

# PROJECT IMMIGRATION AND REFUGEES

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PBSC - UNIVERSITÉ DE MONTRÉAL



Pro Bono -

Section Université de Montréal

LEGAL INFORMATION GUIDE  
FOR THE PROJECT :

# IMMIGRATION & REFUGEE EXAMPLE

Keep in mind...

- 1 This guide was created by law students and reviewed by a supervising attorney;
- 2 The information provided is only applicable to the province of Quebec;
- 3 The guide contains general legal information, for any specific legal advice please refer to a lawyer.

\*Guide published in March 2023

The information may be subject to change over time.  
It is important to always refer to the resources mentioned.

MThank you for your support.



IMMIGRATION & REFUGEES

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IMMIGRATION & REFUGEES

**1. VOCABULARY DIRECTORY**

CBSA: Canada Border Services Agency

eTA: Electronic Travel Authorization

CAQ: Certificate of Acceptance of Quebec

COPR : Confirmation of Permanent Residence

IRB : Immigration and Refugee Board of Canada

LINC: Language Instruction for Newcomers to Canada

ELT: Enhanced Language Training

VAC: Visa Application Center

CSQ: Quebec Selection Certificate

CPC: Case Processing Centre

DLI: Designated Learning Institution

LMIA: Labour Market Impact Assessment

## IMMIGRATION & REFUGEES

# 1. **VOCABULARY DIRECTORY**

PPRA: Pre-removal Risk Assessment

RCMP: Royal Canadian Mounted Police (federal police system)

IRCC: Ministry of Immigration, Refugees and Citizenship Canada

LATMP: Act Respecting Industrial Accidents and Occupational Diseases

AIQ: Act respecting Immigration to Québec

IRPA: Immigration and Refugee Protection Act

ALS: Act respecting Labour Standards

MIFI: Ministry of Immigration, Francisation and Integration

PEQ: Quebec Experience Program

UPP: Urgent Protection Program

TRP: Temporary Residency Permit

IMMIGRATION & REFUGEES

# 1. **VOCABULARY DIRECTORY**

CSIS: Canadian Security Intelligence Service

SQ: Sûreté du Québec (provincial police system)

RPD: Refugee Protection Division

TRV: Temporary Resident Visa



## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### 1st Step: Obtaining the Québec Acceptance Certificate (CAQ).

Under article 12 of the Québec Immigration Act and article 3 of the Québec Immigration Regulation, to work temporarily in Québec, the foreign worker needs to obtain the Québec Acceptance Certificate, except if he is exempt from it.

Temporary foreign workers are exempt from the Québec Acceptance Certificate:

- If the duration of continuous work is 30 days or less
- If the employee is not remunerated
- If the employer is exempt from the obligation of doing a demand of study on the impact on the labor market with the governments of Canada (Employment and Social Development Canada) and of Québec (Ministry of Immigration, of Francisation and of Integration)
- If they are dispensed from the obligation of detaining a work permit delivered by Immigration and Citizenship Canada.



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## 2. FOREIGN WORKERS

### 1st Step: Obtaining the Québec Acceptance Certificate (CAQ). (cont.)

Under article 5 of the Québec Immigration Regulation, the three conditions that the foreign national needs to respect to obtain the Québec Acceptance Certificate are the following:

- Have a written work contract with an employer. The job offer needs to have a positive evaluation of its effects on the labor market in Québec (LMIA)
- The job needs to be part of the National Occupational Classification (NOC)
- The employee needs to have the competencies to practice the profession (either have the diplomas and/or the necessary experience)

To obtain the CAQ, you need to fill out the Application for temporary selection – Temporary Foreign Worker Program A-0506-CF form. The employer will then do the procedures with the Ministry of Immigration, Francisation and Integration, and with Service Canada to get the LMIA.





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## 2. FOREIGN WORKERS

### 2nd Step: Work Permit

Once the foreign national gets a positive reply to its application for Labour market impact assessment (LMIA) and its CAQ, he will also have to make an application for a work permit with the IRCC.

Under article 196 of the Immigration and Refugee Protection Regulation, the temporary foreign worker cannot work in Canada without previously obtaining a work permit.

Article 197 of the Immigration and Refugee Protection Regulation noted that a foreigner can, at all times before his entry into Canada, make a work permit application.



## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### 2nd Step: Work Permit (cont.)

The eight conditions to fill to make the work permit application are the following:

1. Prove to an agent that you will leave Canada once your work permit expires.
2. Demonstrate that you have enough money to return to your country, and to support your and your family's needs during your stay in Canada.
3. Respect the law, fill all the exigences in terms of security and not have a criminal record
4. To not represent a danger to the security of Canada
5. Be healthy and do a medical exam if there is the need to
6. Do not consider working for an "inadmissible" employer figuring on the list of employers who do not respond to the applicable conditions
7. Do not have the intention of working for an employer who, on a regular basis, offers naked or erotic dances, escort services, or erotic massages
8. Provide the agent with any documents he asks to prove you can enter the country and pay the treatment fees of the application

It is possible to fill in the [application for a work permit on the website of the Government of Canada](#).

The demand is made online or in paper format exceptionally.

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## 2. FOREIGN WORKERS

### Types of Work Permits

There are two types of work permits: the open work permit and the closed work permit.

- The open work permit allows a temporary foreign worker to work for any employer during a determined period of time. This type of work permit does not restrain him into a profession, a workplace, or a specific employer.
- The closed work permit is conditional to a job offer since the name of the employer, the length of the employment period, and the workplace with the NOC, are conditions to fill the form.



## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### Possibility of Having an Open Work Permit

Following articles 200, 204 to 207, 207.1, and 208 of the *Immigration and Refugee Protection Regulation*, here are some examples of people that could be admissible to an open work permit:

- You are a foreign student, have obtained a diploma from a designated educational institution, and are admissible to the Post-Graduation Work Permit Program (PGWPP) (this permit is the equivalent of an open work permit for a student whose studies have ended).
- You are a student and are not able to pay the costs of your studies anymore (deprived students).
- You possess a work permit linked to a precise employer and are the victim of violence or risk to be, as part of your job in Canada.
- You have presented a demand for permanent residency in Canada.
- You are a family member with the charge of a person who presented a demand for permanent residency.
  - Public interest policy was established following paragraph 25(1) of the Immigration and Refugee Protection Act.
- You are the husband or spouse of a qualified worker (of level 0, A, or B, in the national profession classification system) or of a foreign student.

You need to prove that one of these situations applies to you and fill the demand with the case and the documents required to send your demand.

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### The Procedure for an Open Work Permit

#### Place of presentability of the demand for a permit

In principle, the demand must be demanded from his country of origin. Sometimes, there are supplementary exigences at the visa office, for some countries or territories. In general, it is necessary to provide your fingerprints and a picture, after the demand for a permit.

It is possible, uniquely for certain categories of persons, to make a **demand for an open or close permit from Canada**. These persons are the following:

- If you have a valid study or work permit
- If your husband, spouse, or parents have a valid study or work permit
- If you are admissible to the Post-Graduation Work Permit Program (PGWPP) and your study permit is still valid
- If you have a temporary resident permit (TRP) that is valid for six months or more
- If you are waiting for a decision concerning a demand for permanent residency made in Canada
- If you have presented a refugee status demand
- If the Immigration and Refugee Board of Canada has recognized you as a refugee following the Convention, or as a protected person
- If you are authorized to work in Canada without a work permit, but you need a closed work permit to hold another employment (this does not apply to business visitors)
- If you are a negotiator, an investor, a person mutated in an enterprise, or a professional targeted by the Canada-United States-Mexico Agreement (CUSMA), having a closed work permit

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## 2. FOREIGN WORKERS

### The Procedure for an Open Work Permit (cont.)

Formalities to follow for all types of work permits and from every place of permit demand:

- Prove to an agent that you will leave Canada when your work permit expires
- Demonstrate that you have enough money to go back to your country and to support your and your family's needs during your stay in Canada
- Respect the law, fill all the exigences in terms of security and not have a criminal record (we may ask you to provide a police certificate)
- To not represent a danger to the security of Canada
- Be healthy and do a medical exam if there is the need to
- Do not consider working for an "inadmissible" employer figuring on the list of employers who do not respond to the applicable conditions
- Do not have the intention of working for an employer who, on a regular basis, offers naked or erotic dances, escort services, or erotic massages
- Provide the agent with any documents he asks to prove you can enter the country and pay the treatment fees of the demand.

The proof of these demands is made by documents certifying their veracity.

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### The Procedure for an Open Work Permit (cont.)

#### Sending the Demand

(1) The type of employment does not determine the permit that one can obtain. Indeed, it is the status and the person's situation that gives them the right to have an open work permit. Thus, the general rule is that a stranger who comes to work in Canada must obtain the CAQ and the Labour Market Impact Assessment (LMIA). Afterward, he obtains a closed work permit.

- Exception : there is an exemption from getting the CAQ and LMIA to obtain an open work permit
- However, there are cases where it is possible to be exempted from getting the CAQ and the LMIA, but a closed work permit is obtained.

(2) If you plan on staying working in Canada for a period over 6 months, you will need to do a medical exam satisfying the exigences of article 216 of the *Immigration and Refugee Protection Regulations*.

- For example, no trace of foreign diseases must be detected.

(3) If you make your first demand for a work permit in Canada, you need to provide your biometric data, and this, every 10 years.

(4) You will then need to fill in all the necessary documents for the actual work permit demand, which are the followings:

- 1.The application for a work permit made outside Canada form (IMM 1295). It is in this document that you will indicate your desire for an open work permit. You will then be exempted from giving information concerning your employer.
- 2.The document checklist for a work permit form (IMM 5488).
- 3.The family information form (IMM 5645 or 5707).
- 4.The statutory declaration of common-law union form (IMM 5409) if there is a need.
- 5.The use of representative form (IMM 5476) if there is a need.
- 6.The authority to release personal information to a designated individual form (IMM 5475), if there is a need.

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### The Procedure for an Open Work Permit (cont.)

#### Sending the Demand

(5) You also need to provide the following documents:

1. A photocopy of your passport
2. Pictures of yourself that respect the specifications linked to the demand for a visa. The ones who need to provide their biometric data do not need to provide these 2 pictures.
3. If your country of residence is not the same as your country of nationality as indicated in one of the forms, you will need to provide proof of your status in this country.
4. A photocopy of your marriage certificate

It must be noted that all the documents provided will need to be translated by an accredited and notarial translator.

(6) You will need to pay the 3 following fees and join a copy of the receipt to the documents constituting your demand.

- (a) The demand's treatment fees (\$155)
- (b) The fees for titulars of an open work permit (\$100)
- (c) The fees for the biometric data (\$85 per person)

Note: The fees can always change, it is then necessary to verify them.

Finally, you will need to send your demand to a Visa Application Center (VAC) in charge of your region. If you are asking for an open work permit, you are exempted from providing proof of LMIA, an employment offer, and the CAQ.

\*\*\* The holders of an open work permit do not need an LMIA, an employment offer, or a CAQ.

Note: The forms are regularly modified, so make sure to have the latest version of the forms.



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## 2. FOREIGN WORKERS

### How to stay in Québec after the temporary work period?

#### 1st Possibility: The extension of the work permit

Following article 9 of the *Québec Immigration Regulation*, you can present a demand for an extension of the authorization to stay for a **temporary resident as a temporary worker**, if you are doing so in the meantime of your authorized stay and you are still conformed to the conditions that have been imposed to your entry in Canada. You always need to maintain legal status in Canada.

- You need to present your preference of demand at least 30 days before the expiration date of your actual permit. You can also present a demand until the last day of the validity of your permit, but it is not recommended.
- If your permit is expired, you can present a demand for restoration of temporary resident status in the 90 days following the loss of your status of temporary resident. During this period of 90 days and the duration of treatment of your demand, you can legally stay in Canada. The maintained status is obtained only if the demand for extension is sent before the expiration of the permit. If he asks for the restoration of temporary resident status, he will not be able to work.

IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### How to stay in Québec after the temporary work period? (cont.)

#### 2nd Possibility: The demand for permanent residency

First, you need to present a demand for permanent selection via the Québec experience program (PEQ) or ARRIMA.

Then, you will be able to present a demand for permanent residency (see article 17 of the *Québec Immigration Act*). There are two types of demand for permanent residency, either by demand of PEQ or by the **Canadian Experience Class** (Express Entry). However, the express entry does not allow to come to Québec, because the province has its selection program.

Under **PEQ**, following article 34 of the *Québec Immigration Regulation*, the Québec experience program allows a foreign national staying in Québec to work and settle permanently in Québec. To do this, he needs to obtain a Québec Selection Certificate from MIFI (CSQ).

IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### How to stay in Québec after the temporary work period? (cont.)

#### 2nd Possibility: The demand for permanent residency

To obtain your permanent residency status, they must fulfil the following conditions:

1. Ensure compliance to the conditions of their stay.
2. Be employed for a full-time job in Québec for at least 24 months in the 36 months preceding the presentation of the application.
3. Be able to financially support themselves. This corresponds to the 9th factor of the “Grille de sélection de l’immigration économique”. See appendix A of the same regulation.
4. Demonstrate knowledge of oral French in the intermediate advanced level (level 7 or 8 based on the Quebec scale of French proficiency levels for adult immigrants or its equivalent). This is equivalent to:

- The result of a standardized test demonstrating this oral knowledge of French.

OR

- A document certifying that they have met the requirements relating to the exercise of a profession governed by a professional order in accordance with section 35 of the Charter of the French language.

5. For applications submitted after January 1st, 2020, an attestation of learning about the democratic values and values of Québec must be obtained. It can be obtained online or at an “Objectif Intégration” information session which remains valid for two years.

IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### How to stay in Québec after the temporary work period? (cont.)

2nd Possibility: The demand for permanent residency

#### For the Spouse and Children?

A foreign worker who has a spouse or a common-law partner and dependent children must include them in their application for permanent selection, then, after obtaining the Quebec selection certificates, they may submit an application for permanent residency.

It is important to note that **as of 22 July 2020**, if your spouse or your common-law partner is accompanying you and is included in your application, he or she must have a level of proficiency in oral French of level 4 on the Quebec scale of French proficiency levels for adult immigrants or its equivalent.



## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### How to maintain the validity of the work permit and the CAQ?

In order to maintain the validity of the CAQ, sections 6 and 8 of the *Immigration Regulations* state that the conditions set out in the work permit must be respected.

To maintain temporary residence in general, section 183 of the *Immigration and Refugee Protection Regulations* sets out several conditions. It is therefore important to be aware of the following:

- You must leave Canada at the end of the authorized period of stay.
- You must only work for the contract mentioned in the work permit.
- You must not work with an employer who offers on a regular basis strip or erotic dancing, escort services, or erotic massages.
- You must not study unless authorized by the law or by a study permit.
- Covid-19: you must comply with any requirements that are or may be imposed through regulations, decree or judgements arising from the Emergencies Act or the Quarantine Act.



IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### Language requirements for obtaining temporary foreign worker status

According to article 5 par.1 (1) of the *Québec Immigration Regulation*, the CAQ is offered after a Labour Market Impact Assessment (LMIA), which confirms that the job that the temporary worker will occupy will have a positive impact on the labour market in Quebec. Many employers must do a Labour Market Impact Assessment (LMIA), and language is a determining factor in this regard, **except** in certain very specific cases (seasonal jobs in agriculture).

Although there are no formal requirements, the officer will have to verify that the worker is fit to do the job for which he seeks to obtain a permit and that he is able to communicate with his employer.



IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### Spouse and/or dependent children accompanying the temporary worker

The spouse of the temporary worker has various options:

- **Temporary work permit:** it is possible to benefit from a special procedure; the application of the spouse can be made at the same time as the main application.
  - If the main application concerns a specialized job, the spouse can obtain an open work permit and will be exempted from doing a LMIA and obtaining a CAQ.
  - If the main application concerns a low skilled job that does not require much specialization, the spouse will also have to find an employer who will take them under the temporary foreign worker program. In this case, the spouse must obtain a CAQ.
- **Full-time or Part-time study:** the spouse can apply for a study permit and must obtain a CAQ. The application can be submitted from abroad at the same time as the main application.

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### Spouse and/or dependent children accompanying the temporary worker (cont.)

It must be noted that the relationship in question **must be proved**.

This proof must be authentic and in good faith (article 4 of the *Immigration and Refugee Protection Regulation*).

**If the child comes from elsewhere** and accompanies or joins a parent who works temporarily in Québec:

- If the child is of age to attend school (beginning from primary school), he or she must also obtain a CAQ from the provincial government, in addition to a study permit from the federal government.
  - If the child attends public school, there will be no tuition to pay.
  - The child can go to school in French or in English.
- If the child is not of age to attend school, obtaining a CAQ or a study permit is not necessary.

**If the child is already in Québec** and is accompanying the parent who is temporarily working in Québec:

- The child will be exempt from the obligation of obtaining a CAQ and a study permit to continue their primary and secondary studies. However, the child must obtain this consent if they desire to continue their education with post-secondary studies
  - see L30(2) of the IRCC



IMMIGRATION & REFUGEES

## 2. FOREIGN WORKERS

### Temporary workers' rights

As temporary foreign workers in Canada and in Québec, you will maintain your rights!

In Québec, you are protected by *the Act respecting labour standards*, with only a few particular differences applicable to 3 worker categories: domestic caregivers, caretakers, agricultural worker.

To be protected by Quebec Law, you must qualify as a temporary foreign worker and be part of the Temporary Foreign Worker Program (see art.2 (2) of *Quebec Immigration Regulation*).

To be a part of this program, you must meet certain requirements (see art.5 of *Quebec Immigration Regulation*):

- A written contract of employment has been entered into with an employer whose job offer has been positively assessed in terms of its effects on Québec's labour market.
- The conditions for access to the profession which are listed in the National Occupational Classification for exercising the job and where applicable, the specific conditions specified in the job offer, are met.

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### Temporary workers' rights (cont.)

A foreign national staying in Québec to provide home care must, in addition to the conditions provided for in the first paragraph, meet the following conditions:

1. have a secondary school diploma attesting to at least 11 years of full-time elementary and secondary studies.
2. understand and speak French or English.

For the purposes of Quebec's laws, a temporary foreign worker who is staying or who wishes to stay in Quebec, temporarily, to perform work for a Quebec employer under the Temporary Foreign Worker Program is considered to be a temporary foreign worker.

In addition, temporary foreign workers in Quebec are also protected by the Workers' Compensation Act, as well as the Act respecting Occupational Health and Safety Act (AOHS).

According to *Quebec's Civil Code*, under the employment contract between the worker and the employer, the employer has certain obligations:

Allow the performance of the agreed work, pay the fixed remuneration and take the appropriate measures to the nature of the work, with a view to protecting the health, safety, and dignity of the employee. (2087 C.c.Q).

## IMMIGRATION & REFUGEES

# 2. FOREIGN WORKERS

### Temporary Workers' Rights (cont.)

In addition, the employer has certain obligations under the *Labor Standards Act* (art. 92.9 et seq.):

- The employer who hires the temporary foreign worker must inform the Commission without delay of the worker's date of arrival and of the duration of his contract. If the date of the worker's departure does not coincide with the end of the contract, the employer must also inform the Commission of the date and the reason for the departure.
- The Commission may, even without a complaint and without an intervening settlement, exercise any recourse on behalf of the worker, if after investigation the Commission has reason to believe that a temporary foreign worker has been the victim of a violation of a right.
- An employer is prohibited from requiring that a temporary foreign worker entrust him with the custody of personal documents or property belonging to him.
- Employers are prohibited from charging temporary foreign workers recruitment-related fees other than those authorized under a Canadian government program.

It is clear that temporary foreign workers **have rights under labour laws, the Civil Code of Quebec, and the Labor Code**. Your employer has the same obligations to you as to any other employee! Thus, you can go to the administrative labour tribunal or to the CNESST, if necessary.

**To be able to benefit from legal recourse**, it is important to keep any document that can prove an injury, misconduct towards the worker, hospital bills, letters or emails exchanged, etc.

IMMIGRATION & REFUGEES  
**2. FOREIGN WORKERS**

Can a foreign worker sponsor members of their family?

The answer is no.

Paragraph 13(1) of the *Immigration and Refugee Protection Act* indicates that only Canadian citizens, permanent residents, groups of Canadian citizens or permanent residents, associations and corporations under the federal and provincial regime can sponsor a foreigner who wishes to immigrate to Canada.

The temporary worker, however, can be accompanied by members of his or her family under certain conditions. The temporary worker must mention family members in their work permit application if said family members wish to accompany them to Québec.



IMMIGRATION & REFUGEES  
**2. FOREIGN WORKERS**

Can a foreign worker sponsor members of their family? (cont.)

Please refer to pages 22 and 23 for more details.



## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### What is the procedure to come to Quebec as a foreign student?

**First step: Get an admission letter from an education institution (DLI)**

Before applying for a study permit, you have to first receive an official letter of admission from a designated learning institution (DLI), in accordance with section 216e of the *Immigration and Refugee Protection Regulations*.

The designated learning institutions are:

- Elementary and secondary schools in Canada are automatically designated (unless an agreement is reached between a Canadian province or territory and the Minister of Immigration, Refugees and Citizenship Canada for a specific educational institution)
- Postsecondary schools that have been accredited as “DLI” and have been designated to host foreign students
- Institutions that are managed by federal department or a ministry

The applications for a study permit, including the applications for renewal, have to be accompanied by a the DLI number of the learning institution for which you have received an official letter of admission.

The list of all DLI that are approved

The following foreigners are not required to attend a DLI:

- Applicants exempted from the obligation to submit an acceptance letter provided for in paragraph (2)a) of section 219 of the *Immigration and Refugee Protection Regulations*;
- Applicants eligible to apply for a renewal of their study permit to complete their course or program of study at a non-designated educational institution (i.e. where transitional provisions apply);

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

What is the procedure to come to Quebec as a foreign student?  
(continued).

Second step: the CAQ

After having received a letter of admission from a DLI, the foreign student must get a CAQ to study in Quebec. They will then have to complete the CAQ with a study permit. The application for the CAQ will be made to the Quebec ministry and the application for the study permit, to the federal ministry.

Article 11 of the Regulation on immigration in Quebec establishes the conditions that a foreign student must respect to obtain the CAQ:

- Being admitted to a Designated Learning Institution (DLI)
- Have financial resources that allow them to pay, for themselves and the accompanying family members:
  - Travel expenses from their country of origin
  - Health and hospitalization expenses for the duration of their stay for studies, unless they are a part of reciprocal agreement for social security
  - The expenses relating to their survival in Quebec, without working

Generally, the minimum amount of money required by the ministry to receive a positive response to a CAQ application follows the scale provided in Annex C of the regulation, plus an additional \$500 for settlement expenses.

If the student is less than 17 years old and the holder of their parental authority is not in Quebec with them, a person of full age who is a resident of Quebec must be able to act as his parent towards him, with regard to the duties of custody, supervision and education.

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

What is the procedure to come to Quebec as a foreign student?  
(continued)

### Specificities for COVID-19

Since October 20, 2020, only DLIs that have an approved COVID-19 readiness plan by their province or territory can welcome foreign students who are still outside the country. Therefore, for a foreign student to come to Canada during the pandemic, if he/she is not already installed there, he/she must do the necessary checks to ensure that his/her school has an approved COVID-19 plan. Otherwise, he/she will not be able to enter Canadian territory as a foreign student.

The approved COVID-19 readiness plan:

- Protects your health and your security and those of the surrounding community;
- Describes the way that the DLI would manage your mandatory quarantine of 14 days, including the transport to your place of quarantine;
  - You must have a quarantine plan of 14 days even if you seem to meet the criteria of being a fully vaccinated traveller.
    - Upon arrival in Canada, a border services officer will make the final decision on whether you are exempt from the 14-day quarantine requirement.
- Provides information and support regarding:
  - How you can obtain the necessary products for your quarantine, including food and medicine;
  - Health insurance;
  - The way to stay healthy in Canada.

**Remarque:** These specificities concerning COVID-19 no longer apply since October 1, 2022.



## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### What is the procedure to come to Quebec as a foreign student? (continued).

#### Third step: apply for a student permit

Once you receive the CAQ, the student can apply for a student permit to the federal government.

