NEWCOMER LEGAL CLINIC

Newcomer Legal Clinic

- Opened September 2021
- Partnership between TBMA and LU law school
- Civil Society Organization recognized by LSO
- Located on 3rd floor of LU law school
- Core service area: Northwestern Ontario
- Hoping to reach out more and collaborate across Northern Ontario

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Our Funding and Structure

Lakehead University | Bora Laskin Faculty of Law

The Law Foundation of Ontario
Advancing access to justice

TNO
THE NEIGHBOURHOOD ORGANIZATION

Thunder Bay Multicultural Association

ESDC- Economic & Social Development Canada

Our Team



Lawyer & Clinic Director

Jennifer Dagsvik



Clinic Coordinator

J. Bianca Espinoza



Lawyer

Robert St. Aubin



Intake Worker

Alejandra Jimenez

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Eligibility Criteria

- Living in Northwestern Ontario
- Low-income or other barriers
- Issue related to immigration, refugee, or citizenship law

If you are unsure if they are eligible, contact us



Our Goals

1. Fill the access to justice gap for migrants and refugees in Northwestern Ontario
2. Build community knowledge about migrant and refugee rights and processes
3. Train people to serve newcomers, including lawyers

Immigration Legal Services

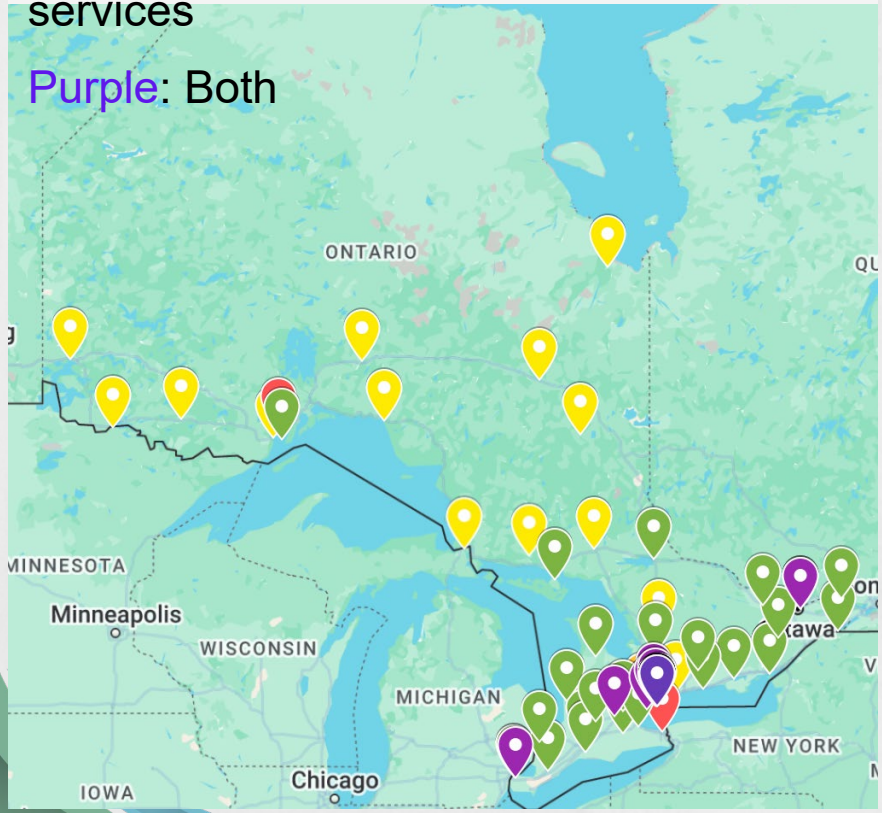
Why does Northern Ontario need regional immigration and refugee legal services?

