canadian Immigration Consultants (RCICs) are eligible for the LAS I&R roster.

CAPIC represents around 4,000 RCICs and Regulated International Student Immigration Advisors (RISIAs). RISIAs serve designated learning institutions (DLIs), while RCICs handle all immigration applications. RCICs with the IRB designation (RCIC-IRBs) are permitted to represent clients before the Immigration and Refugee Board (IRB). CAPIC members, with their front-line experience, are well-positioned to help identify practical implementation policies for LAS's new I&R services.

## Analysis and Recommendations

### 1. I&R legal aid coverage

The intended areas of coverage under LAS's I&R program are notably broad, encompassing a variety of proceedings and applications:<sup>3</sup>

- IRB proceedings:
  - Refugee Protection Division (RPD): Basis of claim (BOC), hearing;
  - Refugee Appeal Division (RAD): Preparation, hearing;
  - Immigration Division (ID): detention hearing;
  - Immigration Appeal Division (IAD): removal order appeal.
- Immigration Appeal Division: removal order appeal. Immigration, Refugee and Citizenship Canada (IRCC) applications:
  - Humanitarian & compassionate (H&C) considerations;
  - Pre-removal risk assessment (PRRA).

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<sup>1</sup> LAS, "Legal Aid Saskatchewan to Implement Immigration and Refugee Services in 2026," posted December 16, 2025, [online](#).

<sup>2</sup> LAS, "Immigration and Refugee Services Project Status Update, March 2026," posted April 8, 2026, [online](#).

<sup>3</sup> *Supra*, note 2, p.13.

- Federal Court proceedings:
  - Judicial review;
  - Stay of removal order.

LAS I&R coverage is similar to that of Legal Aid Ontario (LAO).<sup>4</sup> Compared to neighbouring provinces, LAS's coverage appears more extensive. For example, Legal Aid British Columbia (LABC) focuses on asylum, detention, and removal;<sup>5</sup> Legal Aid Manitoba (LAM) I&R covers asylum, deportation, and removal orders.<sup>6</sup> Legal Aid Alberta (LAA) service does not cover H&C application and BOC.

The fee structure for LAS's I&R services is unclear. It is not known whether these services will be entirely free, a mix of free and low-cost, or strictly low-cost. LAA is not a free service but a lower-cost service.<sup>7</sup> LAM adopts a hybrid approach.<sup>8</sup>

There is also uncertainty regarding whether judicial review coverage aligns with the IRB proceedings and IRCC applications covered by LAS.

One of the four key objectives of the Legal Aid Program is to promote access to justice and protect rights under the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c. 11.<sup>9</sup> While broader coverage may be beneficial for access to justice, CAPIC suggests that consideration also be given to the potential impacts on the administration and sustainability of Canada's immigration system. Foreign nationals remain in Canada through authorized temporary status, and changes to legal aid coverage may influence how immigration and refugee protection pathways are accessed and used. Recent reductions in temporary resident targets, alongside increases in refugee claims and humanitarian and compassionate (H&C) applications from foreign workers and international students seeking to remain in Canada, illustrate the evolving pressures within the immigration system.<sup>10</sup> The high rate of non-compliance among international students: 153,000 between 2023 and 2024, and only 4,057 were investigated, demonstrates the vulnerabilities of Canada's immigration system.<sup>11</sup> The enactment of Bill C-12, the *Strengthening Canada's Immigration System and*

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<sup>4</sup> LAO, "Refugee and immigration legal issues," accessed April 14, [online](#).

<sup>5</sup> LABC, "Immigration and refugee issues," accessed April 14, [online](#).

<sup>6</sup> LAM, "Services," accessed April 14, [online](#).

<sup>7</sup> LAA, "Immigration and Refugee Law," accessed April 14, [online](#).

<sup>8</sup> LAM, "Financial rules," accessed April 14, [online](#).

<sup>9</sup> Government of Canada, "Legal Aid Program Evaluation, Final Report," 2.2. Overview of the Legal Aid Program, modified May 13, 2022, [online](#).

<sup>10</sup> LAS, "Refugee and Immigration Services Situational Assessment," posted August 25, 2025, p.9, [online](#).

<sup>11</sup> Office of the Auditor General of Canada, "International Student Program Reforms," modified March 23, 2026, [online](#).