The mandatory conditions must be met to receive your student permit:

- A Québec Acceptance Certificate (CAQ) must be previously obtained for all those who wish to study in Quebec.
- You must apply for a study permit before entering Canada, except for Americans or residents of the United States, Greenland, or St. Pierre and Miquelon, who can apply upon arrival in Canada.
- You are law-abiding, have no criminal record, and obtain a police certificate (if requested).
- You are in good health and undergo a medical examination (if requested).

However, for most cases, the request will come from outside the country. In order to obtain a study permit, the foreign student must have an acceptance letter from a designated learning institution (DLI). The student must have sufficient financial resources to pay for tuition fees for their studies, their own needs, and those of their family accompanying them during their stay, without having to work during their stay, as well as the expenses related to round-trip travel from Canada to their country of residence.

- Having a **visitor visa** or an **Electronic Travel Authorization (eTA)**, if required, is necessary. The document will be sent along with the study permit if the application is approved. (The study permit is not a visa per se, and it does not automatically grant entry to Canada.)
- Having a **temporary resident visa** is necessary for some students. However, a person exempt from the requirement to obtain a temporary resident visa must obtain an eTA if arriving in the country by air.

IMMIGRATION & REFUGEES

## 3. FOREIGN STUDENTS

What is the procedure to come to Quebec as a foreign student?  
(continued)

Third step: apply for a student permit

To demonstrate the ability to cover the expenses mentioned above, it is possible to provide a compilation of the following documents:

- Proof of a Canadian bank account in your name if you have transferred money to Canada.
- A certificate of guaranteed investment (GIC) from a participating Canadian financial institution.
- Proof of a student or education loan issued by a bank.
- Your bank statements from the last 4 months.
- A bank draft that can be converted into Canadian dollars.
- Proof that you have paid tuition and housing fees.
- A letter from the person or school providing you with money.
- Proof of funds transferred to Canada, if you have a scholarship or are part of a Canadian-funded study program.



## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

Does a change in study program affect the study permit and/or CAQ? Is there a procedure to follow in this case?



Regarding the study permit:

You do not need to change your study permit if you change schools or programs of study.



Regarding the CAQ:

A change in study program can affect the validity of the CAQ, depending on the circumstances. A new application for a CAQ should be considered if:

- The student changes their study program;
- The student changes their designated educational institution;
- The current CAQ does not cover the entire period of study until the end.

An individual who changes their program of study will not have to make a new application for a CAQ (Quebec Acceptance Certificate) if they meet the following 3 conditions:

- a) Your new program of study has the same duration as your original program (you will graduate within the validity period of your CAQ. This often happens when the courses you have already taken in your current program of study are transferable to your new program without causing any delay in your graduation timeline.)
- b) Your original CAQ was issued for university studies.
- c) You are not changing levels of study (for example, from bachelor's to master's program).

However, most of the time, a program change will affect condition a), and the student will then have to make a new application for a CAQ.

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

Does a change in study program affect the study permit and/or CAQ? Is there a procedure to follow in this case? (continued)

Regarding the CAQ (continued):

They will then have to provide the following documents after their online application:

- A legible copy of the pages of your valid passport showing your personal information.
- An official letter from your university's registrar's office indicating your full-time student status and the number of credits earned or to be earned.
- An academic transcript from your Quebec educational institution covering the entire validity period of your CAQ for studies and:
  - If you have not been studying full-time throughout this period:
    - An explanatory letter and supporting documentation.
  - If you are a graduate student in the process of writing a thesis or dissertation:
    - An official letter from your institution confirming your full-time enrolment each term of writing to date and indicating the expected completion date of your program
- A recent proof of your financial capacity
- Proof that you have maintained health and hospital insurance in Quebec since the start of your studies in Quebec
- Proof: the health and hospital insurance in Quebec you already hold will be valid for the first year of validity of your new CAQ
- An admission letter from the registrar's office (or admissions office) of the educational institution you are attending if you are changing programs or levels of study

These documents will need to be uploaded to the [ARRIMA platform](#) after completing the online application.

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### The procedure to apply for a new CAQ

For a minor child (under 17 years old) who will be studying, in addition to the other required documents mentioned above for the renewal of a CAQ, the application for a CAQ must include the following documents:

- A copy of the child's birth certificate indicating the names of their parents;
- A copy of a valid identification document with signature for each parent (passport, national identity card);
- A recent original of the Declaration of Parental Authority signed by both parents;
- A recent original of the Declaration of Custody of a Minor Child signed by the person who will be responsible for the child in Quebec

The international student **can renew their permit** if they do so before their initial permit expires and if they have complied with the conditions imposed by their permit.

The study permit is **no longer valid** when the first of these three situations occurs:

- The 90th day after the end of the foreign student's studies
- The day on which a removal order is issued against the student and takes effect
- The day on which the study permit expires

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### Can the spouse and/or dependent child(ren) of an international student come to settle in Quebec as well? If yes, what is the procedure?

It is possible for the spouse and/or dependent children to come and settle in Canada. However, they will need to obtain authorization from IRCC, which means that the spouse must qualify as a temporary resident by obtaining either a study permit or a work permit. It is possible to include the application for the spouse or child at the same time as the main application. Alternatively, the spouse can apply after the main study permit application has been approved.

Firstly, the spouse can apply for an open work permit, which would allow them to avoid the need for a CAQ, employer sponsorship, and a labor market impact assessment (LMIA). Alternatively, the spouse can apply for their own study permit, following the same process as explained above. Article 215(2) of the *Immigration and Refugee Protection Regulations* governs these options. In some cases, the spouse may also be able to apply at the point of entry, depending on their nationality.

A dependent child arriving from outside of Canada with the main applicant will need to apply for a study permit. However, if they are already in Quebec with a parent who is a temporary worker or temporary student, they may be able to attend primary or secondary school without a study permit. This is governed by IRCC guideline L30(2). The child will need to obtain a visitor record at the point of entry, which will allow them to stay longer than 6 months. The expiry date of the visitor record will be the same as that of the temporary resident parent. A child in kindergarten (4-5 years old) does not need a study permit. However, once they reach the age of majority, they will need to apply for a study permit.

It is important to remember that a foreign student must be able to support themselves and their family. Please see the section on the possibility for foreign students to work (below) in this regard. The spouse who applies for a study permit will need to provide their own proof of sufficient income to support themselves.

## IMMIGRATION &amp; REFUGEES

### 3. FOREIGN STUDENTS

#### Can the foreign student sponsor members of his family?

It is not possible for a foreign student to sponsor family members under the definition of permanent sponsorship in the law. The option to sponsor a family member is only available to Canadian citizens or permanent residents. (Article 66(2) of the *Immigration Regulations*, art. 130(1)b) *Immigration and Refugee Protection Regulations*.)

However, a foreign student can bring their spouse or dependent children with them. Family members can also visit the student with a visitor visa. To do so, they will need to obtain a temporary resident visa, or if they are from a country exempt from this requirement, they will need to obtain an electronic travel authorization, in accordance with Articles 7 and 190 of the *Immigration and Refugee Protection Regulations*.



IMMIGRATION & REFUGEES

## 3. FOREIGN STUDENTS

Does the foreign student have access to the CPE?

Is he entitled to family allowances?

Yes, foreign students are entitled to federal and provincial family allowances, but only if they meet certain conditions or requirements.

In addition to being a resident of the Canadian territory and being the primary caregiver and educator of a child under 18 years of age, a foreign student who meets these criteria can only apply for benefits if they have been living in Canada continuously for at least 18 months and their permit or extension is valid during the 19th month.

Furthermore, temporary foreign students have the right to reduced-rate daycare services in accordance with subsection 4 of article 3 of the *Regulation on Reduced Contributions*, as long as they hold a certificate of acceptance issued under *the Quebec Immigration Act* and are recipients of a government of Quebec scholarship.





IMMIGRATION & REFUGEES

### 3. FOREIGN STUDENTS

Does a foreign student have access to the MIFI French language program?

Yes, foreign students aged 16 and over have access to the part-time free francization program, and more restrictively to the full-time program.

To access the full-time francization program for free:

- You must hold a CAQ for studies and a study permit or be a recipient of a scholarship from the government of Quebec **AND**
- provided that the francization program is a prerequisite for the main program of study or qualifying training for which the Quebec Acceptance Certificate and study permit were issued.

To access the part-time francization program for free, you must hold a CAQ for studies and a study permit or be a recipient of a scholarship from the government of Quebec (in which case it is not necessary for the program to be a prerequisite).

Link for more information: Linguistic integration program for immigrants (quebec.ca)



IMMIGRATION & REFUGEES

## **3. FOREIGN STUDENTS**

What special measures are available for foreign students to find housing?

Unfortunately, there are no government measures available to facilitate housing for foreign students.

However, many schools offer student residences or platforms where housing offers are posted.



## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### Are foreign students entitled to health insurance in Quebec? To the interim (federal) health program?

No, foreign students generally do not have the right to Quebec health insurance. In fact, they are not covered by article 5 of the *Health Insurance Act* nor by any of articles 1.2 to 8 of the *Regulation respecting the eligibility and registration of persons with the Régie de l'assurance maladie du Québec* which specify the required statuses for eligibility.

However, a foreign national who holds a certificate of stay in Quebec for a scholarship or internship as part of an official program of the Ministry of Education, Leisure and Sports or the Ministry of Higher Education, Research, Science and Technology is eligible, under subsection 3 of section 4.2 of the *Regulation respecting eligibility and registration of persons for the Régie de l'assurance maladie du Québec*, for health insurance.

It should be noted that **even students who do not meet the aforementioned conditions may sometimes be eligible for health insurance**. Quebec has signed social security agreements with certain countries, and it is possible, upon presentation of a form attesting to coverage by one of the signatory countries to the Régie de l'Assurance maladie du Québec, to request health insurance to benefit from it. The countries that have signed this social security agreement are Belgium, Denmark, Finland, France, Serbia, Romania, Greece, Luxembourg, Norway, Portugal, and Sweden. However, as provided for in article 11b) of the *Regulation respecting immigration to Quebec*, health and hospitalization insurance for the duration of the study stay is mandatory for obtaining a student CAQ, in cases where no social security agreement is signed or where the foreign student does not hold a certificate of stay in Quebec for a scholarship or internship as part of an official program of the Ministry of Education, Leisure and Sports or the Ministry of Higher Education, Research, Science and Technology.

IMMIGRATION & REFUGEES

## 3. FOREIGN STUDENTS

Are foreign students entitled to health insurance in Quebec?  
To the interim (federal) health program? (continued).

Furthermore, an international student is not eligible for the federal Interim Federal Health Program (IFHP) since the IFHP only covers certain healthcare services needed by individuals in certain groups, until they become eligible for provincial or territorial health insurance.

It is simply a matter of temporary accommodation.

This includes the following groups of people:

1. protected persons, including resettled refugees;
2. asylum seekers;
3. and other certain groups

As demonstrated by this list, international students are not part of the eligible groups for this program. Therefore, they will need to obtain private health insurance for the entire duration of their studies.




## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

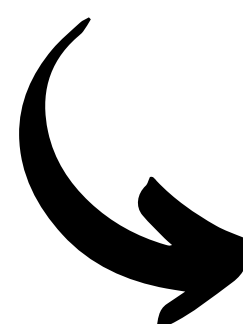
Are foreign students entitled to CNESST protection?

To unemployment benefit?

To social assistance?



The foreign student who works, for example, as part of an internship, is entitled to the protections granted by the CNESST (Quebec's occupational health and safety commission) in the same way as any other employee. The CNESST requires every employer, regardless of the status of the employee, to take the necessary measures to protect the health and ensure the safety and physical integrity of the worker, as provided for in Article 51 of the *Act respecting occupational health and safety*.



It is not possible for a foreign student to receive social assistance in Canada. Article 26 of the *Act respecting income support, employment assistance and social solidarity* sets out the eligibility criteria for social assistance. One must be a Canadian citizen, an Indian within the meaning of the *Indian Act*, a permanent resident, or a refugee to be eligible for social assistance. Article 27 of the same law also establishes the inadmissibility of social assistance benefits for those attending a post-secondary institution.



However, it is possible for a foreign student to be eligible for Employment Insurance (EI) in Canada.

To do so, several criteria must be met:

- Be employed in an insurable job;
- Have lost your job through no fault of your own;
- Have not worked or received any earnings for at least seven consecutive days in the past 52 weeks;
- Be ready and willing to work and able to do so at any time;
- Actively seek work (the applicant must keep a record of all employers contacted and when the contact was made).

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### Are foreign students entitled to legal aid?

### If so, under what conditions?

Legal aid is a public legal service that facilitates access to justice by providing free legal advice and guidance, or for a nominal fee.

A foreign student is indeed eligible for legal aid. As long as a person residing in Quebec meets the financial criteria, they are immediately eligible for legal aid regardless of their immigration status. Article 18 1) of the *Regulation respecting legal aid informs us that a resident of Quebec, regardless of their status, is eligible for free legal aid if they meet the following three conditions:*

#### 1. If the applicant has one or more annual incomes below:

- a. \$25,935 if the applicant lives alone
- b. \$31,733 if the family consists of one adult and one child
- c. \$33,875 if the family consists of one adult and two or more children
- d. \$36,095 if the family consists of spouses without children \$40,385 if the family consists of spouses with one child
- e. \$42,530 if the family consists of spouses with two or more children

#### 2. If the value of their assets does not exceed:

- a) \$47,500 if the applicant or their spouse is not the owner of the residence;
- b) \$90,000 if the applicant or their spouse is the owner of the residence

#### 3. If their liquid assets, and those of other individuals whose assets are considered under this regulation, do not exceed:

- a) \$2,500, if they are a single person;
- b) \$5,000, if they are a family

If the foreign student applicant does not meet these conditions, they may still be eligible for legal aid by paying a contribution ranging from \$100 to \$800.

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### Are foreign students entitled to legal aid?

### If so, under what conditions? (continued)

The best way to determine your financial eligibility for legal aid is to contact them to schedule an appointment. You can find the legal aid center closest to you at this address, by city or by postal code.

You can then find the phone number of the closest center to schedule an appointment.

Although the student may be eligible for legal aid depending on his income, he must also ensure that the legal service he is requesting is covered by the program.

Here are the **services covered** according to the website of the Legal Services Commission and the Act respecting legal aid and the provision of certain other legal services:

**GRANTED:** Family matters, youth protection, representation of young people in criminal matters, prosecution for criminal acts, claims relating to benefits (social assistance, automobile insurance, employment insurance, work accident, etc.)

**SOMETIMES GRANTED:** In criminal law, if the case meets the following criteria: likelihood of imprisonment, loss of means of subsistence, exceptional circumstances involving the interests of justice

In administrative law, civil and immigration, if the case meets the following criteria:

- Physical or psychological security questioned;
- Means of subsistence or essential needs in question;
- Possibility of interference with your liberty

## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

### Can foreign students work during their studies in Quebec? If so, under what conditions?

According to section 186(v)(iii) of the *Immigration and Refugee Protection Regulations*, the holder of a study permit may work for a maximum of twenty hours per week during a regular semester and on a full-time basis during the holidays (holidays, summer). Thus, the foreign student holding a valid study permit can obtain a social insurance number. It is then not necessary to apply for a work permit.

Under certain conditions, foreign students will have the right to study and work during their studies in Quebec. A foreign student's workplace is divided into "on-campus" and "off-campus" categories.

Your DLI (Designated Learning Institution) campus can enroll you as an international student provided you show proof that you hold a study permit and are studying full-time at a post-secondary institution. It is also essential to have a social insurance number (SIN).

Some courses require the completion of a paid or unpaid internship to complete the diploma. If this is the case, the off-campus internship is permitted on the condition of obtaining a work permit. This requires a valid study permit, proof that work is an essential part of the study program, possession of a letter from DLI confirming that all students in this program must complete the internship in order to obtain their diploma, and finally prove that the coop internship or professional internship represents a maximum of 50% of the total duration of the study program.



## IMMIGRATION & REFUGEES

# 3. FOREIGN STUDENTS

Can a foreign student work while studying in Quebec? If so, under what conditions (continued).

### Off-campus work

Under certain circumstances, a foreign student can work off-campus without a work permit. They will have to make sure of this before starting their work, otherwise they will be expelled from the country.

It will be possible for an international student to work off-campus without a study permit under **the following conditions:**

- You are a full-time student in a DEA (unless this is your last semester in which case you can be part-time).
- You are enrolled in a post-secondary academic or vocational program or in a secondary school vocational program (in Quebec only).
- Your program of study is at least 6 months long and leads to a specific diploma or certificate (no general courses or languages only - French or English).
- You have started your studies.
- You have a social insurance number (SIN).
- In order for you to apply for a SIN, it must be stated on the front of your study permit that you can work 20 hours per week or more depending on your situation and that you can work off campus. If this is not stated, you will need to apply for a permit renewal at your own expense.

**From November 15, 2022 through December 31, 2023, you may work more than 20 hours per week off-campus while studying if:**

- You have a study permit and are studying full-time (or part-time in your last academic term) at a DEA;
- You have received a positive response to your application for a Study Permit, but have not yet arrived in Canada.

In addition, you must meet all of the following requirements:

- You must ensure that we have received your application for this study permit (including extensions) by October 7, 2022.
- An authorization to work off-campus must be included on your study permit.
- You must be either in Canada or travelling to Canada before December 31, 2023

## IMMIGRATION &amp; REFUGEES

### 3. FOREIGN STUDENTS

What happens after the studies are completed? How can someone work in Quebec after graduation?

An international student who has maintained full-time status throughout their studies after graduation will be eligible for a **Post-Graduation Work Permit (PGWP)**. If they graduated from within Canada, they must apply within 180 days of graduation or a transcript. If they graduated from outside Canada, they would need to apply from outside Canada within 180 days, in addition to obtaining a study permit.

In the event of ineligibility to a DPWP, it will also be possible to **apply for a regular work permit**. It will be possible to apply for an open work permit, or for a work permit linked to a given employer.



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Process of a hearing for asylum seekers

The final stage of an eligible refugee claim is before the Refugee Protection Division. This division of the Immigration and Refugee Board of Canada is responsible for adjudicating asylum claims and granting refugee status under the Geneva Convention (Convention).

It is therefore before this division that the refugees will eventually be summoned and there is no doubt that the day of the hearing will be one of the most trying for the asylum seekers and their families.

### Summons to the Refugee Protection Division

Asylum claimants will be notified by mail and must appear before the Immigration and Refugee Board of Canada (IRB) members on the date indicated in the letter. The letter will indicate a second date in the event that the claimant is unable to appear on the day of the summons, but the reason for the failure to appear must be justified.

Failure to attend the initial meeting could be very prejudicial and should be avoided as much as possible: the Refugee Protection Division could decide to withdraw the asylum application.



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Location and duration of the hearing

For refugee claimants present in Quebec, the hearing normally takes place at the address below: Immigration and Refugee Board of Canada, 200 René-Lévesque Blvd. West, East Tower, Suite 102 Montreal, Quebec.

However, due to the current health crisis, and until further notice, all hearings are being conducted virtually via the Microsoft Teams application. This does not change the convening process or the conduct of the hearing.

### Present members

At the hearing, **the claimant's presence is of course essential**. The claimant will be heard by the IRB member, a totally impartial adjudicator who will question the aspiring refugee and ultimately decide the claimant's fate. **The claimant may also be accompanied by an immigration lawyer or consultant, as well as a relative** (family member, friend or ally) who will act as an observer. The applicant may also choose to call **witnesses**, but must notify the Board in writing 10 days before the hearing. In addition, if the request was made at the time the "Basis of Claim" form was submitted, an **interpreter** may be present if necessary.

Finally, certain **representatives of the Canada Border Services Agency (CBSA) or of the Immigration, Refugees and Citizenship Canada (IRCC)** may be present at the hearing when IRCC or CBSA has doubts about the veracity of the documents or the applicant's liabilities. However, the claimant will be notified in advance if they are present.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Conduct of a hearing for refugee claimants (continued)

#### Documents to bring with you

Il est nécessaire d'amener une copie du formulaire Fondement de la demande d'asile, ainsi que tous les documents transmis au demandeur par IRCC, l'CBSA ou la IRB. De même, le demandeur doit s'assurer d'amener tous les éléments prouvant son identité et une copie de tous les documents de preuve déjà fournis au préalable au gouvernement du Canada.

It is necessary to bring a copy of the Basis for Refugee Claim form, as well as all documents sent to the claimant by IRCC, CBSA or IRB. As well, the claimant must ensure that he/she brings all evidence of his/her identity and a copy of all documents previously provided to the Government of Canada.

#### Hearing process

All refugee hearings are held in camera to protect the privacy of the claimants and to avoid exposing them to potential safety risks in their home country should their claim be denied, or to protect family members who remain in the home country. The hearings can last half a day or even a whole day in some cases. A break is of course provided. The hearing begins with a list of documents brought by the applicant and an oath or affirmation.



IMMIGRATION & REFUGEES

## **4. ASYLUM SEEKERS**

### Conduct of a hearing for refugee claimants (continued).

#### Hearing process (continued)

After presentation and verification of the evidence, the interview begins. The member of the Refugee Protection Division will question the claimant to find out his or her history and the reasons why he or she has sought refuge in Canada. In addition, the member will ask various questions to compare the answers to those provided in the Basis of Claim Form that was previously provided (at the time of the initial claim for refugee protection in Canada). If the claimant uses the services of a lawyer or an immigration consultant, the latter will also ask the claimants questions. Finally, if IRCC or CBSA decides to send a representative, the representative will also ask a variety of questions in order to clear up any doubts.

If the claimant wishes to have witnesses testify on their behalf, they will be called to testify at some point, although they will not be present at the hearing. However, they will only be present when they deliver their message. Witnesses will be able to answer questions from the Commissioner and, if necessary, from the IRCC or CBSA representative or the applicant's legal representative.

At the end of the examination, the member will give the claimant, or the claimant's legal representative, an opportunity to comment and to explain why the person should be recognized as a protected person or refugee.

Finally, once the hearing is over, the member may give a decision immediately or request more time. In any case, the claimant will receive a formal response by mail in the event of acceptance or refusal.

## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Working in Quebec for Refugee Claimants

Once asylum status has been granted, the person can apply for a work permit. This means that the right to work is not automatically granted by the simple fact of submitting an asylum application, but a subsequent application for a work permit must be made. This application for a work permit is free.

A refugee claimant may apply for an **open work permit**, which is a permit that generally allows the claimant to work for any employer in Canada, and is not tied to the employer, the job held, or the location of the job.

The applicant may apply for an open work permit **for themselves and/or a family member who is also claiming refugee protection**. If applying for a work permit for a family member, the family member must be in Canada. Please note that refugee claimants do not need a Certificate of Acceptance in Quebec (CAQ) to work in Quebec.

### **Requirements**

A work permit may be issued to foreign nationals who are unable to support themselves other than by working **AND** who are refugee claimants whose claim has been referred to the Immigration and Refugee Board of Canada (IRB) but has not yet been resolved.

In addition, a **medical examination is mandatory**.

## 4. ASYLUM SEEKERS

### Working in Quebec for Refugee Claimants (continued)

#### Steps to follow

In order to apply for an open work permit from Canada as a refugee claimant, it is necessary to :

- Have your biometric data taken. It should be noted that due to the Covid-19 pandemic, it is may not be necessary to take one's biometric data as long as it has already been provided within the last 10 years. If this has not been done, then the biometric data will have to be provided after being summoned to do so.
- Submit a work permit application online and complete the following forms:
- Application to Change Conditions of Stay, Extend My Stay or Remain in Canada as a Worker Form [IMM 5710];
- Form for Statutory Declaration of Common-Law Union [IMM 5409], if applicable;
- Note: This form must be sworn by a commissioner, lawyer or notary public to be considered valid.
- Note: If you are not in the same country as your spouse at the time of signing, each person may complete their own declaration and submit the IMM5409 with your work permit application. Use of a Representative Form [IMM 5476], if applicable;
- Authorization to Release Personal Information to a Designated Individual Form [IMM 5475], if applicable.
- The following documents are also required:
- Proof that the applicant cannot support himself or herself. To this end, the applicant may provide documents from the following list:
- A letter or cheque stub issued by the provincial or territorial Department of Social Services;
- Bank statements;
- Letters from support groups;
- An immigration history review and client application forms or other related documents.
- Proof that the claim has been referred to the IRB and is being processed;
- A copy of the Basis of Claim Form OR a copy of the letter convening the hearing before the Refugee Protection Division of the IRB.