- Increased government efforts to limit migration and enforce removals
- No IRCC office located in Northern Ontario (Winnipeg or GTA)
- Different demographics than GTA (Migrant Workers)
- Need identified are unique to Northern Ontario

Red: Immigration clinic services

Green: Employment clinic services

Purple: Both



Specialty Clinics with Imm/Ref Services

- BLAC (Black Legal Action Centre)
- SALCO (South Asian Legal Clinic)
- HALCO (HIV/AIDS Legal Clinic)
- CSALC (Chinese and South Asian Legal Clinic)
- JCFY (Justice for Children and Youth)

What about LAO Certificates?

Certificate Available	Certificate NOT available
• Refugee claims • Pre-removal risk assessments • Temporary resident permits for victims of family violence • Detention (Ref Law Office duty counsel)	• Family reunification for refugees and others • Abused migrant workers • Out-of-status remedies (depending on situation) • Citizenship applications • Work permits and study permits for refugee claimants

Note: no local lawyers on LAO's imm/ref roster

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Who Can Represent And Advise In Imm/Ref Cases?

- Lawyers
- Paralegals (only before IRB)
- Registered Immigration Consultants (beware “ghosts”)
- NGO workers can help if clients don’t pay, but institutional / funder constraints

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Migrant Worker Support Program

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Migrant Workers Support Program

The aim of the program is to:

- Provide information and support to exercise rights
- Increase migrant workers' awareness
- Foster inclusion of migrant workers in the community
- Support migrant workers during emergency situations
- Develop coordinated approaches to supporting migrants in the community

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Who are Migrant Workers?

- Anyone in Canada on a temporary work permit tied to their employer
  - Cannot work for any other employer ⟶ employer hold significant **power** over worker
  - Worker might be depending on **abusive employer** to stay in Canada ⟶ delicate situation
  - Employer might also be landlord ⟶ **housing abuse**

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Migrant Workers Support Program

North = different demographics



ie. hospitality











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OWP-VW Eligibility

- Be inside Canada,
- Have an employer-specific work permit that is still valid (has not expired yet),

AND

- Have been abused or are at risk of abuse by your employer.

Employment Protections for Foreign Nationals Act (Ontario)

- Recruiters cannot charge fees to workers
- Employers cannot charge for hiring costs
- Recruiters / employers cannot take property or documents
- Workers cannot waive their rights
- Workers cannot be punished for exercising rights (reprisals)
- Can complain using the Employment Standards Act process

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Migrant Workers Support Program cont'd...

Open Work Permit for Vulnerable Workers

applications & other legal services

ie. requesting condition changes, assisting with family work and study applications, assisting with providing legal information and referrals to other legal services.

Lakehead University Community Legal Services Bora Laskin Faculty of Law

ServiceOntario

KINNA-AWEYA LEGAL CLINIC

LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

wsib ONTARIO

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What to do if you suspect employer abuse

- Consider referring to Scott, at the Sudbury Worker Centre
- There are options for reporting the employer - worker might want to seek immigration advice first
- Worker might want to consider:
  - *Human Rights claim*
  - *Claim under Employment Standards Act*

Common Legal Struggles Among Newcomers

- Child protection & cultural differences
- Family and domestic issues
- Mental health and justice involvement
- Housing and employment exploitation
- Immigration paperwork
- Access to legal aid and interpreters
- Examinations for driver's licences
- Cultural, racial, & gender discrimination

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Scenario 1

Client is getting evicted, because there are too many people living in their apartment. They inform you that they are nervous because they are not allowed to work in their current situation.

What follow up questions could help determine if this is related to immigration status?

When it comes to immigration status and housing

- Inform them if they are **worried about their immigration status**, to contact an immigration lawyer or registered immigration consultant.
- Landlord and Tenant issues are not something immigration law covers, it will still be a referral to a legal clinic who practices housing law.
- Check if their housing is tied to their employment, if so, refer to an immigration lawyer or consultant

Scenario 2

A woman who was financially and emotionally abused, by her partner, lost her opportunity for sponsorship. Her Spousal sponsorship application got stalled because they separated. She left Canada because she thought she was not allowed to stay.

