

Legal Services

A trafficked person may require confidential, independent legal services to help resolve a variety of legal issues, including:

Legal Status in Canada for Foreign Nationals

If a trafficked person's legal status in Canada is in doubt for any reason — they don't have a valid passport or there are problems with their visa — you may wish to consult with an immigration or refugee lawyer for advice. The lawyer can explain options for staying in Canada or returning to their home country.

Citizenship and Immigration Canada may also be able to assist by issuing a Temporary Resident Permit (TRP) to a potentially trafficked person. (Please see the Temporary Resident Permit section later in this module for more information.)

Employment-related Issues

A trafficked person who has been exploited for their labour or as a domestic servant may have a number of employment law issues to resolve. An employment lawyer may be able to assist a trafficked person with issues such as non-payment of wages, being forced to sign an illegal employment contract, handing over wages or benefits, or paying illegal fees to a recruiter.

Family Law Matters

A person who has been trafficked for labour or sexual exploitation by their spouse or other family member — or a trafficked person who has children — may require a family law lawyer to resolve issues related to custody of children, support payments upon separation, and other issues related to family law. Family law issues can have a profound impact on a trafficked person and their family members who benefit from legal advice to help understand all of their options, rights, and obligations.

Potential Criminal Charges

A person who has been trafficked — whether they are a Canadian citizen, landed immigrant, or foreign national — may be charged with criminal offences such as drug-related offences or prostitution-related offenses, even if they were forced to do these things by their trafficker.

A criminal conviction is a serious matter that can affect a trafficked person's future employment opportunities or their ability to travel outside of Canada. A criminal lawyer can provide assistance and advice in all cases where a trafficked person has been charged with a criminal offence.

Civil Court Claims

A person who has been trafficked may be able to file a claim in civil court for compensation for the harm, distress, and loss suffered due to their experience. Civil actions can include breach of contract, wrongful dismissal, breach of relationship of trust (for example between a teacher and a student), and battery or assault. A successful claim may result in the award of compensation for economic losses suffered by the survivor — such as loss of wages — as well as non-economic losses such as emotional pain and mental distress. A lawyer with experience in litigating civil actions should be consulted for more information and legal advice.

MY STORY:

“Legal Assistance of Windsor helped me and my family in lots of ways. They helped us with the welfare, housing, and immigration. All of these are important. They talked to us and helped us when we were worried about our safety and our family’s safety.

“When we didn’t have money, they helped us. They helped to bring my family here: my mother, father, two brothers, and my sister after the traffickers began to threaten them.

“They helped us get status in Canada. The staff and the students did lots of things for us and they still help us. I think if we hadn’t had the help we would have been deported and it would have been bad for us. I think we would have been killed.”

Carl



Where to Look

Community legal clinics — often offered through university law schools — and some non-governmental organizations, such as settlement services and anti-violence programs, provide or arrange legal consultation and referral services. Pro bono lawyers associations (available in some provinces, including B.C. and Alberta) offer legal services free of charge.

If you can’t locate a legal clinic, many communities offer a lawyer referral service, or you could try the Canadian Bar Association, the Indigenous Bar Association, or:

- provincial bar associations
- law societies
- legal aid offices
- law foundation offices
- workers advocacy groups
- community agencies that offer legal clinics and legal assistance programs

It is very important to assist a trafficked person to seek the assistance of a lawyer, registered as a member of their respective provincial bar association, for any legal issue that they may face. A lawyer is the only professional who can provide confidential legal advice to a trafficked person about their rights and obligations in Canada. A lawyer may provide an initial consultation for a small consultation fee or on a pro bono (free) basis. It is important to determine the lawyer’s fees in advance.