## IMMIGRATION &amp; REFUGEES

## 4. DEMANDEURS D'ASILE

### Studying in Quebec as an asylum claimant

A refugee claimant can study in Quebec. To study in the province, the refugee claimant must first obtain a CAQ from the Ministère de l'Immigration, de la Francisation et de l'Intégration du Québec, and secondly a study permit from IRCC.

However, some people are exempt from the requirement to obtain a CAQ and/or a study permit to study in Quebec. Indeed, section 188 (1) c) of the Immigration and Refugee Protection Regulations (among others) indicates that if the refugee claimant is studying in a program that lasts less than 6 months, he/she can study without following any formalities.

However, if the program lasts longer than 6 months, he/she must meet several conditions. Under sections 212 and 213 of the Immigration and Refugee Protection Regulations, the claimant must hold a study permit for any schooling beyond that period of time, prior to entry into the country.



IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

Studying in Quebec as an asylum seeker (Continued)

### Minors

Also, minors (children under 18 years of age in Quebec) with parents who are refugees or refugee claimants may attend kindergarten, elementary or secondary school without a study permit, as specified in section 30 (2) of the *Immigration and Refugee Protection Act*. A minor child who reaches the age of majority before June 30 of a school year may continue his or her studies until the end of the school year without a CAQ or a study permit, but only if he or she was not required to obtain a CAQ or a study permit when he or she began the program. (s. 14 of the *Basic school regulation for preschool, elementary and secondary education*)

However, once the student has reached the age of majority, he or she must obtain a study permit in order to continue his or her studies. It is therefore important to apply before reaching the age of majority - students can apply as early as age 17.



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Studying in Quebec as an asylum seeker (Continued)

#### Procedure to obtain the CAQ

The requirements are:

- Pay the \$117 application review fee;
- Be admitted to a Quebec designated learning institution (DLI);
- Commit to educate themselves to the same level requested when sending the application form;
- Asylum seekers (since this is the topic) are exempt from the full-time study requirement.

If the student is a minor under the age of 18, he/she must be accompanied by his/her parents or taken in by a person who already lives in Quebec.

It is also necessary to prove that the applicant, or his/her accompanying parents have the financial means to provide for all their needs. This means:

- Full tuition fees;
- Transportation costs (round trip from the country of origin);
- Installation fees for the first year (\$500);
- Living expenses for the duration of your stay (minimum of \$11,557 in 2012);
- Health and hospitalization insurance costs (approximately \$700 per year).

## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Studying in Quebec as an asylum seeker (Continued)

#### Validity of the CAQ

Once the CAQ is obtained, it is valid for a maximum of 49 months for the entirety of the typical program pathway started.

Once the conditions for obtaining the CAQ have been established, here is the procedure to follow afterwards:

#### 1. Complete 4 separate forms:

- Application for temporary selection for studies A-0506-BF;
- If the applicant is a minor (17 years of age or younger): a declaration of custody of a child for a child under 17 years of age. If the minor is accompanied by only one parent, a statement of consent, and if the minor is not accompanied by the parents, a statement of parental authority;
- Statement of financial support with sample bank letter (personalized memory aid); and
- Send all the forms by mail or online (online application is however preferred).

#### 2. Attach any additional documents that may be requested, such as:

- A photocopy of the identification pages in your passport (including a photo, personal information and the period of validity of the passport)
- The admission letter from the university in Quebec;
- Proof of your financial capacity.

#### 3. Undergo a medical examination pursuant to section 16(2) of the *Immigration and Refugee Protection Act*, and that the results of the medical examination meet the requirements. During this examination, :

- The doctor will weigh you;
- The doctor will measure you;
- The doctor will examine your hearing and vision;
- The doctor will check your blood pressure;
- The doctor will take your pulse;
- The doctor will listen to your heart and lungs;
- The doctor will feel your abdomen;
- The doctor will check the mobility of your limbs;
- The doctor will examine your skin;
- The doctor may also have other requirements such as chest x-rays and clinical laboratory screenings.

#### 4. Transmit the necessary documents to the Arrima platform. To do so:

- The student must create an account on the Arrima platform;
- Ensure that the information on the online application is the same as the information on the passport;
- Follow the indications in the platform to deposit the documents.

## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Studying in Quebec as an asylum seeker (Continued)

#### How to obtain a study permit

A claimant will be granted a study permit if he/she completes a proper study permit application, i.e., all documents are submitted and properly filled out and sent to IRCC via online (recommended during a pandemic) or by mail.

The documents required for the Canadian study permit are:

- **Proof of acceptance:** the institution's acceptance must be included with the application. If admission is conditional on the completion of prerequisite courses, the study permit will only be issued for the duration of that course, plus 1 year. Therefore, if the course normally takes 6 months, the study permit will be issued for 1 year and 6 months, regardless of the actual length of the program.

The applicant must demonstrate admission to a full-time or part-time program of study at one of the Designated Institution Lists (DIL).

- **Proof of identity:** a valid travel document or the claimant's application document is sufficient to prove identity.

Note: Passports are usually seized upon entry into the country. Asylum seekers no longer have access to this document.

- **Proof of financial resources:** Under Section 220 of the *Immigration and Refugee Protection Regulations*, a foreign national applying for a permit must have the resources necessary, under penalty of denial of a study permit, to :
  - Pay the tuition fees for the courses they intend to take;
  - Support themselves and their accompanying family members during their studies;
  - Pay for personal transportation as well as the family members.

**Fees:** note that refugee claimants are exempt from paying the \$150 work permit fee. (s. 300 (2) (a) *Immigration and Refugee Protection Regulations*).

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

Studying in Quebec as an asylum seeker (continued).

**Primary and secondary education:**

School attendance is mandatory and free for all children between the ages of 6 and 16. However, schooling is done in a French school and adapted services are available for allophone students.

This is managed by the *Centres de services scolaires* (formerly known as *Commissions scolaires*).

However, some costs are the responsibility of the parents, such as school materials, uniforms, lunch service, daycare, and extracurricular activities. In case of financial difficulties, arrangements could be made with the school. A school fee allowance may also be paid once a year.

Post-secondary education:

In most cases, refugee claimants must pay the international student fee. Once refugee status is granted, they will be able to pay Canadian fees. However, regulations vary between post- secondary institutions. It is best to check with the institution in question.



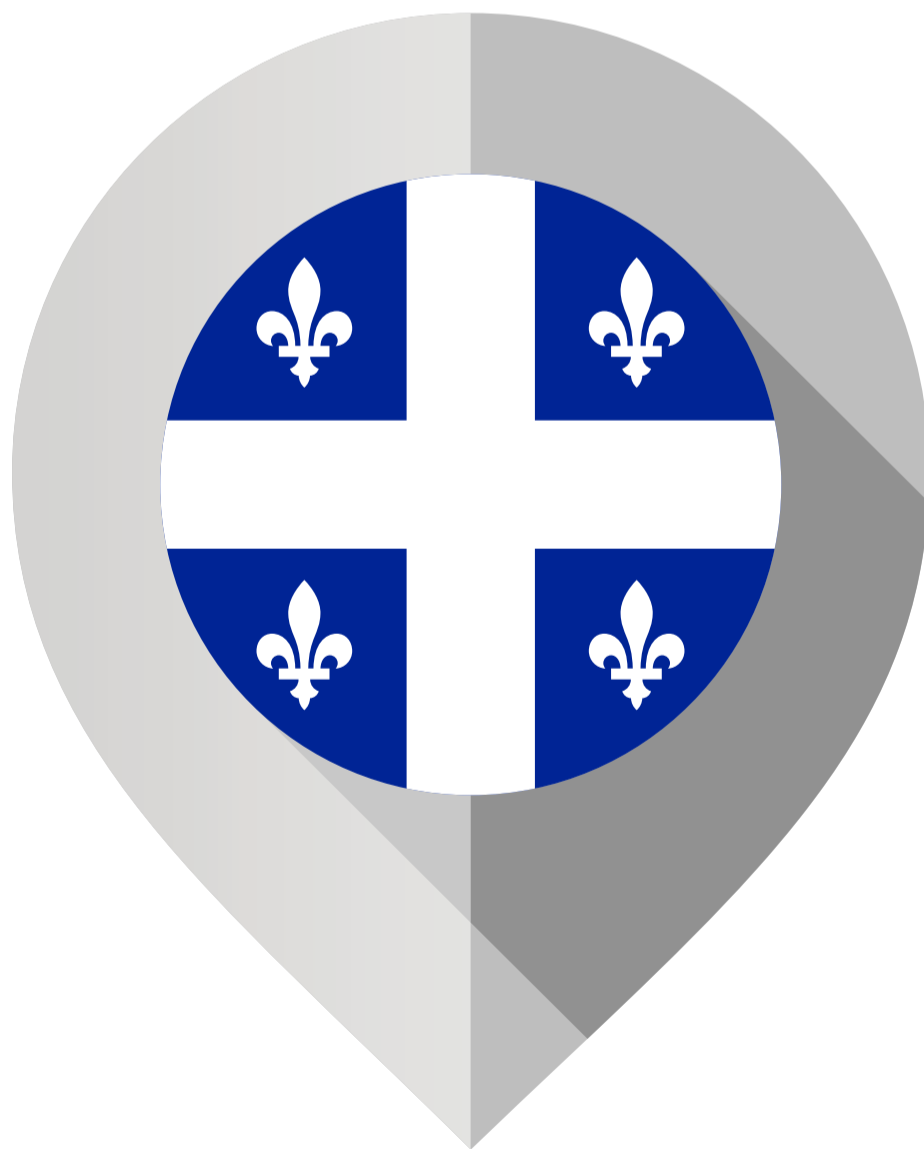
IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

Access to the Ministry of Immigration, Francisation, and Integration (MIFI) francization program

According to the official MIFI document entitled *Programme d'intégration linguistique pour les immigrants*, asylum seekers can only access francization courses if they take them part-time.

Thus, they are not allowed to take general French courses on a full-time basis. In addition, a study permit is not required for refugee claimants to take the course.



IMMIGRATION & REFUGEES

## **4. ASYLUM SEEKERS**

### Options in case of asylum application refusal

#### PRRA in case of dismissal

The Pre-Removal Risk Assessment (PRRA) allows individuals who are to be removed from Canada to apply for coverage by describing, in writing, the risks they believe they will face if they are removed.

When the claimant receives an unfavorable appraisal, he or she will receive a notice regarding a pre-removal risk assessment, explaining when and where to apply for PRRA. The deadline for applying is included in this notice.

Upon receipt of the PRRA application, the immigration officer will review the documents and evidence in the asylum seeker's file. The officer will ensure that the asylum seeker is not returned to a country where he or she would be at risk of torture, at risk to life or at risk of cruel treatment or punishment.

In addition, if the asylum seeker has a well-founded fear of persecution in his or her country of nationality because of race, religion, nationality, membership in a particular social group or political opinion, he or she may apply for a PRRA.

When this application is approved by the Minister, the person in question can remain in Canada.



IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued)

#### How to apply for PRRA

The following documents must be submitted:

- Completed Pre-Removal Risk Assessment form (IMM 5508);
- Photocopies of all documents proving the applicant's identity and relationship (and a translation of each document that is not written in English or French);
- Written observations /comments, if any;
- The claimant may, but is not required to, have a representative for the PRRA application. If the claimant wishes to appoint a representative, he or she must do so by completing the Use of a Representative Form IMM 5476.

Documents should be sent to the Humanitarian Migration Office at the IRCC center either:

- Online via Connexion Postel

OR

- By mail: 605 Robson Street, Suite 600, Vancouver, BC, V6B 5J3



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued)

#### Appeal to RAD

If the claim for refugee protection is rejected by the Refugee Protection Division (RPD), the claimant may appeal to the Refugee Appeal Division (RAD) of the Immigration and Refugee Board of Canada to try to reverse this decision. (s. 110(1) *Immigration and Refugee Protection Act*).

There are two steps to filing an appeal with the RAD:

- File an appeal by sending a notice of appeal to the RAD within 15 days of receiving the written reasons for the RPD's refusal. Three copies (or one copy if done electronically) of the Notice of Appeal must be sent to the RAD Registry of the RPD regional office that forwarded the decision.
- Perfect the appeal by forwarding an appellant's file to the RAD within 45 days of the date of receipt of the RPD's written reasons for denial. Two copies (or one copy if done electronically) of the record must be sent to the RAD Registry.

The contents of these two documents (the Notice of Appeal and the Appellant's Record) are described in the Appellant's Kit.

A request for an extension of time can be submitted to the RAD Registry if the 15- and 45-days' time limits have passed.

The appellant could be represented by a lawyer, but this is not a requisite.

Please note that all documents provided to the SAR must be in English or French. If they are not in either language, they must be accompanied by a translation.

## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued)

#### Applying to the Federal Court for judicial review

If you cannot appeal to the RAD, it is possible to seek judicial review with the Federal Court.

The refugee claimant may apply to the Federal Court of Canada for judicial review of the decision made (s. 72-74 *Immigration and Refugee Protection Act*). The time limit is 15 days from the date of the IRB's (Immigration and Refugee Board) decision.

- Step 1: Authorization

This is a review of the IRB's decision by the Court. It will be necessary to show that the decision made against you is not fair/reasonable or that it contains an error.

- Step 2: Judicial review

Explain, with or without counsel, at a court hearing why the IRB's decision appears to be incorrect.

Hence, if the Court upholds the original decision, you will theoretically have to leave Canada. If the Court refers the case back to the IRB, your case will be considered again.

### Appeal at the Federal Court of Appeal

Pursuant to section 74(d) of the *Immigration and Refugee Protection Act*, it is possible that, in exceptional cases, if the Federal Court certifies a general question of law in relation to the claim for refugee protection, that the asylum seeker's case may be appealed at the Federal Court of Appeal.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued).

#### Applying for permanent residence on humanitarian grounds

In exceptional cases and as last resort, the asylum seeker to not to be removed from the country considering his or her refusal may apply for permanent resident status on humanitarian grounds. However, a refugee claimant cannot make an application on humanitarian and compassionate grounds if his or her refugee claim is still under consideration. To make a humanitarian and compassionate application, you must withdraw your claim before your hearing before the Immigration and Refugee Board of Canada (IRB).



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued)

Eligibility requirements for permanent residence on humanitarian and compassionate grounds

- Be a foreign national currently residing in Canada;
  - Apply for the permanent residence status from within Canada, or a permanent residence visa from outside Canada.
  - Humanitarian and compassionate applications for temporary residence are not accepted.
- Require an exemption from one or more requirements of the *Immigration and Refugee Protection Act* (IRPA) or the *Immigration and Refugee Protection Regulations* (IRPR) if applying for permanent residence from within Canada (such as a removal order);
- Consider that humanitarian and compassionate examination justify the granting of applicable exemptions; and
- Be ineligible to apply for permanent residence from within Canada under any of the following categories:
  - Spouses or common-law partners ;
  - Live-in caregivers;
  - Family caregivers: childcare or care for people with high medical needs;
  - Protected persons and Convention refugees; or
  - Holders of a temporary residence permit.
- Have waited one year following the asylum application refusal before applying for permanent residence on humanitarian grounds.
- Exception to the 1-year rule: This rule does not apply to those who provide evidence that their removal from the country would cause serious harm to a child under the age of 18 or that their life would be in danger if returned to the persecuting country.
  - You have a child under the age of 18 who would be adversely affected by your removal from Canada;
  - You have evidence that you or your dependents have a life-threatening illness that cannot be treated in your home country.

No more than one application, under humanitarian and compassionate grounds, can be submitted at a time. In addition, persecution, threat to life and risk of cruel or unusual treatment or punishment are not assessed as risk factors.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

Options in case of asylum application refusal (continued).

Valid reasons for application on humanitarian grounds

- The extent to which the person is established in Canada;
- General family ties of the individual in Canada;
- Best interests of any child affected (the only application that truly considers the child and places great emphasis on it); and
- The impact of a rejected asylum application.

Note: Most of the time, valid reasons are considered on a case-by-case basis.



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Options in case of asylum application refusal (continued)

#### How to apply for permanent residence on humanitarian grounds

1. Collect your biometric data at a designated center;
1. Attach the necessary documents to accompany the forms to be completed, i.e.:
  - 2 passport size photos of the applicant and his/her family while in Canada,
  - Photocopy of the passport of each family member,
  - Proof of Canadian status,
  - Birth certificate,
  - Certificate of marriage/proof of common-law relationship,
  - Certificate of divorce,
  - Adoption and custody documents,
  - Police certificates, and
  - Certificates of rehabilitation and any other documents that help prove the humanitarian cause).

All copies of these documents must be translated by a certified translator and certified by a notary.

1. Complete the following documents:
  - Canadian Generic Application Form [IMM 0008].
  - Additional Dependents/Declaration form [IMM 0008DEP], if applicable,
  - Appendix A - Background/Declaration [IMM 5669],
  - Additional family information [IMM 5406],
  - Additional Information - Humanitarian and Compassionate Considerations [IMM 5283]
  - Document Checklist - Cases with Humanitarian Considerations [IMM 5280],
  - Use of a Representative Form [IMM 5476]\*, if applicable,
  - Representatives can be
    - Citizenship or immigration consultants;
    - Lawyers;
    - Friends;
    - Family members;
    - Other third parties.
  - Authority to Disclose Personal Information to a Designated Individual [IMM 5475], if applicable.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

Options in case of asylum application refusal (continued)

How to apply for permanent residence on humanitarian grounds (continued)

1. Pay the fees which amount to:

- \$1,050 per adult, for the application processing;
- \$150 per child, for the application processing;
- \$85 for an adult for biometric data, or \$170 for the whole family.

1. Mail the application to 605 Robson Street, Suite 600 Vancouver, BC, V6B 5J3.





## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Include your family in your asylum application

The refugee claimant cannot sponsor their family members as they must be a Canadian citizen or permanent resident to do so.

However, an asylum seeker may place an asylum application on behalf of his or her family and thus bring them with him or her. The asylum application must be made on behalf of a principal applicant and the principal applicant must add all family members. Thus, if the claim is accepted for the principal claimant, his family members will also be able to come as refugees or, if they are already on Canadian soil, they will be able to obtain refugee status.

However, each family member seeking asylum must fill out their own BOC form (Basis of Claim Form). If you are filling out the BOC for a child in your custody who is under the age of 18, you must sign the child's BOC.

- From 0 to 6 years old: fill only part 1 ("Who you are");
- 7 to 17 years old: answering all the questions.

Who can be considered a family member?

- The **spouse** (married, civil union or common-law) of the claimant
- **Any dependent child 22 years of age or younger who is unmarried.**
  - Exception: A dependent child 22 years of age or younger older is a family member if he or she is unable to support him or herself due to a physical or mental illness that occurred before the child turned 22.

To appoint a representative for accompanied minors, the representative must complete the form.

The purpose of this declaration is to confirm acceptance of the role of designated representative for accompanied children under the age of 18.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Applying for permanent residence as a refugee

As a refugee under the Convention, AFTER being granted asylum, it is possible to apply for permanent residence at any time.

In order to apply for permanent residence as a refugee, you must apply in the following order:

- Apply for permanent selection as a protected person. To do so, you must apply for a CSQ from the *Ministère de l'Immigration, de la Francisation et de l'Intégration du Québec*;
- After obtaining the CSQ, apply to IRCC for permanent residence as a protected person.



## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### How to apply for permanent selection as a refugee with MIFI

The application for CSQ is made by completing the *Application for Permanent Selection - Recognized Refugee in Canada or Person in Need of Protection (and Family Members A-0520- DF (2018-10))*.

The form allows the refugee to apply for permanent selection for himself and for his family members who are in Quebec and/or abroad and whom the refugee wishes to bring to Quebec as permanent residents.

The documents to be attached to this form are:

- A photocopy of the notice of decision from the IRB;
- A photocopy of the Refugee Claimant Document (RCD) received from Immigration, Refugees and Citizenship Canada (IRCC);
- Recent proof of residence in Quebec showing your name and address (photocopy of your lease or utility bill, telephone or electricity bill, for example).

These documents and the completed form should be mailed to the following postal address:

Ministère de l'Immigration, de la Francisation et de l'Intégration  
Direction de l'immigration familiale et humanitaire.  
285 Notre-Dame Street West, 4th floor Montreal, Quebec, H2Y 1T8

There is no fee for processing this request.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Applying for permanent residence as a refugee (continued)

#### 1. How to apply for permanent residence as a refugee with IRCC

The principal applicant may include his/her spouse or civil/common-law partner and/or children in his/her application for permanent residence. Once their application is approved, theirs will also be approved. If the principal applicant's family members are not living in Canada with the principal applicant when the application is approved, they will have 1 year to come to Canada and become permanent residents.

In order to obtain permanent residence as a refugee, he/she must:

- Pay the fee for the collection of biometric data (\$85 per person).

Note: A receipt of the letter for biometric data collection is required in order to proceed with the collection of biometric data.

Note: It should be noted that biometric data is no longer may not be required at this time due to COVID-19. (<https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/biometrics/temporary-measures/inside-canada.html>)

### The list of establishments where we can do our biometric data.

- Present yourself with the letter received at one of the collection points in the country, depending on where you are in Canada, to collect the biometric data.

## IMMIGRATION & REFUGEES

# 4. ASYLUM SEEKERS

### Applying for permanent residence as a refugee (continued).

How to apply for permanent residence as a refugee with IRCC (continued)

- Provide the following documents:
  - A photocopy of an identity document (passport);
  - 2 passport size photos per person;
  - A certificate of protected person status;
  - Receipt for payment of biometric data fees;
  - A formal translation of any document that is written in a language other than French or English; and
  - Proof of notarization/certification of copies of documents.
  
- Complete all of the following forms (as of November 15, 2020):
  - Generic Application Form for Canada (IMM 0008)
  - Additional Dependents/Declaration (IMM 0008DEP), if you have more than 5 dependants
  - Schedule 14 - Protected Persons and Convention Refugees [IMM 0008 - Schedule 14]
  - Schedule A - Background/Declaration (IMM 5669)
  - Additional Family Information (PDF, 5.71KB) [IMM 5406]
  - Document Checklist (IMM 5286)
  - Use of a Representative Form (IMM 5476), if applicable.

If the applicant is the primary applicant for dependent family members, the following documents must be filed in addition:

- Generic Application Form for Canada (IMM 0008)
- Schedule A - Background/Declaration (IMM 5669)
- Additional family information (PDF, 5.71KB) [IMM 5406]
- 2 passport size photos;
- Photocopies of their passport, travel document or identity papers;
- Photocopies of documents proving the relationship to the protected person;
- Use of a Representative Form (IMM 5476), if applicable.

IMMIGRATION & REFUGEES

## 4. ASYLUM SEEKERS

### Applying for permanent residence as a refugee (continued).

How to apply for permanent residence as a refugee with IRCC (continued)

- Pay the fees.

Note: Refugees are not required to pay the Right of Permanent Residence Fee, but they are required to pay the Processing Fee:

- \$550 per adult
- \$150 per child.
  
- Send the application to the Mississauga processing center by mail



## IMMIGRATION &amp; REFUGEES

## 4. ASYLUM SEEKERS

### Travelling outside Quebec

#### Refugees

A refugee wishing to travel outside of Canada must meet the following conditions:

1. Obtain a refugee travel document from the Passport Office before leaving Canada by presenting:

- An application for an adult travel document (16 years of age or older): form PPT 190
- Or an application for a child's travel document (under 16 years old): form PPT 192

The application for an adult (PPT 190) or child (PPT 192) travel document must be accompanied by **one of the following documents**:

- Letter from the Immigration and Refugee Board (IRB) that will be provided when the IRB accepts the claim;
- A Verification of Status Document (VOS). The VOS is a document that contains the information that appears on the original copy of your Record of Landing, Confirmation of Permanent Residence, Work Permit, Study Permit, or any other document.

