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Building Quality Justice Services for Newcomers

Referrals within Immigration and Refugee Processes: 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 mechanisms for referrals 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 objective taken from the [Proposed framework for high quality immigration and refugee services](#):

Scope of services: The organization as a whole and its staff understand and respect the scope of the assistance each individual will give, including defining:

- The areas they are qualified to assist in, and when they need to consult a supervisor.
- The circumstances in which the person should be advised instead to seek legal advice because of the complexity
- Guidelines for what to do if some of the individual's needs are potentially beyond the scope of the services provided by the organization.

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 referral mechanisms respond specifically to **services assisting people with immigration and refugee legal processes**.

Notes on terms

- Some organizations regularly use the term "clients", others prefer to use different language. To reflect this diversity, we refer sometimes to "clients" and sometimes to "service users".
- In some organizations, staff, interns and volunteers all provide services relating to immigration and refugee legal processes and may be involved in making referrals. In order to avoid repetition of "staff, interns and volunteers", we sometimes use "people" where the context makes clear we are referring to "staff, interns and volunteers".

A. Defining the scope outside of which referral /consultation is needed

1. Areas where referral or consultation is needed are clearly defined

- Does the organization define the areas of refugee and immigration legal processing that are beyond the scope of its services and where referrals will therefore need to be made?
- Does the organization define for different staff, interns and volunteers the areas they are qualified to assist in, and when they need to consult a supervisor?
- Does the organization define the circumstances in which the service user should be advised or assisted to seek legal advice because of the complexity of the case? (For example, a person filling out a permanent residence application mentions that they have a previously undeclared family member.)

2. Guidelines for referral and consultation are clearly communicated

- Are there guidelines (maybe a written manual?) for staff, interns and volunteers covering when and how to refer or consult?
- Does onboarding training cover guidelines for referral and consultation?
- Do supervisors or mentors regularly check in with new staff, interns and volunteers about the application of guidelines for referral and consultation?
- If the organization starts to offer a new service related to refugee and immigration processes, is there clear communication (and training?) within the organization?

3. There are processes to review whether legal advice is necessary

- Do staff, interns and volunteers know who to ask within the organization when they are not sure whether legal advice is necessary? (for example, a supervisor, or a subject area expert)
- Do team members regularly discuss (for example at team meetings) cases where it is not clear whether legal advice is necessary? Do you have case conferences?
- Does the organization use emails or other electronic communication for check-ins about whether legal advice is necessary?
- Does the organization have one or more lawyers that can be consulted when there are questions about whether legal advice is necessary?

B. Identifying referral partners

1. There are effective strategies in place to identify organizations and lawyers to whom service users can be referred

- Does the organization have a proactive strategy for identifying organizations and lawyers to refer service users to?
- What sources are used to identify lawyers to whom service users can be referred? For example:
 - Recommendations from other credible organizations or lawyers
 - Information shared in professional and advocacy networks
 - Outreach to the organization from lawyers interested in receiving referrals, followed by a meeting to get to know the person, or consultation with partner organizations
 - Feedback from service users or staff on positive experiences with lawyers
- Does the organization have a process for trying out referrals to lawyers or organizations? For example, by checking in systematically with the service users referred to them to see if they are satisfied with the services.
- Does the organization work with another organization that has expertise in certain types of referrals (for example, referring refugee claimants to lawyers), in order to use their list of referral partners, or so that the other organization can make the referrals?

2. There is an effective mechanism for documenting referral partners, accessible to the people that need it

- How does the organization document the organizations and lawyers to whom you refer clients? (Is it a simple list or a series of lists? A referral management software program?)
- Does the mechanism include detailed information about lawyers and organizations to assist with appropriate referrals, such as languages spoken, types of services offered, particular areas of sensitivity (such as gender, Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC), trauma), and whether a lawyer takes legal aid cases?
- Who within the organization is responsible for managing the mechanism?
- Is the most recently updated version accessible to all staff, interns and volunteers who need to use it?

C. Making a referral

1. There is a clear process for what to do if a referral is needed for an immigration or refugee process

- Does the organization have a standard process for what to do if a referral is needed for an immigration or refugee process?
- Are there written guidelines? Or a referral form that covers all the relevant steps?
- Is the process explained to staff, interns and volunteers as part of onboarding training?

2. There is good communication to clients when a referral is made

- Is an explanation provided to the client about why the organization (or department) is unable to provide the necessary help (for example, because the complexity of the case requires legal advice)?
- How does the organization ensure there is clear communication to the client about the referral process (objectives, steps, timelines and anticipated outcomes)? Do clients receive information about how to communicate with the lawyer or organization, what to expect from them, and how things might and might not go after referral? (If a referral form is used, does it cover all the relevant points, so that the person making the referral can review it step-by-step with the client?)
- If referring a client for legal services, is information provided about potential costs and whether the client might be eligible for legal aid?