Do you think that leaving Canada was her only option? If so, why? If not, why?

What if a decision-maker tells people they must leave Canada?

- Errors are common in the administration of the immigration legal system
- People being told to leave Canada often need and want legal advice if they want to stay
- Please refer to an immigration lawyer

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Scenario 3

A refugee claimant just arrived to Sudbury three months ago from Iran. They applied for OHIP several times, but they keep getting their OHIP application denied.

How could you help?

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Transition Points

Transition	What is happening?
Extension of temporary status	• application to extend status filed before expiry of current status • status usually maintained until new decision made
Out of status to temporary status	• application is pending (restoration or temporary resident permit) • applicant does not have status until approved
Temporary resident or out-of-status to permanent resident	• waiting on PR status • if temporary resident, apply to extend or maintain status • can be a risk to leave Canada - seek legal advice
PR to citizen	• waiting for invitation to oath of citizenship

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TYPES OF IMMIGRATION STATUS

***information current to May 15, 2025 (not legal advice - contact if questions)**

Status	Document to prove it	Help that might be needed	Health Coverage?
	MORE SECURE STATUS		
Canadian Citizen	• Birth certificate • Citizenship card / certificate • Passport	Replacement documents (for birth certificates, possibly refer to Roots Birth Certificate Clinic)	OHIP
Eligible for citizenship but don't have proof yet	• Canadian parent's birth certificate	Consider application to IRCC for proof of citizenship	Possibly OHIP, with advocacy
Permanent Resident (PR)	• Confirmation of Permanent Residence (8.5 x 11" white paper, or more recently, electronic) • PR Card • NOTE: they are PRs even if their card is expired (unless it was revoked) •	Consider PR Card renewal application if necessary	OHIP
Protected Person	• Notice of positive decision from Refugee Protection Division (RPD) •	Consider application for permanent residence Consider OHIP application if eligible	OHIP Possibly IFHP

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Status	Document to prove it	Help that might be needed	Health Coverage?
		PRECARIOUS STATUS	
Refugee Claimant	• Refugee Claimant Identity Document (RCID, "Brown Paper")	Might need support to extend RCID, legal representation for refugee claim	IFHP – RCID proves it
Visitor – generally six months from entry	• Visitor Record (usually for longer stays – rare) • Stamp in passport (rare) •	Application to extend visitor status / apply for visitor record	None other than private insurance
Work Permit Holder	• Work Permit • Maintained Status Letter • •	Obtaining new maintained status letter from IRCC Extending work permit *eligibility requirements can be complex Support to apply for PR Support to change to visitor or other status if permit expired and can no longer work	Usually eligible for OHIP if they have letter from employer NOTE: IRCC issues letters saying that someone has maintained status until a certain date. The letters are misleading - maintained status does not end in law until a decision is made on the person's application. Service Ontario is not always aware of this. Advocacy may be necessary to explain.
International Student	• Study Permit	Help extending study permit Support requesting authorized leave from school (can impact future work)	Possibly coverage from University or College Plan Possibly private insurance Not eligible for OHIP
Maintained Status	• One of the above documents, but expired, and applied for extension	Help if refused	Possibly OHIP – advocacy might be necessary
Out of Status	• One of the above documents, but expired and no application pending	Help with regularizing status	No OHIP or IFHP Consider emergency IFHP application in exceptional cases

Scenario 4

A temporary resident keeps getting denied their child's birth certificate at Service Ontario because they are on maintained status as a student, awaiting for a decision to be made by an officer from Immigration, Refugee & Citizenship Canada. Are they even eligible for this service?

Where can they go for assistance?

Immigration status & ID:

- Canadian birth certificates*
- Birth registration
- Health cards
- Verification of status
- Provincial Photo ID cards

Partners for Access and Identification (PAID) | The Neighbourhood

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https://integrationindex.ca/integration-game/

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Q&A

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