The following documents must also be submitted:

- Proof of your immigration status in Canada, such as a document of protected person, record of landing or temporary resident permit
- An identity document bearing your name and signature
- Passport size photographs
- Any other passport, travel document or certificate of identity (valid or expired) of Canada or another country
- The amount of the fee (\$120 for each adult 16 years and older and \$57 for each child 15 years and younger)

IMMIGRATION & REFUGEES

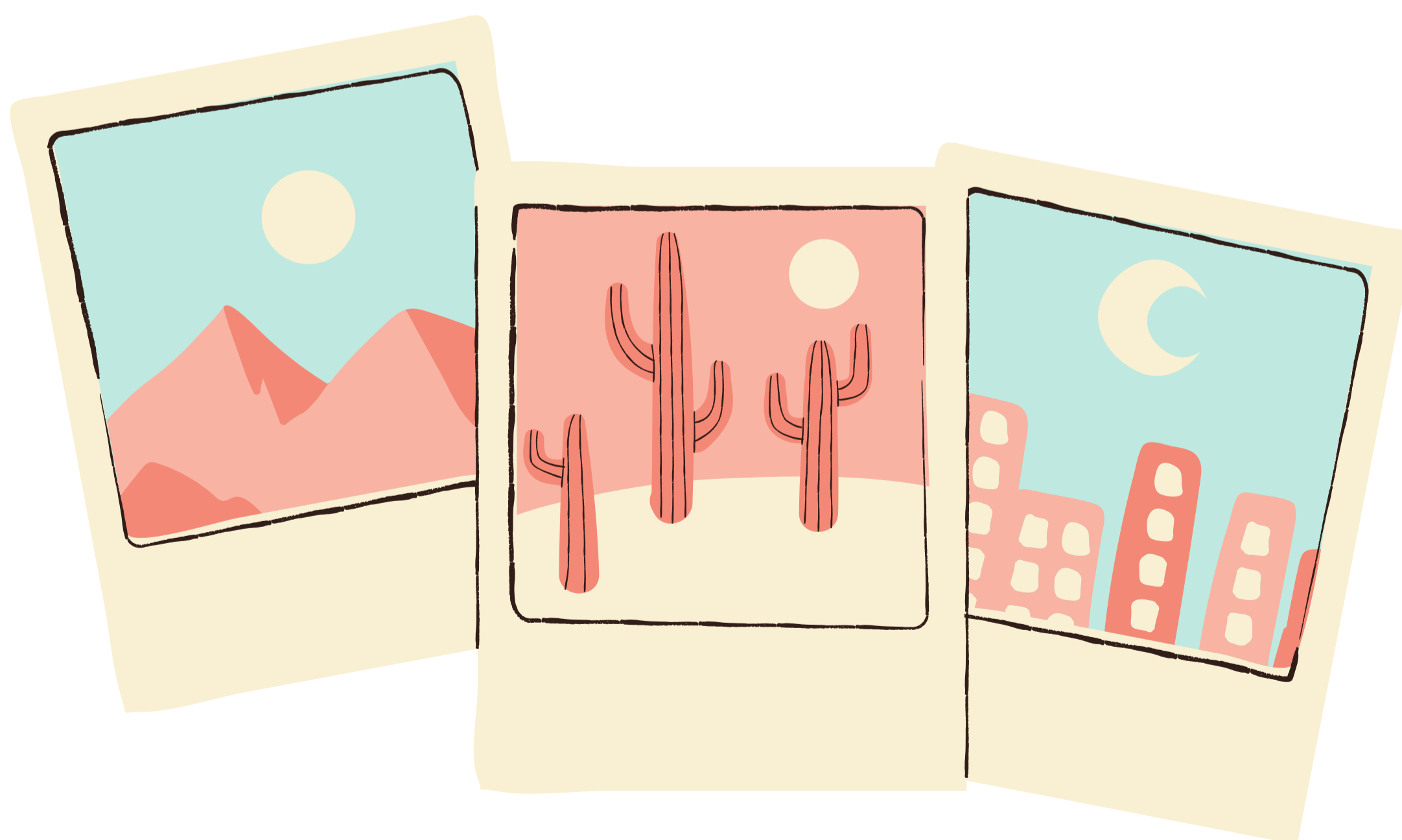
## 4. ASYLUM SEEKERS

Travelling outside Quebec

Refugees (continued)

(2) Use the travel document to travel anywhere except to the country of which the person is a citizen or in which the person has alleged persecution.

(3) Return to Canada before the expiry date specified on the refugee travel document





IMMIGRATION & REFUGEES

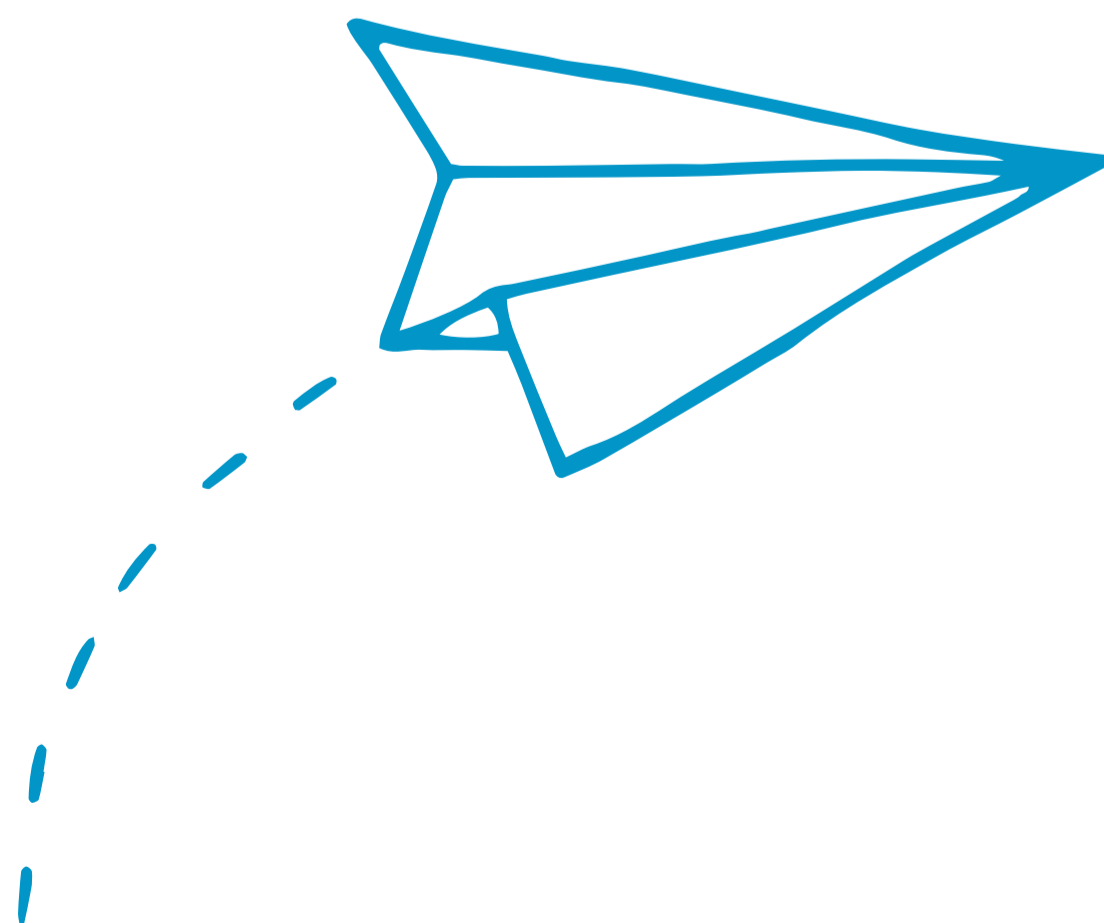
## **5. SPONSOR A FAMILY MEMBER**

### Applicant and respondent requirements and eligibility

What is a sponsor?

If you become a permanent resident or citizen of Canada, your family members can live, study and work in Canada. You can sponsor certain family members to come to Canada if you are at least 18 years old and are

- A Canadian citizen;
- A person registered in Canada as an Indian under the Indian Act;
- A permanent resident of Canada.



IMMIGRATION & REFUGEES

## 5. SPONSOR A FAMILY MEMBER

### Sponsoring a spouse, common-law partner or dependent child

Who can sponsor?

You may sponsor your child and/or spouse if:

You are 18 years of age or older;

You can prove that you are not receiving social assistance for a reason other than a disability;

You can meet the basic needs of the person you are sponsoring (and in certain situations where you meet the low income cut-off);

You are a Canadian citizen, a person registered in Canada as an Indian under the Indian Act of Canada, or a permanent resident:

If you are a Canadian citizen living outside of Canada, you must demonstrate that you intend to live in Canada when the family member you are sponsoring becomes a permanent resident.

In some cases, you may not be able to sponsor your spouse, common-law partner, partner or child, for example, if you yourself were sponsored as a spouse, common-law partner or partner and less than 5 years have passed.



IMMIGRATION & REFUGEES

## 5. SPONSOR A FAMILY MEMBER

Sponsoring a spouse, common-law partner or dependent child (continued).

Who can sponsor?

You may sponsor your spouse, common-law or conjugal partner if :

They are at least 18 years old;

Your relationship is genuine and not primarily intended to help the sponsored person become a permanent resident of Canada.

If your spouse, common-law or conjugal partner is applying under the Spouse, Common-law or Conjugal Partner in Canada Class, that person must already be living with you in Canada.

Important:

A conjugal partner is, in relation to the sponsor, a foreign national residing outside Canada who has been in a conjugal relationship with the sponsor for at least one year. Any period of separation must be short and temporary. A foreign national residing in Canada cannot be sponsored as a conjugal partner. A foreign national residing in Canada cannot be sponsored as a conjugal partner.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

Sponsoring a spouse, common-law partner or dependent child (continued).

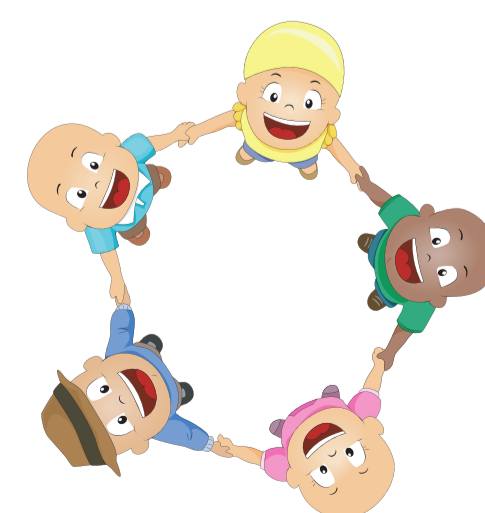
Dependent child of the principal applicant (sponsored)

If you are sponsoring a spouse or partner, all dependent children must be listed on the application forms. If you are sponsoring one or more dependent children as a primary applicant, you must apply in the spouse category.

Dependent children are eligible if they meet the following two conditions: 1) They are under 22 years of age, and 2) They do not have a spouse or common-law partner.

Children who are 22 years of age or older qualify as dependents if they meet both of the following requirements: (1) they are unable to support themselves due to a physical or mental condition, and (2) they have not ceased to be financially dependent on either parent since attaining the age of 22.

Dependent children must continue to meet the requirements until the application is completed.



IMMIGRATION & RÉFUGIÉS

## **5. SPONSOR A FAMILY MEMBER**

### Sponsoring a spouse, common-law partner or dependent child (continued)

#### Children born to Canadian citizens

If you are a Canadian citizen sponsoring a spouse or partner, and you have a child together, your child is probably a Canadian citizen, even if he or she was not born in Canada.

A Canadian citizen cannot be sponsored.

If you already have proof of Canadian citizenship for your child, please include a copy of that proof (citizenship certificate or copy of Canadian passport). This will help us ensure that your child does not need to go through the immigration process.

If your child was born in Canada, you may provide a copy of the long form Canadian birth certificate instead.

If you do not have proof of Canadian citizenship for your child who was born outside of Canada, you must apply for proof of citizenship to verify that your child is a Canadian citizen.

If it is confirmed that your child is a Canadian citizen, you may apply for a Canadian passport for your child.

If your child is not a Canadian citizen, you will need to add him or her as a dependant on the sponsorship undertaking signed for your spouse or partner.

Important: If you have submitted an application for proof of citizenship for your child and it has not been finalized, you must provide this information in a letter and include it with your application so that we can verify the status of your application. It is also possible to sponsor only one non-Canadian dependent child. In this case, the child will be the principal applicant and will require the agreement of the other parent or legal guardian and proof of this.



Pro Bono -

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IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

Sponsor your parents or grandparents

**You can sponsor**

Your own parents, biological or adoptive

Your own grandparents, biological or adoptive

**You cannot sponsor**

Your spouse's parents, biological or adoptive

Your spouse's grandparents, biological or adoptive. A person who is inadmissible to Canada, i.e. a person who is not allowed to enter Canada.

As well, your children, half-brothers, half-sisters, step-siblings may also be included in the sponsorship application, if they qualify as dependent children.

Important: Income requirements must be met for EACH person on the sponsorship application: the principal applicant and the principal applicant's dependents.

Also, sponsors residing in Quebec are subject to special calculations regarding their ability to sponsor.

You can obtain an estimate of the capacity required to sponsor a family member at the following address.

In addition, the persons you wish to sponsor must be eligible to sponsor, and must provide their forms, documents, and any necessary evidence (including medical examinations, police certificates, and biometric data).

IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Sponsoring your parents or grandparents (continued).

#### Procedure

If you have been invited to continue with the sponsorship process after submitting your interest to sponsor form, you may begin your application.

The sponsorship application has a principal applicant, for example, your father, who may have your mother as a dependant. If your father's children meet the eligibility requirements, they may also qualify as dependent children. If your mother or father is related to a spouse who is not your biological parent, he or she may be sponsored but only as a dependent since the person listed as the principal applicant must always be the one who is related to you.

#### Who qualifies as a dependent child?

A child is a dependent if he or she meets both criteria:

He or she is under the age of 22

He or she does not have a spouse or common-law partner

Otherwise, a child 22 years of age or older is also considered a dependent child if:

He or she has depended on the financial support of his or her parents since before the age of 22, and

He/she is unable to support him/herself financially because of his/her physical and mental condition.

IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

Sponsor other members of your family.

Orphaned brother, sister, nephew, niece, grandson or granddaughter

**They can be sponsored only if the following conditions are met:**

They are related to you by blood or through an adoption process

Their father and mother are deceased

They are under 18 years of age

They are single (not married, not in a common-law or conjugal relationship)

**It is not possible to sponsor these family members in the following cases :**

One of their parents is still alive

No one knows where their parents are

Their parents have abandoned them

Someone other than their parents is taking care of them while one or both parents are alive

One of their parents is in jail or prison

Note: In order to sponsor a minor child, a psychosocial evaluation must be done at the request of the Ministry, which will transfer the application to a Youth Centre, where the evaluation will take place. A fee of \$1,200 is applicable.

It is also necessary to make an undertaking to appoint a guardian for the child, by filing a motion for this in the Superior Court, within 90 days of the child's arrival.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Sponsor other family members

#### Other close relatives

It is possible to sponsor ONE close relative, regardless of age, if you are related by adoption or blood, when all the following conditions are met: You (the person wishing to sponsor) do not have a living close relative whom you could sponsor instead, such as:

- a husband or wife
- a spouse or common-law partner
- a conjugal partner
- a son or daughter
- a father or mother
- a grandfather or grandmother
- an orphaned brother or sister
- an orphaned nephew or niece
- an orphaned grandson or granddaughter

You (the potential sponsor) do not have a close relative (uncle or aunt or any of the family members listed above) who is

- a Canadian citizen
- a permanent resident
- a registered Indian under the Indian Act

If the person you wish to sponsor has a common-law spouse, partner or dependent children who will accompany him or her to Canada, they must be included on the sponsorship application as dependents.

Note: It is not possible to sponsor an inadmissible person.

## IMMIGRATION &amp; REFUGEES

**5. SPONSOR A FAMILY MEMBER**Sponsoring your adopted children or orphaned relatives

A permanent resident visa cannot be issued to a child as a member of the family class if the child is the sponsor's adopted child or orphaned brother, sister, nephew or niece, as described earlier in this guide, unless the adoptive parents/sponsor demonstrate that they have obtained information about the child's medical condition. In doing so, the government is ensuring that the best interests of the child are being met.

If you are a child adopted by the sponsor or the sponsor intends to adopt in Canada, or if you are an orphaned brother, sister, nephew or niece of the sponsor, the sponsor must complete and submit a Statement of Health [IMM 0133], if they have not already done so with their sponsorship application.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Documents and form to be provided

You must complete all sections unless otherwise instructed. If there is a section that does not apply to you, you must write "Not Applicable" or "N/A" in that section. If you need more space for a section, use a blank page to finish answering the question.

The forms to be completed vary depending on the country of origin of the sponsored person and the relationship to the sponsored person (child, spouse, parent, etc.). You can find the relevant forms for your particular situation [here](#).

As of September 2022, all family sponsorship applications must be submitted online through the Permanent Resident Portal. Some documents (see list [here](#), insert URL) will need to be completed in PDF format on your computer, digitally signed and uploaded to the portal for processing.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Processing the application

#### Step 1 - Verify Sponsor Eligibility (by Federal Government - IRCC)

Verify eligibility and ensure that you have submitted the application correctly - It is essential that before you send your application to IRCC through the Permanent Resident Portal, you have completed all the required forms for your application, have included proof that you have paid your fees, and have completed the consent and declaration form with your signature. Only after you have submitted your application electronically will it be processed by IRCC. Once you have submitted your application, you will not be able to change it.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Application Processing (continued)

Step 2 - Application for Undertaking (to the Provincial Government - MIFI)

If the application is accepted and the sponsor (the applicant) is a resident of Quebec, the sponsor must then apply to the provincial ministry (MIFI) for an undertaking. Even before receiving the final response, it is recommended that the following documents be prepared in advance to save time:

Note: It is important to provide truthful information. In addition, the people you are sponsoring will also need to provide information about their immediate family, such as their criminal record, medical examination, etc., otherwise they will not be able to apply to sponsor their own family later on.

Family Class Undertaking Form (A-0546-GF).

Authorization for the Collection and Release of Personal Information (A-0527-FO).

Documents to be submitted in support of the application for an undertaking (A-1520-BF).

Financial Capability Assessment Form (A-0535-FO).

This form is not required if sponsoring a dependent child (who does not have a child of his or her own), a spouse, a child to be adopted, or a child adopted prior to immigration.

IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

Application Processing (continued).

Step 2 - Application for Undertaking (to the Provincial Government - MIFI)

The sponsored person must also submit:

His or her Application for Permanent Selection - Family Class (A-0520-BF).

The declaration of the sponsor abroad - Family Class (A-0539-FO).

Only if the guarantor is a Canadian citizen residing abroad and IRCC has agreed to process the application from abroad.

You may pay by credit card or by money order, cheque or bank draft.

The following money orders, cheques and bank drafts are accepted:

Canada Post money order

Bank draft drawn on a Canadian bank;

Certified or certified cheque drawn on a Canadian bank;

Certified or certified cheque drawn on a Canadian bank; Cheque issued by a stockbroker.

Money orders, cheques and bank drafts must

Be made out to the following name: Minister of Finance of Quebec;

Be mailed to the Ministère de l'Immigration, de la Francisation et de l'Intégration;

Be identified with the applicant's name in block letters on the back.

If the fees are paid by credit card, you must also complete the following form:

Payment by credit card A-0591-F0





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IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

Application Processing (continued).

Step 2 - Application for Undertaking (to the Provincial Government - MIFI)

Once you have completed all the forms and they have been duly signed (including by the member you wish to sponsor), you must attach all the documents together with the proof of the Canadian Immigration Department that has accepted your sponsorship application. All of these documents must be sent, along with payment of the undertaking processing fee, to the following address

Registration and Benchmarking Branch  
Ministère de l'Immigration, de la Francisation et de l'Intégration  
285 Notre-Dame Street West, 4th floor  
Montreal, Quebec H2Y 1T8  
Canada

\*This information is provided as an indication. Please check the website to ensure that the address has not changed.

The Ministry (Quebec) will either accept or refuse the request. If it refuses, it will send a letter explaining its reasons, and it will be possible to contest the decision with the Tribunal administratif du Québec (TAQ). It is also possible that the Ministère will reject the application if it contains false or misleading information or documents. If this is the case, the Ministère may also take legal action. If the Ministère accepts, it will send a letter by mail confirming the acceptance, a copy of the accepted application and the Certificat de sélection du Québec (CSQ), which must be given to the sponsored person.

IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Application Processing (continued)

Step 3 - Application for Permanent Residence (to the Federal Government - IRCC)

The final step is for the sponsored person to apply for permanent residence under the family class. Each sponsored person will be required by IRCC to submit medical examinations, police certificates and biometric data. These forms may require additional fees beyond those for the initial sponsorship application.

All of your family members must undergo a medical examination, even if they are not applying to come to Canada with you. If you fail to declare a family member and they are not examined, it will affect your application and your ability to sponsor that person in the future.

IRCC will send you and each family member an application for a medical examination. This application will include instructions on what to do.



IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Application Processing (continued)

Step 3 - Application for Permanent Residence (to the Federal Government - IRCC)

Note: If you have linked your application to an online account, you will receive your instructions in your account immediately after they are sent.

You should not be concerned if you do not receive an application immediately after submitting your application. Medical results have a due date, so we may not request a medical exam right away, to reduce the risk of having to ask you again later.

The request for a medical exam will include instructions on what to do.

When you receive your request for a medical examination, you must:  
Print the IMM 1017 form and instructions for each person;  
Make sure you bring the form to the examination for each person;  
Take the medical examination within 30 days of receiving your medical instructions.

It is also important to notify IRCC of any changes, such as the birth of a child, marriage, divorce, or death of an applicant or dependent. If the sponsored person is a spouse or common-law partner, it will also be possible during this time to apply for an open work permit.

IMMIGRATION & REFUGEES

## **5. SPONSOR A FAMILY MEMBER**

### Application Processing (continued)

Step 3 - Application for Permanent Residence (to the Federal Government - IRCC)

If the application for permanent residence is refused, IRCC will inform the applicant of the reasons for the decision and how to appeal the decision. It should be noted that it is not possible to appeal the decision if the spouse, common-law or conjugal partner you wish to sponsor is in Canada.

If the application for permanent residence is accepted, each sponsored person immigrating to Canada will have to submit certain documents to IRCC. Each visa office has its own list of documents to be submitted, which must be adhered to.

IRCC will send family members outside of Canada a Confirmation of Permanent Residence and a Permanent Resident Visa. From that point on, they will be able to come to Canada. If the sponsored persons are already in Canada, they will need to speak with an immigration officer to obtain the confirmation of permanent residence.





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IMMIGRATION & REFUGEES

## 5. SPONSOR A FAMILY MEMBER

### Fees:

Sponsorship Fee (IRCC):

In general, the fees to be paid online are as follows:

Processing fees for yourself, your sponsored persons and their dependents;

The Right of Permanent Residence Fee;

Biometric data collection fee.

In general, these fees must be paid at the time of application or there may be a delay in processing your application.

Once the fee is paid and the application is complete, you will receive a letter telling you where to provide your biometric data.

Sponsor a spouse/common-law/conjugal partner, parent, other family member: \$1,050

Sponsorship fee (\$75), processing fee for the principal applicant (\$475), permanent residence fee (\$500). Please note that the \$500 fee is the only fee that is refundable if the application is refused.

Sponsor or include a dependent child in an application: \$150 per child.

Sponsorship Fee (MIFI):

\$301 for the first person sponsored.

120 for each additional person.

Other fees:

Biometrics: \$85 per person, \$170 per family (2 or more people).

Medical exams: you must pay the doctor. Depends on the designated doctor.

Police certificate: you have to pay the police station.

IMMIGRATION & REFUGEES

## 5. SPONSOR A FAMILY MEMBER

### Implications of changes in family and marital status for sponsorship

It is important to report any changes in your family or marital status when processing your application for permanent residence. It is important to inform the government because it changes the picture of a sponsored person's dependents. Thus, biometric data or a police certificate or a medical examination could be requested from new persons being added to a family.

Please note that changes reported by mail will not be taken into account: it is important to report all changes electronically through the web form.

