



• February 2023

Building Quality Justice Services for Newcomers

Ethical Principles: Guidelines

This document has been developed as part of the CCR's Quality of Services project which aims to support NGOs serving immigrant and refugee communities to provide high-quality services in areas related to immigration and refugee legal processes. For more information, please see the [Project Framework](#).

Organizations are encouraged to use this document when reviewing existing policies or developing new ones. These guidelines may also apply to organizational processes or practices, particularly if written down (even if not in the form of a "policy").

Organizations need Ethical Principles in all areas of their services. This project, and these guidelines, are designed to focus on **services related to immigration and refugee law, such as helping people with immigration applications**. The guidelines can be used to help assess whether existing mechanisms are appropriate to this service area or to develop new mechanisms.

The ultimate goal of the CCR project is to elevate the quality of services provided by organizations to clients within the immigration and refugee processes.

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Objectives

These guidelines are designed to help the organization meet the following objectives taken from the [Proposed framework for high quality immigration and refugee services](#).

Ethical principles: The organization is committed to ethical principles in the assistance it offers to refugee, immigration and citizenship processes

Please note

Some of the suggestions below might not reflect the reality in all organizations. We recognize that each organization's realities are different. Organizations should choose, modify or add elements that reflect their circumstances.

In working through the points below, consider whether the organization's policies relating to ethical principles respond specifically to **services assisting people with immigration and refugee legal processes**.

Note on terms

Some organizations regularly use the term "clients", others prefer to use different languages. To reflect this diversity, we refer sometimes to "clients" and sometimes to "service users".

1. Mission

Does the organization have a statement that explains the rationale for offering services assisting people with immigration and refugee legal processes, based on the need and interests of the clients, rooted in the mission of the organization?

Examples of mission statements relating to immigration and refugee processes:

- An organization whose mission is to support migrant workers in securing their rights might decide that offering support in some immigration-related applications is an effective way to advance that mission
- An organization whose mission is to support refugee and migrant children navigating immigration, legal and social services systems might decide to advance this mission by ensuring that children and youth are empowered in their own lives and that the immigration processes and other systems they are navigating are responsive to their individual needs and circumstances.

- An organization whose mission is to support victims of abuse might decide to advance this mission by providing services not otherwise available to help clients obtain secure immigration status in Canada.

2. Services Free of Charge

- Does the organization have a clear policy stating that all services – or services to support refugee, immigration and citizenship processes - are offered free of charge?

How do you communicate this to actual or potential clients?

Examples:

- Written/oral statement from an organization that provides legal services that it is illegal to receive payment for legal services as staff is not licensed lawyers, paralegals or consultants.
- An organization might mention on its website that services are provided to clients free of charge.
- An organization might mention that services are provided for free to clients in person and on its social media platforms.

3. Conflict of Interest

- Does the organization have a conflict of interest policy? If it does, do its provisions adequately cover the sorts of conflict of interest that may arise in the context of assistance offered related to refugee, immigration and citizenship processes?

Examples of relevant potential conflicts:

- Worker is a lawyer or registered consultant and offers to see clients for paid services outside of their work at the organization.
- Worker has a close relationship with someone who is a lawyer or registered consultant (for example, a family member or a friend) and refers clients to them
- Accepting gifts including free or less-than-market-value services from service users

Steps to determine and address conflict of interest:

- Employees are encouraged to declare any potential issues with a manager, Human Resources department or the Executive Director to determine if a conflict of interest exists, and the seriousness of the potential or actual conflict of interest.
- Require that the employee cease to be involved in the situation giving rise to the conflict of interest.
- Remove the employee from a position of influence over the organization with respect to matters which give rise to the conflict of interest.

4. Confidentiality

- Does the organization have a confidentiality /privacy policy? If it does, do its provisions adequately cover the sorts of privacy issues that may arise in the context of assistance offered related to refugee, immigration and citizenship processes?
- Does the organization specify the purposes for which information will be collected (according to services offered)?
- Do you require staff, interns and volunteers to sign a confidentiality agreement?
- Do you have measures in place to limit to the minimum the amount of client's personal information held, and to ensure it is held securely and destroyed as soon as it is no longer necessary?

Examples of steps to ensure confidentiality:

- Service users' personal information provided in immigration applications can only be accessed by employees with appropriate authorization.
- All those with access to personal data sign an undertaking to access and use data only as necessary to support a client with their immigration process, and not to disclose personal information except in accordance with the organization's code of conduct and confidentiality policy.
- The organization protects personal information with the appropriate security measures, physical safeguards and electronic precautions (complex passwords, limited access, locked files, firewalls, etc.)
- Staff, interns and volunteers are requested to report any breaches of confidentiality to the relevant manager.

- The organization will investigate and respond to concerns about any aspects of the handling of personal information.
- In case of a confidentiality breach, the organization will notify affected service users within a reasonable time. The notification should include the type of personal information that was subject to unauthorized access and the actions taken by the organization to protect the personal information from further breaches.

Example of a declaration of confidentiality:

I hereby acknowledge that I understand that in the course of carrying out my duties at (*organization's name*), I will be dealing with information, files and records that are privileged and confidential and that I realize the importance of not disclosing any such information regarding service users to anyone outside the organization without approval or consent, nor to anyone within the organization except where necessary as part of service delivery. I acknowledge that any breach of this trust could have serious consequences for the people concerned and the organization.

5. Code of conduct

- Does the organization have a code of conduct? If it does, do its provisions adequately cover the sorts of issues that may arise in the context of assistance offered related to refugee, immigration and citizenship processes?

Examples:

- Accurately representing credentials of staff, interns and volunteers
- Keeping professional boundaries
- Limiting service delivery to stated areas of trained competence
- Prohibiting talking about service users or their cases in a disrespectful manner
- Prohibiting information sharing from cases outside of the professional setting and for professional purposes
- Recognizing a relationship of distrust (for example, if staff and person from the same country and conflicting ethnic groups), identify a process to deal with conflict.
- Using a trauma-informed approach (which includes staff not bringing their own experience into the work with service users)

- Staff will demonstrate responsibility to clients within the context of their roles and job description parameters by minimizing the negative impact of personal attitudes, beliefs and needs on professional relationships with clients.
- Performing job duties to the best of one's ability (carrying out duties with integrity, objectivity and equity).
- Providing professional services without discrimination, including not casting judgment on service users based on their immigration application or the basis of their claim.

6. Commitments to anti-oppression

- Does the organization have policies on anti-oppression, including anti-racism?
- Are the policies written, shared and applied/followed to ensure that services are offered in a way that does not contribute to structures of oppression?

Example:

- Be aware of structures of oppression that prevent some people's experiences from being heard and considered (for example, wife versus husband, a child who is LGBT may not have space to be heard)

7. Liability insurance policy

- Does the organization have a liability insurance policy that would compensate clients in the event of negligence by a staff member, intern or volunteer?