*Borders Act*, 45th Parl, 1st Sess (assented to 26 March 2026)<sup>12</sup> reflects ongoing efforts to balance fairness, efficiency, and integrity within Canada's refugee and immigration processes. The Federal Court emphasizes the clean hands doctrine in *Uhunmwangho v. Canada (Citizenship and Immigration)*, 2024 FC 2008 at paragraphs 18 and 19, which reflects the balance between administrative integrity and protection of human rights.

Accordingly, CAPIC suggests that any expansion of legal aid coverage for immigration matters be carefully considered and appropriately targeted, with attention to both access to justice objectives and the effective administration of Canada's immigration and refugee systems. LAO's case selection process can be a reference, where funding decisions are informed by the merits of the case and the particular circumstances involved.<sup>13</sup> The approach may help ensure that limited legal aid resources are directed toward matters where representation would meaningfully advance access to justice.

## 2. I&R legal aid delivery model

The primary model of service delivery identified is the LAS staff. Lawyers and/or organizations will be contracted to supplement LAS staff service delivery. RCICs are identified alongside lawyers and students at law as service providers.<sup>14</sup>

There are two unclear aspects of the delivery model: (1) Which organizations will be contracted for supplementary service? (2) RCICs are not listed alongside lawyers and organizations for supplementary contracts. Does this mean the delivery module includes three tiers: LAS staff, supplementary contractors, and eligible service providers? CAPIC expects further clarity as policy development progresses.

Additionally, the number of I&R cases is influenced by policy changes and may fluctuate unpredictably. The primary staff delivery model could face challenges as a result. CAPIC suggests a forward-looking review to anticipate and mitigate the effects of such fluctuations. LAS is unique among Canadian legal aid programs in being staff-based, with staff lawyers handling 82% of services.<sup>15</sup> This review can help minimize negative impacts on LAS staff.

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<sup>12</sup> IRCC, "New immigration and asylum measures from Bill C-12 (the Strengthening Canada's Immigration System and Borders Act) have become law," modified March 27, 2026, [online](#).

<sup>13</sup> LAO, "Services for refugee claimants," accessed May 7, [online](#)

<sup>14</sup> *Supra*, note 2, p.7.

<sup>15</sup> LAS, "Organization," accessed April 14, 2026, [online](#).

### 3. Intake process

The intake process for service providers is currently unknown. Even if the portion of I&R services involving external providers is small, a clear intake policy is crucial to ensure equal treatment for all eligible service providers.

### 4. Tariffs

Unlike most provincial legal aid programs, LAS's tariff is not publicly available. For greater transparency and consistency, it would be desirable to make the tariff accessible to the public.

Sustainable compensation is also important to attract experienced practitioners and maintain service quality. Lessons from other provinces indicate that difficulties in recruiting experienced professionals often stem from tariffs that do not match the workload.

## Recommendations

Based on the analysis above, CAPIC recommends the following:

1. Consider the scope of I&R services in a way that balances Canada's immigration integrity with access to justice.
2. Adopt a merits-based case selection process informed by case law, including the clean-hands doctrine.
3. Ensure transparency and equality during the process of recruitment service providers.
4. Assess if the main staff delivery model fits I&R.
5. Publicize the tariff for transparency and consistency.
6. Set up a tiered hourly tariff, like LAO's Tier 1-3 model.

## Conclusion

CAPIC appreciates LAS's inclusion of RCICs as service providers. CAPIC remains available to provide further input as LAS's I&R policy framework develops to ensure the initiative is implemented in a manner that is fair, transparent, and effective.

## About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is a not-for-profit professional organization representing the interests of Canadian Immigration Consultants.

The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its 4,000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.

CAPIC celebrated its 20th anniversary in 2025. Founded in 2005 through the merger of the Association of Immigration Counsel of Canada (AICC) and the Organization of Professional Immigration Consultants (OPIC), CAPIC has spent two decades as the national professional association for immigration consultants – advocating for the profession before Parliament, IRCC, the IRB, and provincial governments. CAPIC's sustained engagement with the Standing Committee on Citizenship and Immigration (CIMM) has produced tangible results, including the enactment of the *College of Immigration and Citizenship Consultants Act*, SC 2019, c. 29, s. 292, a federal statute that CAPIC first recommended to CIMM in 2017.

All CAPIC submissions are publicly available on the CAPIC [Advocacy](#) web page to facilitate communication between CAPIC and our 4,000-strong membership and the general public.

## Contact us.

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