This address gives access to the web form to report these changes



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### What is a permanent resident?

A permanent resident is a person who has obtained a permanent residency status by immigrating to Canada, but has not yet obtained citizenship. In fact, a permanent resident is a citizen of another country.

To maintain the permanent residency status, you must have spent at least 730 days in Canada during the last 5 years. However, these 730 days do not have to be continuous.

Please note! People who are in Canada temporarily, such as foreign students or temporary foreign workers, are not permanent residents.

What permanent residency in Canada allows:

Permanent residents have several advantages. They can:

- Have access to most benefits available to citizens, including health care coverage
- Live, work or study anywhere in Canada
- Apply for Canadian citizenship
- Enjoy the protection of Canadian law and the Canadian Charter of Rights and Freedoms

Permanent residents are required to pay taxes and abide by all Canadian federal, provincial, and municipal laws.

However, Permanent Residents cannot vote or run for office, nor can they hold a job that requires a high-level security clearance.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec?

Quebec Programs: Economic Immigration

Quebec selects immigrants in the economic immigration category and imposes specific criteria. Thus, to be a permanent resident in this category, you must :

1

- A favorable selection decision from the MIFI (Ministère de l'Immigration, de la Francisation et de l'Intégration) and issuance of a CSQ (Certificat de sélection du Québec)
- Obtaining permanent residency from the Canadian government

To obtain a favorable decision from MIFI, it is possible to go through different programs

- The Regular Skilled Worker Program (RSWP)
- The Quebec Experience Program (PEQ)



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec? (continued)

The Regular Skilled Worker Program (RSWP)

This program is designed for people who wish to immigrate to Quebec to work. The candidate to the PRTQ must have training and professional skills that will facilitate the integration in employment in Quebec. Other factors are taken into account:

- Language skills;
- Age; and
- Characteristics of the spouse;
- Presence of children.

In addition, to file an Expression of Interest, you must:

- Be 18 years of age or older
- Have the intention to reside in Quebec
- Have the intention to work in Quebec, in a job that the future permanent resident will be able to do

If the profile corresponds to the Quebec criteria, the applicant will be invited to submit an application for permanent selection.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec (continued)

The Quebec Experience Program (PEQ)

The PEQ is for foreign students who have graduated from Quebec or for temporary foreign workers.

The applicant, whether a graduate student or a foreign worker, must meet certain general conditions:

- Have respected the conditions of their stay
- Have the intention to settle in Quebec to hold a job
- Be 18 years of age or older
- Have a knowledge of oral French equivalent to level 7 of the Adult Immigrant French Proficiency Scale
- Be legally present in Quebec at the time of their application
- Demonstrate the ability to be financially self-sufficient

If the applicant is a foreign worker, he or she must meet specific conditions. First, they must be legally in Quebec as a temporary foreign worker OR as part of a youth exchange program. In addition, the jobs previously held by the PEQ candidate must meet certain criteria:

- Correspond to an occupation at level 0, A or B of the National Occupational Classification
- Have been legally exercised
- Have been held on a full-time basis (minimum of 30 paid hours per week)
- Have been paid



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec (continued)

The Quebec Experience Program (PEQ) (continued)

The foreign worker must also be employed in a job that meets these criteria at the time of application and for at least 24 of the 36 months preceding the application. Note that periods of part-time work are not considered

If the applicant is a Quebec graduate, he or she must meet specific conditions. Among other things, he or she must have obtained an eligible degree, including

- Bachelor's degree (1st cycle university);
- Master's degree (and MBA)
- Doctorate;
- Diploma of Collegial Studies (DCS) in technology;
- Diploma of Vocational Studies (DVS) with a duration of training of 1,800 hours or more;
- The Diploma of Vocational Studies (DVS) followed by an Attestation of Vocational Specialization (AVS) of 1,800 hours or more of continuing education in a given trade.

This diploma must have been obtained during the 36 months preceding the submission of the application. In addition, it must have been obtained in a full-time program of study at an educational institution located in Quebec.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec (continued)

The Quebec Experience Program (PEQ) (continued)

Applicants who have graduated in Quebec must also have acquired eligible work experience in Quebec as a result of your program of study and have been in Quebec for at least half of your program of study.

You must also be employed in a full-time job at level 0, A or B of the National Occupational Classification. This job does not have to be related to the PEQ candidate's field of study. Experience gained during an internship required for the graduate's program of study may be recognized.

However, the following are not eligible for PEQ:

- Graduates with a scholarship with a return-to-your-country clause, unless you have already complied with this condition;
- Graduates who have begun a new program of study in Quebec;
- Graduates who have been in Quebec for less than half of the duration of your program of study.

The PEQ candidate may be asked to attend an interview to verify the accuracy of the information provided.

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec?

2

Sponsored people- Family reunification

It is possible to sponsor certain family members to come to Canada to become permanent residents. To sponsor a family member, you must be 18 years old and be a Canadian citizen, a person registered in Canada as an Indian under the Indian Act or a permanent resident.

You can sponsor :

- Spouse, common-law or conjugal partner or dependent child;
- Parents or grandparents, whether biological or adoptive;
- Other family members (e.g. brother, sister, nephew, niece, orphaned grandchild, or other close relatives)



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec?

3

### Humanitarian and Compassionate Grounds

People who cannot normally become a permanent resident may sometimes apply for humanitarian and compassionate consideration. This applies to people whose case is exceptional

The application is assessed on a case-by-case basis, based on the following factors (among others):

- Extent to which the person is established in Canada
- Family ties in Canada
- Best interests of any children affected
- What could happen to the person if the application is not accepted

Proof of strong establishment in Canada is required.

Certain risk factors will not be assessed: persecution, threat to life and risk of cruel or unusual treatment or punishment.

This application is only possible if made from within Canada or a permanent resident visa from outside Canada. This does not include humanitarian and compassionate considerations in the case of an application for temporary residency. In addition, it is only possible to make one application for humanitarian and compassionate consideration at a time.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec (continued)

Humanitarian and Compassionate Grounds (continued)

You cannot apply on humanitarian and compassionate grounds:

- If you are awaiting a decision on your refugee claim. You must either withdraw the claim before the hearing or wait for the decision.
- If you have received a negative decision from the IRB within the last 12 months ("one-year ban")

However, this last ban does not apply if:

- A child under the age of 18 would be adversely affected by removal from Canada
- There is evidence that you or a dependant has a life-threatening illness that cannot be treated in the foreign country

Designated foreign nationals, i.e. those who enter Canada in violation of the law, must wait 5 years before applying for humanitarian and compassionate consideration

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Types of Permanent Residency: Who can have permanent residency in Quebec?

4

Refugees

Eligible refugees can become permanent residents through the Government Assisted Refugee Program or the Private Sponsorship of Refugees Program.

5

Refugee Claimant

A refugee claimant who wishes to become a permanent resident must first have their claim accepted by the Immigration and Refugee Board. Once the claim has been accepted, an application for permanent resident status can be made.

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

When to apply for permanent residency in Canada

1

Skilled workers in Quebec

Quebec skilled workers can apply for permanent residency as soon as they obtain the Certificat de Sélection du Québec (CSQ). Since the province has exclusive jurisdiction over the selection of economic immigrants, the worker must go through the CSQ before applying for permanent residency at the federal level.

2

Sponsored people

Immigrants applying for permanent residency through sponsorship can apply as soon as the person in Canada is suitable to sponsor. The person who wishes to bring a family member must be able to support them financially, so that government social assistance is not necessary.



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

When to apply for permanent residency in Canada

Sponsored people (continued)

Some people may not be eligible to sponsor a family member to come to Canada, including:

A person who was sponsored as a spouse, partner or child and who became a permanent resident less than five (5) years ago;

- A person who is still financially responsible for a previous spouse, partner or partner (since they are still committed to supporting them);
- A person detained in a penitentiary, reformatory or prison;
- A person who has not repaid an immigrant loan or bond;
- A person who receives social assistance benefits other than for a reason of disability.

Other reasons may prevent one person from sponsoring another. If so, the reason will be mentioned by IRCC.

Eligibility

Only people 18 years of age or older can sponsor a spouse, partner or dependent child. The person will have to prove that he does not receive social assistance (except for a disability) and that he can provide for the basic needs of the family member (housing, food, education if applicable, etc.).



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

When to apply for permanent residency in Canada

Sponsored people (continued)

A person living outside Quebec who wishes to sponsor a spouse or a child must make a commitment: he must promise to provide for the person's needs as soon as he becomes a permanent resident and must repay any provincial social assistance the family member will receive during a given period.

If the person lives in Quebec, the person who wishes to sponsor them will have to be approved as a sponsor, and then meet Quebec's criteria for sponsorship for immigration purposes. The person will sign an undertaking with the province and his income will be assessed by the Quebec ministry.



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY



When to apply for permanent residency in Canada

Humanitarian reasons

If an immigrant has received an unfavorable decision from the IRB within the last year, she will not be able to apply for permanent residency on humanitarian grounds. An unfavorable decision may include an application that has been waived or withdrawn. However, the one-year bar does not apply if the applicant has a child (under the age of 18) who could suffer adverse consequences if removed from Canada, or if the applicant or a dependent has a serious (life-threatening) illness that cannot be treated in their home country.

An application for permanent residency on humanitarian grounds cannot be submitted before 5 years from the day of designation as a designated foreign national, or from an unfavorable decision by either the IRB as a last resort or the PRRA (Pre-Removal Risk Assessment).

If the immigrant meets these conditions and deadlines, he can submit an application for permanent residency. An application for permanent residency on humanitarian grounds can be submitted at any time if the person has never taken steps with the IRB or the PRRA.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?

Permanent residency in Canada can be obtained in 3 ways:

- Economic immigration as a skilled worker from Quebec (I);
- Be sponsored by a family member (II);
- Humanitarian immigration and refugees (III).



Economic immigration as a skilled worker from Quebec (I):

As explained in an agreement between the federal government and Quebec, the province has exclusive jurisdiction over the selection of economic immigrants, i.e. foreign workers.

The application for permanent residency for provincially selected workers involves two steps:

1. The immigrant and all those accompanying him must submit an application for a Quebec Selection Certificate (CSQ). This request is proof of the assessment and then the acceptance of the immigrant by Quebec.
2. When the Quebec selection certificate is obtained, an application for permanent residency must be submitted to CIC. An assessment of the application will then be made by a CIC officer, including a medical examination, a security check and a criminal check.

\*\*\*The process of submitting an application can be found in the Immigration section for Quebec skilled workers dedicated to this subject.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

Before applying for permanent residency (step 2), the immigrant must take into account certain considerations:

a) The Quebec Selection Certificate (step 1)

Persons wishing to apply for permanent residency under the Quebec Skilled Worker Program must have been previously selected by Quebec and have received the Quebec Selection Certificate. If the person has not received their CSQ, an application for a certificate must be submitted first before applying for permanent residency. To do this, the person must contact the office of the MIFI (Ministry of Immigration, Diversity and Inclusion).

b) Sufficient funds

The immigrant must demonstrate that his funds are sufficient to support himself and his dependents upon arrival in Canada. Since the cost of living can vary depending on the city, it is important to find out about the cost of living in the place where the immigrant wishes to settle. It should be noted that a declaration of funds may be necessary when entering the country, under penalty of a fine or a prison sentence. This declaration is required only if a person arrives in Canada with \$10,000 or more in Canadian money or its equivalent in foreign currency. The declaration is made to the CBSA agent, the Canada Border Services Agency.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continue)

### c) Requirements to work in Canada

Applicants for permanent residency should find out about the requirements of the trade they wish to practice in Canada. However, the Quebec Skilled Worker Program does not include credential assessment or licensing required for certain jobs. It is therefore important that the immigrant be aware of the standards and requirements of the job in order to find a job in the desired environment. Indeed, the granting of permanent residency does not guarantee the immigrant employment in the profession of his choice or skill.

Work requirements in Canada vary depending on whether the profession is regulated or unregulated.

### i. Regulated professions

Regulated professions, which comprise 20% of workers in Canada, have certain entry requirements that are ensured by provincial and territorial bodies. Thus, nurses, engineers, electricians and teachers (among others) are subject to a qualification recognition process in order to protect the health and safety of Canadians. These are the organizations that are in charge of recognizing qualifications, training and previous experience, in addition to issuing permits if required.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

As a general rule, the occupation-specific work permit can only be applied for after arrival in Canada. The licensing process may include:

- A request for supporting documents of professional titles;
- A language test (sometimes different from the language test required for immigration);
- A technical examination (sometimes paying);
- Performing work under supervision.

### ii. Unregulated professions

Non-regulated professions do not require a permit in order to be exercised. However, the employer may have certain requirements of the worker, such as registering with a professional association.

### d) Evaluation of diplomas or skills acquired

An assessment can be made in order to inform the immigrant on the recognition of his training acquired abroad in relation to the qualifications of Canada. However, the assessment in no way guarantees a work permit issued by a regulatory body or the acceptance of diplomas or previous training by a Canadian employer. It is simply an assessment that allows a better understanding of the Canadian education system and can help in finding a job.


## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

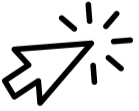
e) Knowledge of the Canadian labor market

Depending on the different regions of Canada, there may be different employment opportunities, labor market conditions or labor demand depending on the important sectors of the region.

 The Guichet Emplois site allows you to search for a job according to the different regions, in addition to providing information on the labor market in the different provinces and territories, including Quebec.

Gather documents

Several documents are required for an application for permanent residency by a skilled worker from Quebec. The documents must be mailed together with the application for permanent residency.

 The document below (IMM 5690) is a checklist includes all necessary documents and should be printed and included in the application as a cover sheet.



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

The documents must be put in the order indicated in the checklist. Photos, checks or other small items are attached with a paperclip or left unattached. The entirety of the documents must be placed in a sealed envelope, and if the documents are not in English or French, a translation in one of these two languages must be attached (see note below concerning the translation of documents ). If a translation is issued, a certified true copy of the original document and a sworn statement from the translator must be inserted in the envelope. Since the documents will not be returned after sending, it is important not to submit the original documents, unless otherwise instructed.

List of required documents:

1. Generic Application Form for Canada (IMM 0008)
2. Appendix A: Background / Declaration (IMM 5669)
3. Additional Dependents (IMM 0008DEP) \*if applicable\*
4. Supplementary Information – Trip List (IMM 5562)
5. Appendix 5: Declaration of intent to reside in Quebec – Economic immigration
6. Additional Family Information (IMM 5406)
7. Use of a Representative (IMM 5476)
8. Travel documents and passports
9. Quebec Selection Certificate (CSQ) for the applicant and all accompanying family members who will reside in Quebec
10. Identity and civil status documents
11. Child Information \*if applicable\*
12. Police certificates and no criminal record





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IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

### Photo Requirements

The application must include two photos of each family member, whether they are accompanying the person or not. Photos must have been taken within six months of the submission of the application. The application must be sent by post and must include this document checklist (IMM 5690), the completed application, the supporting documents for the application listed on the checklist and two postal labels bearing the address of the applicant (either one in English and one in French, or one in English OR French and one in the official language of the immigrant's country of residency).

### Document translation

For any document that is written in a language other than French or English, the immigrant must provide a French OR English translation, an affidavit from the translator (in which the person swears the accuracy of the translation ) as well as a certified copy of the document in the foreign language. A family member cannot act as a translator. Also, if the translation was done by a certified Canadian translator, no affidavit is required. Finally, the translator's sworn statement must be made in the presence of a certification authority.



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IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(following)

Complete the application

The links below lead directly to the forms to complete and submit.

- Generic Application Form for Canada (IMM 0008)
- Additional Dependents/Declaration (IMM 0008DEP), if applicable
- Appendix A – Background / Declaration (IMM 5669)
- Schedule 5: Economic Immigration – Canadian Experience Class (IMM 0008 – Schedule 5)
- Additional Family Information (IMM 5406)
- Supplementary Information – List of Trips (IMM 5562)
- Declaration for non-accompanying parent/legal guardian of a minor child immigrating to Canada (IMM 5604), if applicable
- Formal Declaration of Common-Law Union (IMM 5409), if applicable
- Document Checklist (IMM 5690)
- Use of a Representative (IMM 5476), if applicable

How to complete the forms

It is important to complete all sections, as an incomplete application may be returned. If a section is not applicable, the person may write Not Applicable or N/A in the space provided. If necessary, an additional page can be printed and attached to the application if there is insufficient space for a question. Since the information entered can be verified, no false or misleading information should be entered. The continued site provides detailed explanations of each form to be completed, who should complete it and the questions asked therein.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(following)



Be sponsored by a family member (II):

It is also possible to bring family members to Canada to become permanent residents. With permanent resident status, they will be able to live, study and work in Canada. People who can sponsor a family member are Canadian citizens, permanent residents, and people registered in Canada as Indians under the Indian Act.

There are several sponsorship procedures depending on the person you wish to bring to Canada:

1. sponsor a spouse, common-law partner or dependent child;
2. sponsor a parent or grandparent;
3. sponsor another family member;
4. sponsor an adopted child.

The sponsorship process will be explained in the section dedicated to this subject.



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)



Humanitarian considerations (III):

Some people may apply for permanent residency in Canada for humanitarian reasons if they would not normally be able to obtain this status through another route. Applications are assessed by considering several factors, including the establishment of the person in Canada, the family ties that the person has in Canada, if it is a child, his best interests and finally the consequences of the refusal of the request on the person.

The application for humanitarian considerations can only be made from within Canada, or if the person abroad is applying for a permanent residency visa. Thus, an H&C application will not be considered if it concerns temporary residency in the country. Risk factors (persecution, threats to life, risk of cruel treatment or punishment) will not be taken into account. Also, if a refugee claim is pending, the person cannot apply for permanent residency on humanitarian grounds at the same time unless they withdraw their refugee claim before the hearing before the IRB (Commission Immigration and Refugee Status Canada).

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

If an immigrant has received an unfavorable decision from the IRB within the last year, she will not be able to apply for permanent residency on humanitarian grounds. An unfavorable decision may include an application that has been waived or withdrawn. However, the one-year bar does not apply if the applicant has a child (under the age of 18) who could suffer adverse consequences if removed from Canada, or if the applicant or a dependent has a serious (life-threatening) illness that cannot be treated in their home country.

### Designated Aliens

Designated foreign nationals are people who enter Canada irregularly, that is, in a way that is against the law. These are subject to some special rules and restrictions. Designated foreigners will be granted this status by the Minister of Public Security in writing. An application for permanent residency on humanitarian grounds cannot be submitted before 5 years from the day of designation as a designated foreign national, or from an unfavorable decision by either the IRB as a last resort or the PRRA (Pre-Removal Risk Assessment).

IMMIGRATION & REFUGEES

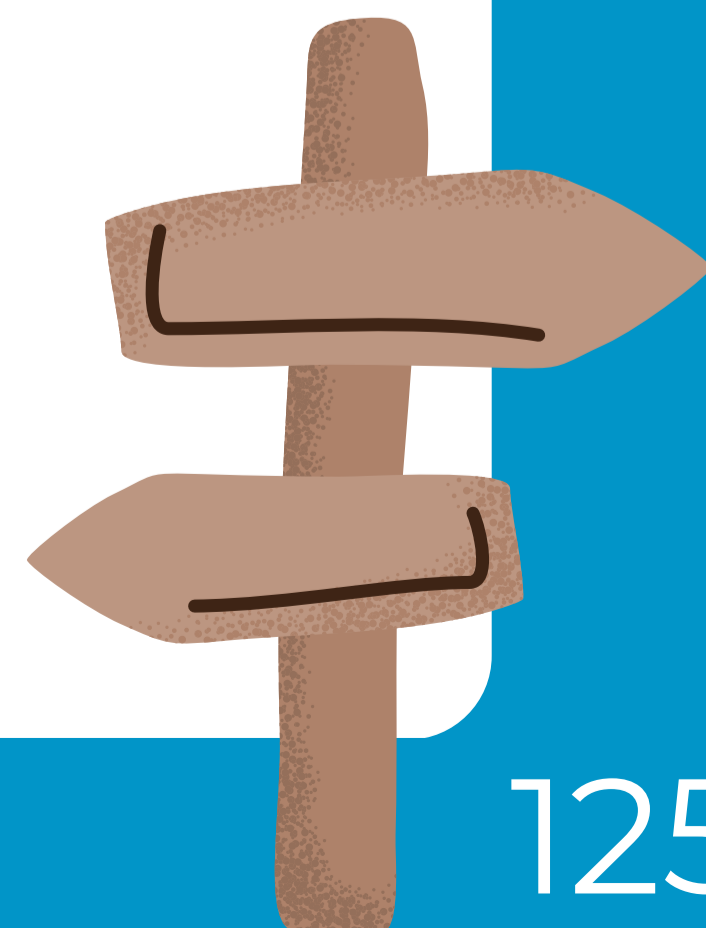
## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

If a person applies for H&C and then subsequently becomes a designated foreign national, the application for permanent residency will be suspended for five years from the designation as a designated foreign national, or from the day of the issuance of a decision unfavorable from the IRB or the PRRA.

H&C considerations may be invoked if the immigrant receives an order to leave Canada (a removal order). The application to remain in Canada will not, however, prevent or delay the removal order. Thus, the person will have to leave the country on the date indicated on the removal order. The processing of the application will be carried out even if the person is no longer in Canada, and the decision will be communicated in writing.

Although there is no right of appeal in the event of a permanent residency application on humanitarian grounds being refused, the immigrant can request a review of the decision at the Federal Court of Canada.



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

Submit your application for permanent residency (humanitarian considerations)

Gather documents

The IMM 5280 checklist outlines all of the documents that should be included in an application for permanent residency on humanitarian and compassionate grounds. The application may be returned if required documents are missing, or if photocopies are illegible. Note that any supporting document that explains the hardship, the best interests of a child or any other factor deemed important may be included in the application.

Document Checklist



The forms

1. The Generic Application Form for Canada (IMM 0008)
2. Additional dependents (IMM 008DEP), if applicable
3. Appendix A – Background (IMM 5669)
4. Additional Information – Humanitarian and Compassionate Considerations (IMM 5283)
5. Additional Family Information (IMM 5406)
6. Use of a Representative (IMM 5476), if applicable
7. Authorization to Release Personal Information to a Designated Individual (IMM 5475), if applicable

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Type of documents and forms: What to include in your request?  
(continued)

Pictures

8. Two passport size photos of the applicant and each family member in Canada. The names of the persons must be written on the back of the photo, and photos of family members who are abroad must not be attached.

Photocopies of proof of identity (for each person included in the request)

9. Valid passport pages, and those of all family members in Canada. It is important that the photos include the passport number, name of the holder, date of birth, date of issue, date of expiry, entry and exit stamps, visas from Canada and those from other country as well as the stamp of the Canadian authorities affixed during the last entry into Canada.

10. Proof of status in Canada (visitor visa, study permit, work permit, temporary resident permit, or any other document that indicates lack of legal status)

11. Birth certificate (or other official identity documents)

12. If applicable, the marriage certificate

13. If applicable, proof of the de facto union (joint bank account, jointly signed lease or mortgage, declaration of the people in your entourage who certify an authentic and continuous union, etc.)

14. If applicable, the certificate of divorce, annulment or death of the spouse

15. If applicable, document of custody of dependent children from a previous marriage or union.

16. If applicable, adoption documents (if the person applying for permanent residency is adopted)



IMMIGRATION & REFUGEES

## **6. PERMANENT RESIDENCY**

Type of documents and forms: What to include in your request?  
(continued)

Other documents (if applicable)

17. Original police certificates

18. Details of previous criminal convictions

19. A photocopy of the rehabilitation certificate (issued by the National Parole Board)

20. Any other document that supports the humanitarian and compassionate reasons in support of the request

21. A certified translation of all documents in a language other than French or English

Costs

22. A copy of the payment receipt showing the amount paid.

Complete the application

The person who wishes to obtain permanent residency must complete all the necessary documents, otherwise the application will be returned. The information must be complete and accurate.

For proof of identity documents, it is important not to send the original documents, as they will not be returned.