3. Referrals made are appropriate to the service user

- Does the organization have processes in place to ensure the referral is appropriate to the service user's needs? (specific immigration/refugee process, languages spoken, other factors such as gender, SOGIESC, trauma, whether legal aid coverage is available). For example, are there standard questions asked to gather relevant information? Does the referral form address the considerations taken into account in the referral?

4. Referrals are documented

- Does the organization have a standard process for documenting referrals? (For example, in the client's file, or referral management software.)

- What elements are documented? (For example, the reason for referral, who referred to, informed consent of the client, and any correspondence with the person or organization to whom the referral was made.)
- Is there a standard procedure to send an email (for documentation purposes) after a phone call to refer a case to a lawyer or another organization?

5. Warm referrals are made where appropriate

- Does the organization make “cold” or “warm” referrals? (“cold” meaning you give the information to the client and let them make contact; “warm” meaning you contact the person or organization on the client’s behalf).
- If both, does the organization have criteria to determine which clients receive a warm referral? (For example, depending on the type or accessibility of the service being referred to, or depending on the client’s vulnerability, language barriers, technological barriers, the client’s own preference or the complexity of the case). Or whether an earlier cold referral was unsuccessful.

6. Relevant information is shared when making a referral, with consent

- If a “warm” referral, does the organization provide information about the person being referred? Are there standard information elements that are shared (for example, name, short explanation, the support needed, upcoming deadlines and preferred language with the contact info)? Are they on a referral form?
- Does the organization sometimes share information anonymously as an initial stage, in order to ask whether a lawyer or organization is able to take on a case?
- How is consent obtained from the service user? Oral consent? Written consent form? On intake or as part of the referral process? Does it depend on how much information is shared? Is there a meaningful opportunity for the person to raise concerns about giving consent?

D. Following up on referrals

1. The organization follows up on referrals, where appropriate

- Does the organization have standard procedures to seek feedback from service users on referrals? Are they routinely invited to come back to the organization in case they need more

information or are not satisfied with the referral? Is there a standard procedure for asking the service user at a future visit about how the referral went, if they are satisfied with the services or if they have any concerns? Does the organization make a follow up call to the service user? If only in some cases, how are they defined?

- Are there defined circumstances in which the organization will follow up with the organization or person to whom the referral was made? For example, if the referral is to an unfamiliar organization or lawyer? Or if there is a particular urgency or sensitivity in the case? Or based on the vulnerability of the person, or language barriers? Or at the request of the service user?
- How does the organization document follow up to referrals? In individual files? Using referral tracking software?

2. The organization provides alternatives if a referral is not successful

- If the organization made a referral that cannot be accepted, what next steps are offered to the client? For example, propose another organization or lawyer? Write a letter requesting postponement of an urgent immigration matter – such as a request for an extension of a Basis of Claim form.

E. Reviewing referral partners

1. Feedback from clients on referrals is taken into consideration

- How is relevant feedback shared within the organization? Is it documented in a referral management software? Shared at team meetings?
- In the case of negative feedback about a referral partner, what follow up would the organization consider? Might you (with the client's consent) talk to the lawyer or organization about the concerns?
- If the concerns are serious or repeated, does the organization have a process for removing them from the list of recommended referrals, or even red-flagging them to be avoided? Do you share the feedback with partner organizations?
- If appropriate, does the organization provide information and support to a client to make a complaint to the relevant professional body?

2. The list of organizations and lawyers to whom service users can be referred is regularly reviewed and updated

- Does the organization have a regular schedule for reviewing and updating the list of referral partners (for example, once every month or every quarter)? If not, how does the organization ensure there is a timely review?
- What strategies does the organization use to update the list of referral partners? For example: staff calling those on the list to confirm that they are still available for referrals, internal meetings to exchange information on referral partners, review of documented feedback from service users, outreach to other organizations or individuals that serve a similar demographic.
- Is there an effective and timely system for making important updates to the list in between reviews? (For example, if an organization or individual has been removed from the list because of serious concerns about the services.)
- Are relevant staff, interns and volunteers notified about important updates to the list of referral partners (for example, at team meetings, through emails, through individual communications).

F. Incoming referrals

- How does the organization manage incoming referrals?
- Does the organization identify a time period in which you expect to reply to incoming referrals (is it communicated to the referred client by email, SMS, verbally, or through the referral partner?)
- Does the organization have a form to be filled in by or for clients being referred?
- Does the organization provide to the clients (directly or through the referral partner) orientation material explaining the services offered and what to expect? Is the information available in several languages? Is it available in different formats (electronic, paper, oral recording)?
- If the organization is unable to accept referrals (either for a certain period or permanently), how do you make sure that other organizations are aware? Through individual contacts with organizations? Through networks?