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Here is the list of documents and links:



- Generic Application Form for Canada
- Additional Dependents/Declaration, if applicable.
- Appendix A – Background/Declaration
- Additional family information
- Additional Information – Humanitarian and Compassionate Considerations
- Document Checklist – Cases with Humanitarian Considerations
- Recourse to the services of a representative, if necessary.
- Authorization to communicate personal information to a designated person, if applicable.

Instructions for each document, their content and the questions asked



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

How to pay and the fees for each request

Fees must be paid online. The applicant must ensure they have a valid email address, access to a printer for the receipt, and a Canadian credit or debit card.

It is important to note that online payment is the only method of payment accepted. Any other payment method included in the request will result in the request being returned.



Payment instructions.

It is very important to print the official IRCC receipt with the barcode, and preferably two copies. One of these copies must be attached to the completed application. This receipt is proof that the fees have been paid. If payment is insufficient, the application will be returned to the applicant. Conversely, if the payment is higher than the amount payable, a refund will be made.

Note that additional fees may be required, such as those associated with medical examinations, police certificates, DNA examinations or processing of other requests (for example, authorization to return to Canada).

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

How to pay and the fees for each request (continued)

### Costs

The fees associated with the application vary according to the number of people accompanying the application (spouse or partner, dependent children). Fees must be sent with the application and be paid for all applicants.

As of January 2023, the fees for the right of permanent residency are \$515 per person. For a request for humanitarian consideration, you must pay the fee of \$570 per person and once accepted, you must pay the fee of \$515. The fee for each dependent child is \$155.

You can find the fees for each request



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

Send a request

To apply online



To apply online, simply log into your account and click on the link to apply for permanent residency.

When filling out the form, please submit all required documents, all your answers must be complete and true, you must ensure that all required fields are completed; otherwise, you will not be able to submit your request, you can save your information on the form and return to it as often as necessary.

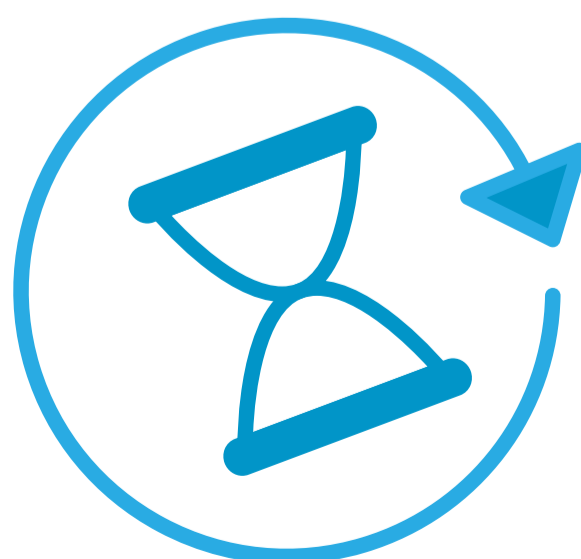


## IMMIGRATION &amp; REFUGEES

**6. PERMANENT RESIDENCY**Processing a request

If the application is properly completed and contains all the documents, it will be processed. An acknowledgment of receipt will be sent by post and will contain the file number, instructions for contacting the CIC office responsible for processing the application, and the next steps for processing the application.

An interview will be organized to verify the accuracy of the information or to obtain additional information. An incomplete or inaccurate application will be returned to the applicant, along with a completed application but with incomplete payment. If the application is approved, the immigrant will be notified in writing and will be informed of the next steps to obtain permanent resident status. If the request is refused, the decision will be sent to the applicant in writing. It is very important to ensure that the request is signed and dated before sending it. If the applicant is under 18, a parent or guardian must sign and date the application. An unsigned application will be returned to the applicant.



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Processing a request (continued)

#### Medical exam

All persons wishing to obtain permanent residency must pass a medical examination. Thus, people with an illness that poses a risk to public health or safety, or those who require permanent hospitalization or institutional care for a physical or mental illness may be denied permanent residency.

Instructions for the medical examination will be sent by the IRCC (Immigration, Refugees and Citizenship Canada) office. The person will receive medical examination forms for themselves and dependents, and a list of doctors authorized to perform this examination. The exam does not have to be taken before the application is submitted. The results will be valid for a period of 12 months only; if the claim has not been settled within this time, the claimant may be required to undergo a second medical examination.

#### Acceptance of the request

Permanent resident status will be granted to the person and their family members included in the application if the application is accepted. New permanent residents will retain this status until they obtain Canadian citizenship, but must remain in Canada for a minimum of 2 years for each 5-year period. Finally, permanent residents can enter and leave Canada as often as they wish.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Permanent Residents of Canada

When an application is accepted, the applicant and family members included in the application are granted permanent resident status. The only condition to maintain this status is to spend at least 2 out of 5 years in Canada.

### Rights of permanent residents

Permanent residents can leave and enter the country as often as they want. The resident and his family can live, study and work in Canada and are eligible for most social benefits on the same basis as Canadian citizens (subject to some restrictions). They can also apply for Canadian citizenship and a Canadian passport when they have legally resided in the country for at least three (3) of the last four (4) years.

### Restrictions and obligations of permanent residents

Permanent residents are not eligible to vote for certain elections or for certain jobs that require high security checks. In addition, if the permanent resident or a member of his family commits a serious crime, he may be deported from Canada.



IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

### Responsibilities of Permanent Residents of Canada (continued)

#### The permanent resident card

During the arrival formalities, a card will be issued for each new permanent resident and then sent after obtaining this status. The resident must always keep this card, especially when traveling abroad. It will serve, among other things, as proof that the person is a permanent resident upon returning to Canada. The card can be renewed when it expires. However, permanent resident status is not affected by card expiration.



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Restrictions for Permanent Residents of Canada

As we mentioned earlier, permanent residents essentially have the same rights as Canadian citizens: under the Immigration and Refugee Protection Act, even if they are citizens of other countries, permanent residents are not considered foreigners in Canada!

However, despite the many similarities between the statuses of citizen and permanent resident, several important restrictions limit the rights of permanent residents, and it is very important for newcomers to be aware of them if they wish to maintain their permanent residency.

- Residency obligation
- Risk of deportation
- Other restrictions



## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Restrictions for Permanent Residents of Canada

#### Residency Obligation

After being granted permanent resident status, the newcomer, as the name of the status suggests, is expected to remain in Canada permanently. Therefore, the Immigration and Refugee Protection Act enshrines this obligation at article 28: a permanent resident must be physically present in Canada for at least 730 days in every five-year period, which amounts to a total of 2 years in each 5-year period.

There are some situations where a permanent resident can continue to meet the residency obligation while living outside Canada. For example, if they accompany a Canadian citizen who is their spouse or common-law partner, or in the case of a child, one of their parents, or if they work full-time outside Canada for a Canadian company or for the federal or provincial public administration, or if they accompany a permanent resident who is their spouse or common-law partner, or in the case of a child, one of their parents, and who works full-time outside Canada for a Canadian company or for the federal or provincial public administration.

If a permanent resident fails to meet their residency obligation, they may be at risk of having their status revoked after an official decision is made. It is possible to appeal to the Immigration Appeal Division to contest the decision to end permanent resident status, but it is obviously not advisable to let the situation reach that point, and the permanent resident must always ensure they comply with their residency obligation.

IMMIGRATION & REFUGEES

## 6. PERMANENT RESIDENCY

### Restrictions for Canadian permanent residents (continued)

#### Risk of deportation

Another major difference between citizens and permanent residents is that the latter can be deported from Canada if they commit a serious crime. Under Article 36, it is possible to lose one's permanent resident status for serious criminality if the permanent resident is convicted in Canada of an offense under a federal law punishable by a maximum of at least ten years' imprisonment or an offense under a federal law for which a sentence of more than six months is imposed; if the permanent resident is convicted outside Canada of an offense which, if committed in Canada, would constitute an offense under a federal law punishable by a maximum of at least ten years' imprisonment; or if the permanent resident commits an offense outside Canada which, if committed in Canada, would constitute an offense under a federal law punishable by a maximum of at least ten years' imprisonment.

As with failure to meet the residency obligation, it is possible to challenge a removal order with the Immigration Appeal Division. However, it is not possible to appeal the decision if the resident has served a sentence of more than 6 months or if the crime was committed outside Canada.



## IMMIGRATION &amp; REFUGEES

## 6. PERMANENT RESIDENCY

### Restrictions for Canadian Permanent Residents (continued)

#### Other Restrictions

In addition to the residency requirement and the risk of deportation, Canadian permanent residents cannot travel with a Canadian passport since they are still citizens of other countries. Similarly, as non-citizens of Canada, permanent residents cannot vote in federal, provincial, and municipal elections.

Although they can work without restrictions in Canada (unlike work permit holders), permanent residents cannot work in jobs that require a high level of security. This includes jobs related to national security, for example. Additionally, permanent residents are generally not eligible to join the Canadian Armed Forces.

Finally, permanent residents, like citizens, enjoy the mobility rights provided by article 6 of the Canadian Charter of Rights and Freedoms. This means they have the right to live, work, and study in any province or territory of Canada. However, individuals who obtained their permanent residency through a Quebec economic program have signed a declaration of intention to reside in Quebec, Annex 5 of form IMM 0008. Therefore, it is strongly discouraged to leave Quebec immediately after obtaining permanent residency as this may cause problems when applying for citizenship or renewing their permanent resident card.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Confirmation of Permanent residency (COPR).

Once a permanent residency application is approved, the immigrant - still considered a foreign national under the IRPA - will be issued a document confirming their new status: the Confirmation of Permanent residency (COPR). This document contains the applicant's personal information, their unique client identifier (which they will keep throughout their immigration process until citizenship), and the date on which permanent residency was granted.

If the applicant receives this document while already in Canada, such as through a worker program, they can access their COPR through the [Confirmation Portal](#). If the applicant receives this document while still physically present in their country of origin, the COPR will be completed upon arrival in Canada by the Canada Border Services Agency, which will include the arrival date and verify that the applicant's marital and family status has not changed.

## IMMIGRATION & REFUGEES

# 6. PERMANENT RESIDENCY

### Confirmation of Permanent residency (COPR) (Continued)

#### Utility

The Confirmation of Permanent residency (COPR) is a very important document that the permanent resident must ensure to keep safely. In the absence of a permanent resident card, the permanent resident will need to use their COPR to prove their status in Canada and enjoy the benefits inherent in their status. Thus, the permanent resident can use their COPR to apply for a Social Insurance Number, prove their status to obtain employment, or pay tuition fees at the local rate.

#### Validity period

The COPR is generally valid for a period of one year. Following the grant of permanent residency, IRCC will automatically send the first permanent resident card to the holder of this status. However, in the absence of a card, it is the COPR that will allow the permanent resident to prove their status at all times, as mentioned earlier.

Note that this document does not replace the card for travel outside of the country.

## IMMIGRATION &amp; REFUGEES

## 6. PERMANENT RESIDENCY

### The Permanent residency Card

As we have seen, the Confirmation of Permanent residency allows immigrants to prove their status in Canada. However, we have also seen that this document can expire without affecting the permanent resident's status. Additionally, this card cannot be used as a travel document for international travel but serves as proof of status when returning to Canada. Furthermore, the Permanent residency Card is essential for any permanent resident who leaves the country and wishes to return to Canada. The permanent resident must always have a valid card and ensure that it will be valid on the expected return date to Canada.

Therefore, the Permanent residency Card is the essential document that allows the resident to prove their status once their CRP has expired.

### Procedure for obtaining and/or renewing the card and duration of validity.

The first Permanent residency Card is sent by IRCC to the Canadian address listed on the Confirmation of Permanent residency. The permanent resident cannot request that their card be sent to an address located outside of Canada. Additionally, the permanent resident does not have to apply for the card, as this is done automatically.



## IMMIGRATION &amp; REFUGEES

## 6. PERMANENT RESIDENCY

### Traveling as a Permanent Resident without a PR Card

Despite not being recommended, it is possible to travel without a Permanent residency Card. For instance, in case of an emergency, or if one wants to travel before obtaining their card, they can leave the country. However, as it is not possible to return to Canada via public transportation without a Permanent residency Card, the applicant will have to ensure, after leaving Canada and before returning, to apply for a Travel Document for Permanent Residents (TDRP). This document will be issued by a Canadian government office abroad and will usually be valid for a single trip.

It is not possible to apply for this document before leaving Canada, as it can only be issued by an office located abroad. Furthermore, the processing time for this document may vary greatly from one country to another.

However, note that a TDRP is not mandatory when the permanent resident ensures to return to Canada on a private vehicle, such as a car. In this case, they could prove their status in Canada with other documents. Nonetheless, international travel without a PR Card is strongly discouraged due to the complications it entails.



IMMIGRATION & REFUGEES

**7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS**

Regular Skilled Worker Program (RSWP).

Program Description

The Regular Skilled Worker Program is designed for individuals who want to immigrate to Quebec in order to work there permanently. Immigrants who wish to join the program must express their interest in immigrating to the province to work there.

An invitation to apply for permanent selection will be sent to individuals whose profile meets the criteria sought by Quebec. Immigrants with education and/or professional skills can be selected under this program, as these previous skills make the process of obtaining employment easier.

However, other factors may be considered, such as language proficiency, age, characteristics of the spouse (if applicable), and the presence of children or not.



## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (RSWP) (continued)

#### Selection Criteria

The factors, divided into several criteria, are outlined in a Selection Grid available on the website of the Government of Quebec.



The selection grid for the Regular Skilled Worker Program is divided into several sections, which also have subsections. The grid operates on a point system. A high score corresponds to a profile sought by the province, while a lower score has less chance of being selected for the program.

#### Criteria

1. Education : A person who has not obtained their general secondary education (or equivalent) will not pass the elimination threshold, as this is the minimum threshold for the education level category. In this sense, the higher the level of education, the more points a person accumulates. A person with a university degree will therefore be a better candidate than someone with a post-secondary technical diploma, for example. In addition to the level of education, the field of education is also considered.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (RSWP) (continued)

2. Work Experience: Work experience is calculated based on the duration of the skilled worker's professional experience. Thus, an experience of 48 months or more is more advantageous than an experience of less than 6 months.

3. Age: Skilled workers between 18 and 35 years of age have a greater chance of being selected for the program, while a skilled worker over 40 years of age has a lower chance.

4. Language Proficiency : Language proficiency, in both French and English, is evaluated based on oral comprehension, oral production, written comprehension, and written production. Additionally, it is more advantageous to master French than English, as the grid awards more points to the French language than to the English language.

5. Characteristics of the common-law partner or accompanying spouse : For the common-law partner or accompanying spouse, the grid focuses on their level of education, field of education, age, and language proficiency.

## IMMIGRATION &amp; REFUGEES

**7. IMMIGRATION PROGRAMS FOR QUEBEC  
SKILLED WORKERS**Regular Skilled Worker Program (RSWP) (Continued).

6. Validated job offer This category awards 8 points if the person holds a validated job offer in the CMM (Montreal Metropolitan Community). For job offers validated outside the CMM, the grid distributes between 10 and 14 points depending on the regions. The regions offering the most points (14 points) are Capitale-Nationale, Chaudière-Appalaches, and Montérégie.

7. Children Children accompanying the worker can give additional points, up to a maximum of 8 points. The grid favors children 12 years old or younger. The passing threshold for the preliminary and selection exams is 50 points for a single person and 59 points for a person with a spouse.

## Steps to Follow


Fill out a declaration of interest in immigrating to Quebec (I) To be eligible for the program, the immigrant must first declare their interest in immigrating to Quebec to work. The interest can be declared at any time, and no documents are required. This declaration is made online and is free. However, the person must be 18 years old or older, intend to reside in Quebec, and intend to work in a job in which the person has skills or training.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (RSWP) (Continued)

The declaration of interest is valid for one year after submission, with no possibility of extension or renewal. However, it is possible to create a new one free of charge. During the validity period, if the immigrant does not receive an invitation to apply for permanent selection, the request will become invalid after 12 months.

 The declaration of interest form includes the following information: Personal information; Contact information; Family situation; Status in Quebec; Level of education; Professional background; If applicable, the job offer validated by the Ministry of Immigration, Francization, and Integration; Language skills (French and English); If applicable, information about the spouse or children.

It is possible to update the information in the declaration of interest form, even after submission. The following documents could also be useful when submitting the declaration of interest: French and English test results accepted by the Ministry of Immigration, Francization, and Integration; Comparative evaluation of studies conducted abroad; Validated job offer; Diplomas received.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (RSWP) (continued)

#### Application for permanent selection (II)

Once the declaration of interest is submitted through *Arrima*, it is sent to the bank of declarations of interest. If the person's profile meets both the needs of Quebec and is likely to have good potential for integration, the immigrant will be invited to submit an application for permanent selection.

A communication will be sent through the *Arrima* platform's messaging system, containing all the information needed to fill out the form and submit an application for permanent selection.

The criteria for evaluating whether a person will receive an invitation for permanent selection are grouped into three categories:

Criteria related to human capital (work experience, language proficiency, level of education, etc.)  
Criteria that favor integration into the labor market in Quebec  
Criteria related to labor market needs in the province (based on government priorities and labor shortages).  
It is also possible to assess one's inadmissibility directly on the *Arrima* portal.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (RSWP) (continued)

Under Article 45 of the Quebec Immigration Act and Article 30 of the Act to increase the socioeconomic prosperity of Quebec and adequately meet the labor market needs through successful integration of immigrants, decisions to invite individuals to submit a permanent selection application are public.

After receiving an invitation, the immigrant must complete and submit the permanent selection application form. Following the invitation, a 30-day period is given to submit the application as well as to pay the fees related to the examination of the application.

The information already entered in the declaration of interest will be automatically transcribed into the permanent selection application. However, some information will need to be verified, added or clarified. In addition, some additional documents will need to be submitted after the permanent selection application to support the application.

The immigrant will receive a request to obtain an attestation of learning about democratic and Quebec values, and has a maximum of 60 days (after submitting the application) to obtain the attestation.



## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Regular Skilled Worker Program (PRTQ) (continued)

The deadline for submitting documents by mail is 60 days. They must be properly completed, written in French or English (or accompanied by a translation in one of these two languages), signed by the person and submitted within the required timeframe. If the required format is not respected or if the documents are incomplete, you will receive a letter indicating that you have 60 days to submit them. After this deadline, your application will be rejected.

Once the documents are received by the Ministry, the application is examined. Fees are also required for the examination of a permanent selection application, which are adjusted annually. As of January 1, 2021, the fees are \$822 for the principal applicant, \$176 for the spouse or common-law partner, and \$176 for each dependent child.

Following the permanent selection application, the applicant has a maximum of 30 days to pay the fees. The fees must be paid in Canadian dollars, but not necessarily by the principal applicant, and are non-refundable regardless of the decision. The fees can be paid online with a credit card, or by check or money order. The fees change every January 1st. The processing time for a duly completed and paid application is 6 months. This period begins when the Ministry receives the permanent selection application, supporting documents, and payment of the examination fees. The processing time may be longer if an interview with the immigrant is scheduled.

## IMMIGRATION &amp; REFUGEES

**7. IMMIGRATION PROGRAMS FOR QUEBEC  
SKILLED WORKERS**Regular Skilled Worker Program (RSWP) (continued)

Decision (III) If the person is selected, since they meet all the program requirements without needing an interview, they will receive their Quebec Selection Certificate (CSQ) and the certificate for accompanying family members. The selected person will also receive information about the next steps in the immigration process.

If the application is refused, a letter will be sent explaining the reasons for refusal. A refusal can be sent if the person does not meet all the program requirements, did not submit all required documents within the given timeframe, or did not submit anything to the Ministry. If this is the case, the person can provide a justification for the delay or documents that could allow them to meet the missing requirements to be part of the program. If the immigrant does not respond within the requested timeframe, the application will be refused. If they respond within the timeframe, the application will be reconsidered, and a second response will follow (acceptance or refusal).

If the application is rejected, a letter will be sent to the applicant. Rejected applications may come from the Ministry's doubt regarding the authenticity of certain statements or documents provided, misleading information, or false documents submitted, a lack of convincing evidence to dispel the reasons for rejection communicated following a refusal, or the immigrant's absence on the scheduled interview date. It is also possible to add or remove family members after submitting the permanent selection application. Family members include a spouse or common-law partner and one or more dependent child(ren). To do so, a new permanent selection application form must be filled out and additional fees must be paid, in addition to any necessary documents. Once the Quebec Selection Certificate is obtained, the person can continue their immigration process for Quebec.

## IMMIGRATION &amp; REFUGEES

**7. IMMIGRATION PROGRAMS FOR QUEBEC  
SKILLED WORKERS**Quebec Experience Program (PEQ).

Program Description (I) : The Quebec Experience Program is currently the most popular pathway for all immigrants wishing to obtain a Quebec Selection Certificate (CSQ). Indeed, the PEQ stands out from the regular skilled worker program for several reasons. First of all, unlike the regular Skilled Worker Program discussed earlier, the PEQ does not rely on a points-based system to evaluate the candidate, and the conditions for obtaining the CSQ are generally more flexible compared to this program.

In addition, the PEQ is exclusively for people who have acquired work experience or obtained an eligible diploma in Quebec. Therefore, you must have already lived as a temporary resident in Quebec in order to apply for this program. However, note that individuals interested in this program can return to their country of origin after their stay in Quebec and submit their CSQ application via the PEQ from abroad. There is no obligation to wait for your CSQ and permanent residency in Quebec.

There are two streams:

- Quebec Skilled Worker Stream
- Quebec Graduate Stream

Note! The PEQ has undergone a significant overhaul in recent months. Previously, skilled workers only had to demonstrate 12 months of work experience in any type of job, and students only needed to obtain an eligible diploma, and no work experience was required for them.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Programme de l'expérience québécoise (PEQ) (continued)

Selection Criteria (II) It is very important to ensure that candidates meet the selection criteria before submitting the application, in order to avoid an immediate refusal. For example, for a worker who must complete a certain number of hours of work in Quebec, they can only submit their application once the required number of months has been reached, and not before.

As mentioned earlier, there are two streams: the graduate stream and the skilled worker stream. Some of the selection criteria are common to both streams.

A. Candidates in both streams, graduates and skilled workers, must in particular demonstrate:

Having met the conditions of their temporary stay in Quebec (either the conditions related to their work or study permit);

Having the intention to settle in Quebec to take up employment;

Being 18 years of age or older;

Having an oral French language proficiency equivalent to level 7 of the Quebec Scale of French Proficiency Levels for Adult Immigrants;

For common-law spouses or spouses of candidates, an oral French language proficiency equivalent to level 4 of the Quebec Scale is necessary.

Being legally in Quebec when submitting the application or abroad;

Being able to prove their financial autonomy.

IMMIGRATION & REFUGEES

**7. IMMIGRATION PROGRAMS FOR QUEBEC  
SKILLED WORKERS**

Quebec Experience Program (PEQ) (continued)

B. In particular, Quebec graduates must demonstrate:

Have resided in Quebec for at least half of their study program. Have obtained an eligible diploma; The program must have been completed full-time in Quebec and the diploma must have been obtained within 36 months prior to submitting the CSQ application; To be eligible, the diploma obtained must be from the following list: Bachelor's degree (undergraduate level); Master's degree (including MBA); Doctorate; Technical college diploma (DEC); Vocational diploma (DEP) with a training duration of 1,800 hours or more; Vocational diploma (DEP) followed by an attestation of vocational specialization (ASP) with a continuing training duration of 1,800 hours or more leading to a specific trade.

Have acquired eligible work experience in Quebec following their studies; With the exception of certain programs such as DEP (which requires 18 months of experience), it is generally necessary to have paid work experience obtained after completing the study program: Of at least 12 months; Performed full-time; In a job at skill level 0, A, or B of the National Occupational Classification. If the job is at skill level C or D, unfortunately it is not eligible under the Quebec Experience Program; Furthermore, to be eligible, graduates must be employed full-time in a job at the same skill level 0, A, or B of the NOC at the time of their application. This job does not have to be related to their field of study.

## IMMIGRATION & REFUGEES

### **7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS**

#### Programme de l'expérience québécoise (PEQ) (continued)

To summarize, graduates from Quebec must, in most cases, have obtained an eligible degree and legally worked in Quebec, full-time, for at least 12 months, and have held a job of skill level O, A, or B of the National Occupational Classification (which necessarily means a skilled job).

C. In particular, skilled workers from Quebec must demonstrate:

To be eligible for the Programme de l'expérience québécoise, the jobs that applicants have held must:

Correspond to a skill level O, A, or B profession in the National Occupational Classification (as with the Quebec graduates stream); Have been held legally;

Have been full-time (a minimum of 30 hours paid per week);

Have been remunerated.

To be eligible, applicants must also hold a job that meets these criteria at the time they submit their application and for at least 24 of the 36 months prior to submitting their application. Part-time work periods cannot be considered in the Programme de l'expérience québécoise. Work experiences that are not continuous may be considered in the application if they were carried out full-time.

To summarize, skilled workers must have legally worked in Quebec, full-time, for at least 24 months, and have held a job of skill level O, A, or B of the National Occupational Classification (which necessarily means a skilled job).



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## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Programme de l'expérience québécoise (PEQ) (continued)

Procedure to follow (III)

All applications for a CSQ through the PEQ must be done online, through the Arrima platform of the Ministry of Immigration, Francization and Integration. Therefore, candidates will need to create an account on this platform to upload their application.

The two components of the PEQ lead to two distinct forms: Candidates from the temporary foreign worker component must fill out the Permanent Selection Application Form for the Quebec Experience Program (PEQ) - Temporary Foreign Worker, available in PDF format on the MIFI website. Candidates from the Quebec Graduate component must fill out the Permanent Selection Application Form for the Quebec Experience Program (PEQ) - Quebec Graduate, available in PDF format on the MIFI website.

Make sure to date and sign all forms and declarations. Keep all documents that you submit to the Ministry of Immigration, Francization, and Integration. Electronic signatures are not accepted. In addition to these forms, candidates must ensure that they provide all other requested documents (proof of employment, pay stubs, diploma, family information, etc.). Once the application is ready to be submitted, candidates must ensure that they pay the fees.

The average processing time for a complete application is normally estimated at 6 months. If your application is incomplete or if you need to have an interview, the processing time may be longer.

## IMMIGRATION & REFUGEES

# 7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS

### Steps to Facilitate Your Integration into Quebec Society after Receiving the CSQ

After obtaining your Quebec Selection Certificate (CSQ), you must continue your immigration procedures with the federal government. Additionally, there are certain steps you must take to facilitate your integration into Quebec society.

Here are some of the steps you should take:

- Register with Accompagnement Québec, the integration service for immigrants.
- Consult the guide Settling and Integrating in Quebec.
- Improve your French by taking online French courses offered by the Quebec government.
- Begin the process of having your foreign-acquired competencies recognized.
- Register with the Quebec Job Platform after receiving an invitation to do so. On this platform, you will be able to:
  - Start a job search;
  - Browse job offers;
  - Post your resume;
  - Apply for jobs online.



## IMMIGRATION & REFUGEES

### **7. IMMIGRATION PROGRAMS FOR QUEBEC SKILLED WORKERS**

#### Understanding the difference between selection by Quebec and admission by Canada

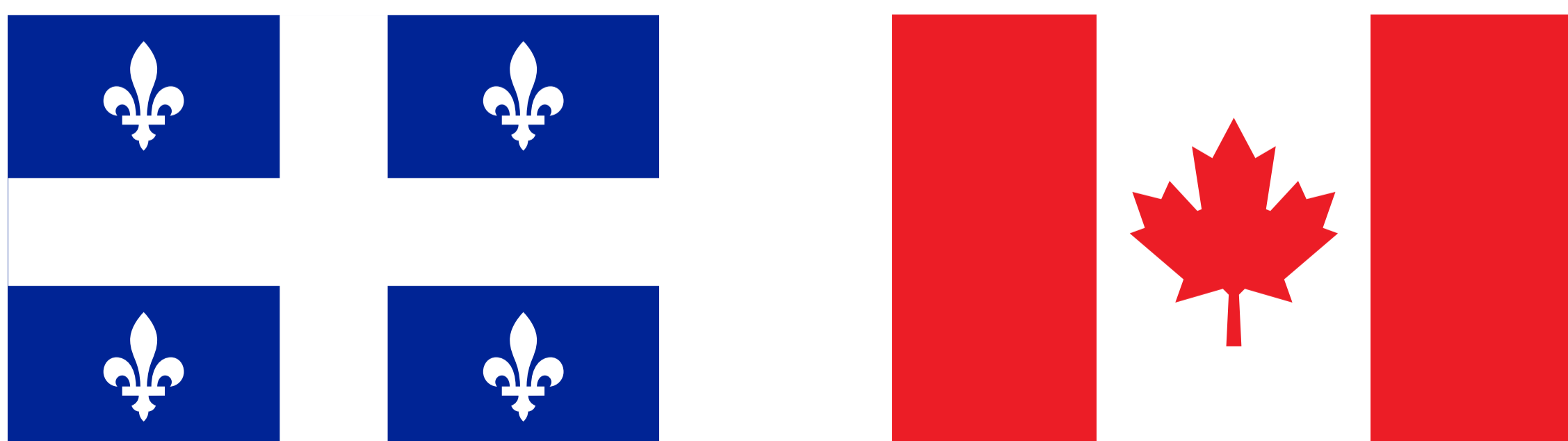
Quebec has a different agreement with the Canadian government regarding immigration. For economic immigrants, Quebec has its own rules that allow it to choose people who will adapt more easily to life in the province.

Thus, the skilled worker who wishes to immigrate to Quebec must go through 2 steps:

(1) Submit a Quebec Selection Certificate (CSQ) application to the Quebec government. Quebec will evaluate the application according to its own rules. The certificate shows that Quebec has accepted the immigrant.

(2) Submit a permanent residence application to Immigration, Refugees and Citizenship Canada.

To immigrate to Quebec, you and your family must meet the requirements of both governments.



## IMMIGRATION & REFUGEES

# 8. SPONSORING A REFUGEE

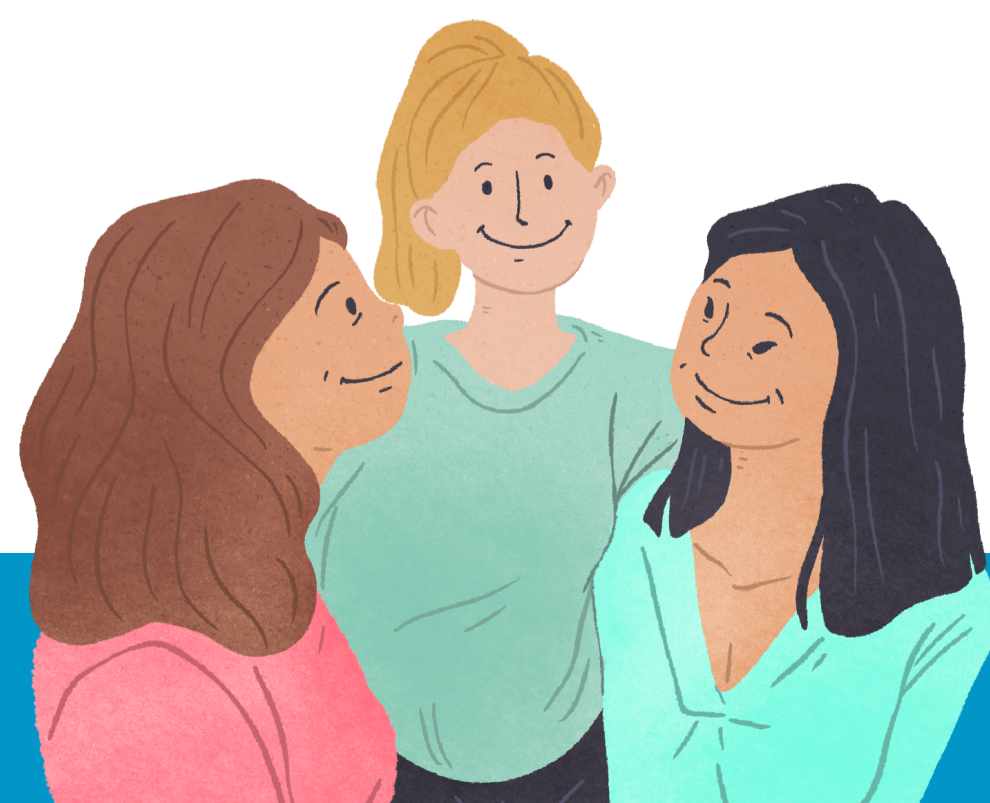
The Refugee Abroad Program allows certain individuals to sponsor a refugee abroad and their accompanying family members.

To do so, sponsors must submit a demand to the **Ministère de l'Immigration, de la Francisation et de l'Intégration** during an intake period for this program. This means that for Quebec-bound sponsored refugees, the application must first be submitted to the Quebec Ministry of Immigration, not its federal counterpart.

The undertaking that sponsors sign is a **12-month contract with the Quebec government** that binds them to the person they are sponsoring. In effect, sponsors become guarantors of the refugee, which gives them a certain list of duties and responsibilities.

A group of 2 to 5 individuals or a legal entity (which must be a non-profit organization, such as a refugee NGO) may sponsor a refugee.

For groups of 2 to 5 people, each member of the group must be a Canadian citizen or permanent resident; a resident of Quebec; and 18 years of age or older.



## IMMIGRATION & REFUGEES

# 8. SPONSORING A REFUGEE

↪ First, each member must have met its financial obligations. This means that each member of the group must, if it has already made a commitment or commitments to refugees, demonstrate that it has met its financial obligations or, if applicable, reimbursed to the government of Quebec or another province any amount paid to them as last resort financial assistance (social assistance).

↪ Secondly, each member must have the required financial capacity. This means that each member of your group must demonstrate that they have [sufficient income](#) to meet their commitment.



↪ Third, each member must not be under a removal order or in detention. No member of your group must be under a Canadian government removal order or be detained in a penitentiary or prison.

↪ Fourth, each member must not have committed an offence against the person. No member of your group must have been convicted, in Canada or abroad, of murder or an offence under Schedule I or II of the [Corrections and Conditional Release Act](#), including a sexual offence; an offence causing bodily harm; or an offence against a family member. If this is the case, the person must have been acquitted, rehabilitated or have completed their sentence for at least 5 years before applying.



## IMMIGRATION & REFUGEES

# 8. SPONSORING A REFUGEE

- ↪ Fifth, each member must have made their maintenance payments, if any. If a group member is paying maintenance after a formal judgement, he or she must have complied with his or her obligations over the past 5 years. If not, they must have repaid any amounts owed.
- ↪ Finally, each member must not receive financial assistance of last resort (social assistance). No member of the group shall receive financial assistance of last resort, unless such assistance is given because of age or a disability that creates severe, permanent or indefinite barriers to employment.

As for the legal entity, it must demonstrate that it meets five conditions:

- it must be legally constituted;
- it must have been in operation for at least two years;
- it must not be a political party;
- it must have met its financial obligations;
- it must demonstrate its financial capacity. If the organization has previously made commitments to refugees, it must have fulfilled its financial obligations or, if applicable, reimbursed the Quebec or other provincial government for any amount paid to them as last resort financial assistance (social assistance). In addition, the organization must have registered charitable status (only for applications for undertakings submitted after August 17, 2022) with the CRA, and meet the conditions that apply to each officer, representative and member of its board of directors.

## IMMIGRATION & REFUGEES

# 8. SPONSORING A REFUGEE

Let's look at the criteria that the sponsored person must meet.

The person you wish to sponsor must be recognized as a refugee under the **United Nations Convention** Relating to the Status of Refugees or as a person of asylum. The Government of Canada is responsible for determining whether a person is recognized in one of these two categories.

If the person is considered a refugee; The person must be outside their country of nationality (if they do not have a country of nationality, they must be outside their country of habitual residency). In addition, he or she must have a well-founded fear of persecution because of his or her race; religion; nationality; membership of a particular social group; or political opinion.

As a result of this fear, he or she is unwilling or unable to seek the protection of his or her country of nationality or residency; or to return to his or her country of nationality or residency.

Finally, the person must be in a situation where no durable solution is feasible within a reasonable time.



IMMIGRATION & REFUGEES

## 8. SPONSORING A REFUGEE

If the person is considered a refugee and is in a country of asylum.

The person must be outside Canada AND outside the country of nationality or habitual residency.

In addition, while in their country of nationality or habitual residency, the person must have suffered and continue to suffer the serious and personal consequences of civil war; armed conflict; or massive human rights violations.

The person must also demonstrate that he or she is unable or unwilling, because of fear related to these serious personal consequences, to seek the protection of his or her country of nationality or residency; or to return to his or her country of nationality or residency. Finally, the person must be in a situation where no durable solution is achievable within a reasonable period of time, and be the subject of an undertaking (collective sponsorship).



## IMMIGRATION &amp; REFUGEE

## 8. SPONSORING A REFUGEE

Let us now look at the steps to follow in order to submit an application.

First of all, it is necessary to designate a spokesperson. You must designate a spokesperson who will communicate on your behalf with the Ministère de l'Immigration, de la Francisation et de l'Intégration.

For groups of 2 to 5 individuals, this person is chosen from among your members. Even if you designate a spokesperson, all the members of your group must make a joint commitment to the refugees you wish to sponsor and complete and sign the application form. You are all responsible for meeting the obligations of the other members in your undertaking.

For legal entities, this person is designated by resolution of the Board of Directors.

Thereafter, the application must be submitted during the application acceptance period. As an indication, for the year 2023, applications must be submitted between 9 May 2023 and 6 June 2023.

To do so, the applicant must [create an account on the Arrima platform](#), as no paper applications will be accepted.




## IMMIGRATION & REFUGEES

# 8. SPONSORING A REFUGEE

Finally, we now turn to the **responsibilities and obligations of guarantors**

In terms of financial obligations for individuals, you will need to demonstrate that you have sufficient financial capacity when submitting your application for commitment. Specifically, each member of your group must demonstrate that they have the income required to support their own family. In addition, your group must also demonstrate that it has the additional income required to support the person you are sponsoring and their accompanying family members. You can use the Financial Capability Self-Assessment Grid based on Canadian source income for a group member of 2 to 5 individuals to assess your financial capability. This should be used as a guide only.

For the financial obligations for legal persons, you must demonstrate that you have the annual amounts required to meet the basic needs of the person you are sponsoring and their accompanying family members. These amounts are constantly updated and should be consulted directly with the MIFI via this [link](#). Finally, with regard to support for the integration process 

The sponsors will have to provide the necessary support in their settlement and integration process; but also provide the necessary support to access public services and participate in community life.



IMMIGRATION & REFUGEES

## 8. SPONSORING A REFUGEE

For legal entities, your spokesperson must submit your legal entity file on the Arrima platform before your applications. This file must contain [all the documentation](#) specific to your organisation.



You do not have to complete this step if you are a group of 2 to 5 individuals.

Then, if the application in question is drawn at random from all the applications submitted. You will then have to prepare, among other things, to submit the financial statements (for legal entities only) for your last 2 years of operation. These must be compiled (with a notice to reader); or examined (with a review engagement report); or audited (with an audit engagement).

In addition, your financial statements must be accompanied by notes, which must detail the composition (value, source and purpose) of the main items in the assets, liabilities and income statement, including cash, accounts receivable, loans, income from activities, investments, donations and interest income.



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### Apply for citizenship

#### *Who can apply for citizenship*

Les personnes qui veulent demander la citoyenneté doivent respecter un certain nombre de critères :

#### 1. Become a permanent resident

Permanent resident status is required to obtain Canadian citizenship. Therefore, individuals who are undergoing an examination (either for reasons of fraud or related to immigration), individuals subject to removal measures (an order to leave the country given by Canadian authorities), or individuals who have not met all the requirements for permanent residence (such as not having completed a medical or language examination) are not eligible to obtain citizenship.

It should be noted that it is not necessary to have a valid permanent resident card on the day of submitting the application. A holder of an expired permanent resident card can still submit an application.




## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP


### Apply for citizenship (continued)

2. Living in Canada for at least 3 years in the 5 years before the application is submitted.

Individuals who wish to obtain their citizenship must have resided in the country for a minimum period of 3 years, or 1,095 days, in the 5 years preceding the date of the citizenship application. It is recommended to apply some time after the 1,095th day spent in Canada in order to avoid any issues related to the calculation.

\*Covid-19\* Days spent outside of the country due to special health measures or isolation required by authorities will not be counted as days spent in Canada. Therefore, it is important to ensure that the requirement of 3 years of actual presence in the country is met. [For more information on the impact of Covid-19 on obtaining citizenship](#) 

The eligible days for this period include those spent either as a temporary resident or as a protected person. However, days spent outside of Canada are included for Crown servants or members of a Crown servant's family.

It is strongly encouraged to use [the online calculator](#) for calculating the period of actual presence in Canada in order to facilitate this process. 

## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### Apply for citizenship (continued)


3. If applicable, producing an income tax return.

It is possible that the applicant may be required to provide income tax returns for the 3 years spent in Canada prior to the date of the citizenship application. Therefore, individuals who are required to pay taxes, seeking a refund, or wanting to receive benefit payments must file an income tax return. For more information



4. Having passed the citizenship exam.

Individuals aged 18 to 54 on the day of signing the citizenship application must demonstrate their ability to speak and understand either English or French. There are several methods available to measure language proficiency, including an exam based on evidence submitted with the application, an assessment of communication skills through conversation with a citizenship officer during the citizenship process, or an evaluation of language proficiency level in an interview with a citizenship officer, if applicable.

 The required level to become a citizen is Canadian Language Benchmark level 4 or higher (CLB). At this level, the citizen can engage in short, everyday conversations on common topics, understand basic questions, directions and instructions, use basic grammar, including verb tenses and simple structures, and know common words and expressions to answer questions and express themselves in either language.

## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### 5. Proving a certain level of language proficiency

An citizenship exam is required for individuals who are between 18 and 54 years old on the day they sign the application. The exam questions cover Canadian rights and responsibilities, history, geography, economics, government, laws, and symbols.

The exam can be taken in English or French and lasts for 30 minutes. The passing grade is 75%, which is 15 questions out of 20 answered correctly. The questions are presented in true or false format and multiple-choice questions, and are based on the official guide for citizenship (Discover Canada). The exam is generally in written form but may be oral in some cases.

 The following [link](#) may be useful when preparing for the exam

#### \*Prohibitions\*

Some individuals may not be eligible for Canadian citizenship, including those who have been convicted of a crime in Canada or abroad. In such cases, it is possible that a ban may be issued for a certain period of time. Additionally, time spent serving a prison sentence does not count towards the required residency period in the country. [For more information](#)



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### Online application

It is now possible, and encouraged, to apply for citizenship online, but eligibility is required to complete the process online. Individuals who have submitted a paper application should not submit a second online application, as the paper application is being processed. It is possible to apply online in the following cases:

- Being eligible to apply for Canadian citizenship;
- Having a valid email address;
- Being at least 18 years old at the time of application;
- The application is for one person only, not for a family;
- Time spent outside of Canada as a Crown servant or family member does not count towards the calculation of the effective time spent in the country.

If any of the criteria is not met, a paper application will be the only accepted way. An individual who is not a permanent resident must also submit a paper application.



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

Paper application

### 1. Choosing the application package

The first step required to submit a paper application is to obtain an application kit. This includes the instruction guide as well as all the necessary forms to fill out. There are several application kits available for different situations:

- ✦ • Adult (18 years or more)
- Parent or tutor applying in the name of the child (under 18 years)
- Minor child without canadian parents applying alone
- Adult who served in the Canadian Armed Forces
- Person adopted by a canadian citizen
- Stateless person born to a canadian parent

### 2. The payment of fees

The fees vary depending on the age of the person listed on the application. The fees include processing fees as well as citizenship fees. It is possible to pay the fees in one lump sum for multiple people applying at the same time. The fees are payable online and must be paid when the person is ready to submit their application. Finally, the receipt of payment must be attached to the citizenship application.

To pay the fees online ✦



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## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### 3. Application submission

It is important to sign and date the application form on the day of signature, not with a past or future date. The date on the application form and on the copy of the results of the calculation of the effective presence period must be the same. However, the printout of the Effective Presence Calculator online (or the form CIT 0407) does not have to be signed.

The completed application form should be sent by regular mail or courier service along with all the documents indicated on the checklist. The application should be sent as soon as possible after signing and dating the application form. It should be noted that an application dated more than 3 months (90 days) at the time of receipt will be returned.

If applications for multiple individuals are to be processed together, you may place all forms and documents in the same envelope. Applications sent in separate envelopes will be processed separately.

Applications sent by regular mail must be sent to the address available on the government website. As the address may change from year to year, it is recommended to verify that the address is correct at the time of sending.




## IMMIGRATION & REFUGEES

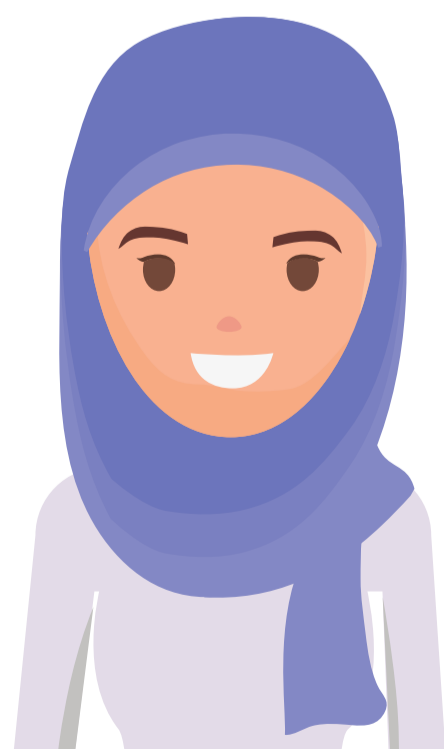
# 9. CITIZENSHIP

### 3. Application submission (continued)

In certain special cases, it is possible to process urgent applications more quickly. To request expedited processing, the applicant must be in a situation that requires a quick response:

- Canadian citizenship is necessary to apply for a job, avoid losing a job, or attend a school.
- The person needs to leave the country due to a death or serious illness of a family member and is unable to obtain a passport from their current citizenship country.
- The Federal Court has made a decision that grants an appeal regarding a previous citizenship application.

[For more information on urgent processing](#) 



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### Citizenship test and interview

*Who must take the test and attend the interview*

#### Individuals involved

Depending on the age and type of application, individuals will be required to take either a test or an interview, or both.

Individuals who must take the test are adults between 18 and 54 years old. Individuals who must attend an interview are adults between 18 and 54 years old, adults aged 55 and over, and minors between 14 and 17 years old who do not have a Canadian parent or a parent who is applying at the same time. It is also possible for minors to be called for an interview on specific issues. In this case, both the minor and the person submitting the application must be present.

#### Examen content and preparation

The exam is designed to test knowledge of Canada and consists of 20 questions. The questions cover the rights and responsibilities of Canadians, as well as the history, geography, economy, government, laws, and symbols of Canada.

The exam questions are based on the official study guide for the citizenship exam : Discover Canada – The Rights and Responsibilities of Citizenship

## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

The study guide for the citizenship exam is available for free and can be accessed for online reading, listened to in MP3 format, downloaded as a PDF or eBook, or ordered as a physical copy. The exam can be taken in either English or French and lasts 30 minutes, consisting of 20 multiple choice or true/false questions. The passing grade is 15 correct answers out of 20.

An immigration officer may decide on the day of the exam that it will be conducted orally rather than in writing. This decision is based on several factors, such as difficulty reading and writing in either language. The oral exam is conducted in person with an immigration officer. Typically, the oral exam takes place between 4 to 8 weeks after the date of the initial exam.

### The date of the exam and interview

The person submitting a citizenship application may be scheduled for the exam within weeks of receiving the acknowledgement of receipt for the application. A notice indicating the date, location, and time of the exam will be sent approximately one or two weeks prior to the exam.

If it is not possible to attend the date and time of the appointment indicated in the notice, it is necessary to communicate to indicate the reason and to obtain a new appointment. It is possible that in the absence of a valid reason or justification, the processing of the application may be stopped. If a new exam date is set, an email indicating the date and time of the new exam will be sent by email or by mail.

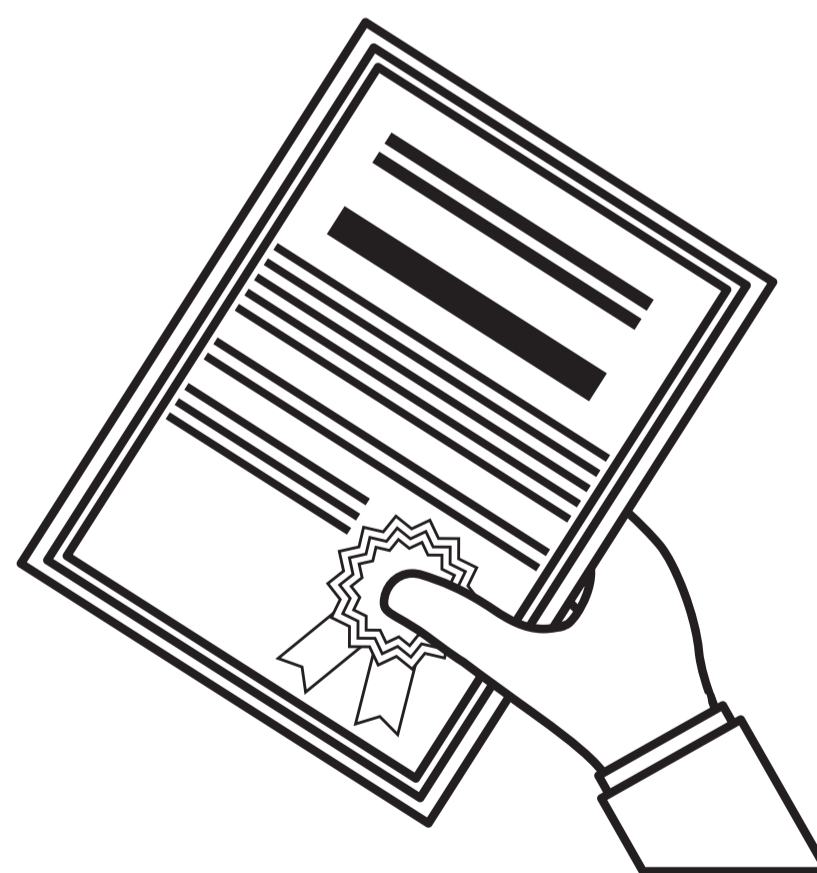
## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### What to bring during the exam

The following items should be brought to the citizenship exam :

- The notice of the citizenship test;
- If applicable, the permanent resident card (PR card);
- Two pieces of personal identification (driver's license, health card);
- All current and expired passports and travel documents listed on the application form;
- A certificate, diploma, or transcript that demonstrates language proficiency in French or English (for individuals between the ages of 18 and 54 at the time of application);
- Any other document requested in the notice of convocation.



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### After the exam

After the exam, a citizenship officer will conduct an interview with the person. If the exam is passed, the officer will provide the results. The officer may also verify language abilities (for those between 18 and 54 years of age) and review the original application and documents. They may also ask questions about the application and confirm that the person meets all the requirements to obtain the citizenship.

If the exam is successfully passed and all citizenship requirements are met, the date of the ceremony may be communicated along with the exam results. Otherwise, an email will be sent shortly after to specify the date and time of the ceremony.

If a person fails the written citizenship exam but meets all other citizenship requirements, a second exam appointment will be scheduled, usually within 1-2 months of the first attempt. If the second attempt is also unsuccessful, the individual will be required to attend a hearing with a citizenship officer. This hearing can take place in person or via video conference, lasts between 30 and 90 minutes, and serves as an evaluation of requirements related to Canadian citizenship such as knowledge of the country and/or language skills. An application will be refused after 3 failed attempts.



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IMMIGRATION & REFUGEES

## 9. CITOYENNETÉ

### Oath and citizenship ceremony

\*Covid-19\*

Due to the pandemic, all in-person citizenship ceremonies have been cancelled. For those affected, a communication will be sent to plan a virtual oath-taking ceremony, conducted via video.

The taking of the oath represents the final step in obtaining Canadian citizenship. Ceremonies can take place anywhere in the country and throughout the year. Special ceremonies are held on Canada Day (July 1st) and during Citizenship Week (usually in May).

Individuals who must take the oath are those who are 14 years of age or older. The citizenship certificate of minor children who are 14 years old or younger is sent to their parents, but the children are not required to attend the ceremony.

If the scheduled date for the citizenship ceremony does not work for you, it is possible to send a message explaining the reason. However, a reason deemed invalid may result in the application being discontinued, preventing access to citizenship. If the reason is considered valid, a new ceremony date will be scheduled, and an email will confirm the new date and time.

Please note that you are required to remain in the room throughout the entire duration of the ceremony. If you have a young child accompanying you, another adult must be able to take them out of the room if they become disruptive or unsettled. If you are unable to find someone to watch the child, you may request a rescheduling of the ceremony date.

## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### To bring

Don't forget to have with you during the ceremony:

- The notice of ceremony;
- A signed copy of the consent form (included in the notice);
- If applicable, the permanent resident card (even if it has expired) or the confirmation of permanent residence (form IMM5292 or IMM5688);
- The Record of Landing (IMM 1000) if the date of landing is before June 28, 2002;
- Two pieces of personal identification (ID), such as a driver's license or a health insurance card;
- All passports and travel documents, current and expired, that are listed on the application form;
- If desired, a holy book of your choice to use when taking the oath of citizenship.



## IMMIGRATION & REFUGEES

# 9. CITIZENSHIP

### Ceremony proceedings

During the ceremony, the person recites the citizenship oath, receives the citizenship certificate, signs the Oath or Affirmation of Citizenship form, and sings the Canadian national anthem.

A judge or citizenship officer will preside during the ceremony, and usually, several people become citizens at the same time. The presiding officer will lead the group in reciting the citizenship oath in both English and French. Although it is optional, it is encouraged to recite the oath in both languages. The new citizens will receive their citizenship certificate and will be asked to sign the Oath or Affirmation of Citizenship form. The national anthem will also be sung, and it is possible to sing it in both languages.

Individuals who wish to reference their religious beliefs may do so through an oath, while the solemn affirmation is for those who do not wish to reference a sacred text. The person becomes a Canadian citizen after taking the oath of citizenship. The citizenship certificate serves as proof of this status. It is important to keep this certificate in a safe place.

### The Oath and national anthem

After the ceremony, it is possible to enjoy several services for citizens, such as applying for a passport and registering to vote.





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IMMIGRATION & REFUGEES

## **10. LEGAL AID**

### What is legal aid?

It is a public legal service that enables thousands of Quebecers to access justice and have their rights recognized each year. In fact, around 250,000 legal aid applications are processed annually. This service is offered free of charge or with a contribution to financially eligible persons who apply for it.

### Who can benefit from legal aid?

#### Free option (A)

Access to legal aid, unlike many government services, is not based on a person's status in Canada, but rather on their financial situation.

To be eligible for free legal aid, the applicant's personal situation must meet the criteria established under the Act respecting legal aid and the provision of certain other legal services and the Regulation respecting legal aid.

These criteria include:

- Annual income (all sources of income: CSST, tips, etc.)
- Family situation (spouse, children, etc.)
- Value of certain assets (home, RRSPs, etc.)
- Liquidity (savings, investments, etc.)

## IMMIGRATION & REFUGEES

# 10. LEGAL AID

Furthermore, any person who receives social assistance or social solidarity benefits (other than special benefits) under a last resort financial assistance program provided for in the Act respecting financial assistance to persons and families, or who is a member of a family that receives such benefits, is automatically eligible for free legal aid.

It should be noted that the [eligibility thresholds](#) for legal aid are indexed on May 31st of each year.



### [Contribution-based program \(B\)](#)

Through the contribution-based program, an eligible person can receive legal services for a financial contribution ranging from \$100 to \$800, depending on their situation. This program allows for the advance knowledge of the costs related to legal needs.

The contribution must be paid within 15 days of the date of issuance of the eligibility certificate, but the payments can be spread over a maximum period of 6 months if authorized by the general director of the legal aid center.

To see the eligibility thresholds, please refer to the [relevant guidelines](#).



The financial contribution can be made in several payments and may also be partially reimbursed if the costs associated with the requested service are lower.

## IMMIGRATION & REFUGEES

# 10. LEGAL AID

### How does legal aid work and how to make a demand?

To apply for legal aid, you can follow these steps:

1. Schedule an appointment by phone with the legal aid office closest to your residency.

2. During the appointment, your eligibility will be checked by providing information on your financial situation, including income, assets, and liquidity, as well as that of your family members.

3. The legal aid application must be signed, committing the beneficiary to:

- Promptly inform the director of their legal aid office of any changes in their or their family's situation that could affect their legal aid eligibility.
- Promptly inform the director of their legal aid office of any assets or rights of a pecuniary nature obtained after receiving legal aid services.
- Repay legal aid costs in cases provided for by law and regulations, if applicable.
- Pay foreseeable actual costs and administrative fees, if applicable.
- Notify of any change of address.

4. Two additional documents must be signed:

- A declaration confirming that the information and documents provided are accurate.
- An authorization allowing the director of the legal aid office to verify the information provided with the Ministry of Revenue, another ministry, an agency, an employer, or a financial or educational institution.

### Information and documents required

When meeting with the lawyer for the first time, the person seeking legal services should have the following information and documents on hand:



## IMMIGRATION & REFUGEES

# 10. LEGAL AID

### Additional information for the case:

- Proceedings;
- Demand letters;
- Summonses;
- Contracts, etc.

### Personal information:

- Name;
- Address;
- Date of birth;
- Social insurance number;
- Names and birth dates of family members;
- Proof of school attendance for an adult child, if applicable.

### Proof of income for the previous year or current year, as applicable:

- Name and address of the source of income;
- Recent pay stub;
- Unemployment benefits stub;
- Commissions;
- Tips;
- Income tax returns for the previous year and notice of assessment; financial statements (business income);
- Rental income;
- Interest income;
- Received alimony, etc.

### Annualized deductions:

- Alimony paid;
- Childcare expenses paid;
- Tuition fees;
- Expenses related to severe physical or mental disability.

### Assets:

- Income and expenses from renting a property (TP-128 form from Revenu Québec);
- Property: tax bills for all properties, RRSPs, etc.;
- Debts: loans, credit lines, overdue accounts, mortgage balance, etc.;
- Liquidity: bank books, term deposits, investments, stocks, bonds, etc.

## IMMIGRATION & REFUGEES

# 10. LEGAL AID

### What services are covered?

Legal aid granted for:

- Family matters
- Youth protection
- Representation of young people in criminal matters
- Prosecution for criminal acts
- Requests for benefits:
  - Social assistance;
  - Automobile insurance;
  - Employment insurance;
  - Workplace accidents, etc.

Legal aid is sometimes granted for:

- Criminal law, if the case meets the following criteria:
  - Probability of imprisonment
  - Loss of means of subsistence
  - Exceptional circumstances involving the interest of justice
- Administrative, civil, and immigration law, if the case meets the following criteria:
  - Physical or psychological safety at risk
  - Means of subsistence or essential needs at risk
  - Possibility of serious infringement of liberty.



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## **10. LEGAL AID**

Legal aid NEVER granted for:

Special cases:

- Any case involving defamation or libel, in demand only;
- Any case relating to an election, a popular consultation or a referendum;
- Any application based on Chapter II of Title VI of Book V of the Code of Civil Procedure (means of recourse in case of usurpation of functions);
- Any action for damages for unjustified breach of promise of marriage or civil union, in demand only;
- Any action for damages for alienation of affection, in demand only;
- Defenses related to a parking offense.

The role of legal aid lawyer:

Legal services are provided by lawyers and sometimes by notaries. They are either permanent legal aid lawyers or private practice lawyers, depending on the client's choice. The lawyers are mandated to advise their clients and represent them in court.

## IMMIGRATION &amp; REFUGEES

**11. FREQUENTLY ASKED QUESTIONS**Who can apply for restoration of temporary resident status?

Following the loss or expiration of temporary resident status, it is possible to apply for restoration under section 182 of the Immigration and Refugee Protection Regulations (IRPR). The application is made online, except for specific programs that are not covered by the online process.

[Conditions applicable to the applicant](#)[Fees](#)Temporary detention: explanation and rights

Detention is a measure that border officers may use when they have reasonable grounds to believe that a person is not entitled to be in Canada, or to conduct a check on an immigrant entering the country. Therefore, it is possible to be detained upon entry into the country, or border officers may issue a warrant of arrest and detention. Upon entry, detention may be necessary to complete the check, for example if the immigration file is incomplete. It is possible for them to detain foreign nationals or permanent residents at a point of entry. Border officers may also proceed with detention if they believe that a foreign national poses a danger to the public, have doubts about their identity, or have grounds to believe that the person is evading the immigration process and may not cooperate with the investigation process, for example.

## IMMIGRATION &amp; REFUGEES

**11. FREQUENTLY ASKED QUESTIONS**

Detention should only be used as a last resort, after border officers have considered all other possible options. There are several alternative means that have been developed, such as community-based case management programs. Detainees also have the right to access release, either by way of bond or guarantee. A detainee also has the right to have the reasons for their detention reviewed within 48 hours. Furthermore, detention must comply with the Canadian Charter of Rights and Freedoms. A detainee therefore has several rights, including the right to:

- Be informed of the reasons for their detention and to communicate with a CBSA officer;
- Be informed of their right to be represented and to speak with a lawyer in person or by phone, if needed;
- Communicate with a representative of their country's embassy or consulate and non-governmental organizations;
- Receive the assistance of an interpreter if they do not understand or speak the language in which immigration procedures are conducted (French or English);
- Receive medical care;
- Practice their religion.

In addition, minors aged 16 and under should not be detained except in exceptional circumstances. The same rule applies to elderly persons, pregnant women, and persons who are sick, disabled or have mental disorders, unless safety and security are at stake. It should also be noted that detention takes place in Immigration Holding Centres (IHCs). However, there are only three IHCs in the country, one in Montreal, one in Toronto, and one in British Columbia. If detention takes place from a point of entry that does not have an IHC, detention could take place in a provincial correctional facility. This does not mean that the person is in prison, however!

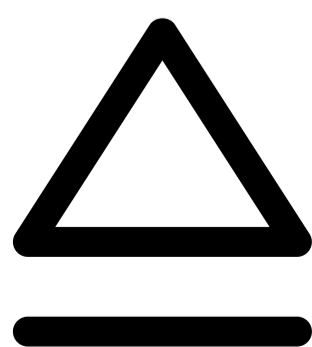


## IMMIGRATION &amp; REFUGEES

**11. FREQUENTLY ASKED QUESTIONS***Steps before being subjected to deportation*

*When one realizes that they have lost their status, appropriate measures must be taken to extend or renew their status, or they may become subject to a removal order. This can apply to anyone who is not welcome in Canada, such as failed asylum seekers, visitors whose visas have expired, immigrants who have been arrested for a crime or whose application is incomplete, etc. Once a person is subject to an enforceable removal order, they must comply with the directive to leave the country.*

*There are three types of removal orders. A departure order requires the person to leave the country within 30 days of its issuance. If they comply with the order, they may attempt to return to Canada as long as their entry is legal and permitted. However, if they do not leave within 30 days, their departure order will become a deportation order. With a deportation order, it is impossible to return to Canada without obtaining an authorization to return from a local visa office. Finally, there is the exclusion order, which prohibits a person from returning to Canada, except with authorization, for one year following its issuance.*



## IMMIGRATION & REFUGEES

### **11. FREQUENTLY ASKED QUESTIONS**

The execution of the removal order can be done voluntarily or forcibly. In either case, the individual must meet with a border officer and confirm their departure from Canada. Failure to attend a pre-removal interview or a removal may result in a warrant for arrest, and detention may be imposed to ensure departure.

The removal order becomes enforceable when the person has exhausted all means of challenging the order. However, it is possible to appeal the decision to the Immigration and Refugee Board of Canada (IRB). It is also possible to ask the Federal Court to conduct a judicial review of the IRB decision.

Several reasons for delay can extend the time before the removal is enforced. It may be possible to make a protection claim, in which case the final decision in response to the claim must be awaited. In addition, if a person is not fit to travel due to health reasons, the execution of the removal must be postponed. It is also necessary to obtain authorization from the country of origin to return, which can cause delays. Some countries do not want to receive their nationals, so delays may be caused by the sending of passports, for example. In a humanitarian crisis, it is also possible to request an administrative deferral of removal, particularly when the situation in the country is unstable. When the situation has stabilized, the deferral will be lifted, and the removal will become enforceable. This measure can be put in place very quickly. There are also temporary deferrals of removals, which stop removals to certain countries where there are dangerous conditions for the civilian population, such as armed conflicts. Currently, this applies to Afghanistan, Iraq, and the DRC. However, these deferrals do not apply to criminals.

## IMMIGRATION & REFUGEES

# 11. FREQUENTLY ASKED QUESTIONS

### Immigration options for victims of domestic violence


If you are threatened or mistreated, seek help. If the situation is urgent, call 911 immediately or contact your local police;

You can contact 1-888-242-2100 for the Ministry of Immigration's customer support center to speak to an agent who will discuss options available to you based on your situation;

Dial 2-1-1 to find community, social, and health services;

In Quebec, the number for domestic violence SOS is 1-800-363 9010. It is a bilingual phone line available 24/7 and is confidential; Delete your internet browsing history when you finish your searches in case your abuser is monitoring your online activity.

### Resources for domestic violence

 [Here's a useful link](#) to a Quebec government website explaining domestic violence, the various forms it can take, and a simple explanation of the cycle of domestic violence:

Help and Safe Houses:

- [Regroupement des maisons pour femmes victimes de violence conjugale](#)
- [Fédération des maisons d'hébergement pour femmes](#)



## IMMIGRATION & REFUGEES

# 11. FREQUENTLY ASKED QUESTIONS

### Temporary Resident Permit

In Canada, it is possible to obtain a Temporary Resident Permit (TRP) under certain circumstances, at the discretion of the immigration officer. It is granted under section 24(1) of the Immigration and Refugee Protection Act. However, it is important to know that this permit is revocable at any time. The TRP grants temporary legal resident status to foreigners.

The TRP can also be granted to the applicant's children if they are in Canada. The initial TRP, if granted, does not have to be paid by the applicant. Afterward, under certain circumstances, it is possible to apply for another TRP at the end of the initial permit. It is also important to note that you are not obligated to testify against your abuser to obtain temporary resident status.

According to the Government of Canada's website, the TRP allows you to:

- Escape from your spouse or partner's abuse;

- Give you time to decide whether you want to leave Canada or consider other immigration options;
- Avoid having to separate from your children in Canada while you decide on your next steps;
- Earn a living without fearing family violence, thanks to a work permit.

You must fill out your TRP application on paper and then send it to an IRCC office. If you send your application and supporting documents by mail, there is no need to go to the office in person. If you want to go to the office, it is important to note that due to the pandemic, you must make an appointment before going.

## IMMIGRATION & REFUGEES

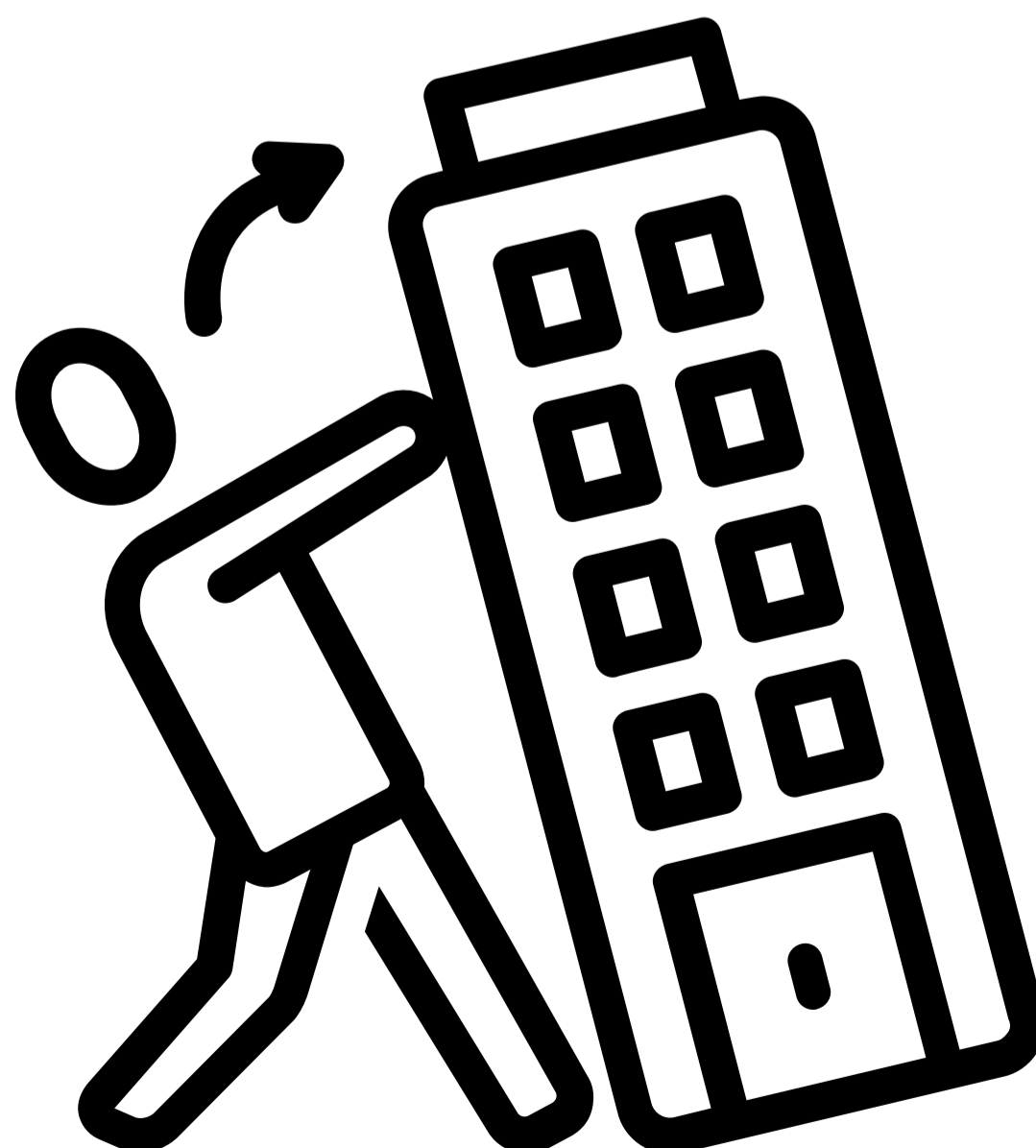
### **11. FREQUENTLY ASKED QUESTIONS**

#### To permanently settle in Canada

Depending on your circumstances, if you are a victim of domestic violence, you may be eligible to apply for permanent residency for humanitarian reasons under section 25(1) of the Immigration and Refugee Protection Act.

#### NOTE:

- It is important to clearly explain your situation in your application;
- Please mark the envelope containing your letter with "VF" to ensure that it is quickly identified.



## IMMIGRATION & REFUGEES


# 11. FREQUENTLY ASKED QUESTIONS

### What does flagpoling means?

The expression "tour du poteau" or "flagpoling" in English refers to the process of leaving Canada and re-entering by land in order to obtain a new status as a temporary resident, such as a renewed study or work permit or to complete the permanent residency process. While it is possible to obtain these same documents directly through the IRCC, flagpoling is often a significantly faster alternative method as the process at the border is done in person. However, it is very important to do so at a border crossing that offers immigration services.

To check the status of your application and know the processing times, you can easily find information on the [government website](#). 

*By using this website and answering a few questions about your application, you will be directed to the steps to check the status of your application.*

- Study permit: [application made online](#) or on [paper](#). 
- Work permit: individuals benefiting from the GCMS will be able to check the status of their application online, using their IRCC account, following the same instructions as for study permits.

IMMIGRATION & REFUGEES

**11. FREQUENTLY ASKED QUESTIONS**

- **Work permits for asylum seekers:** It is possible to see on the government website which applications are currently being processed, based on their date of submission. It is possible to check the status of one's application by logging into their IRCC account, or by linking their application to an IRCC account. It is possible to see on the government website which applications are currently being processed, based on their date of submission. It is possible to check the status of one's application by logging into their IRCC account, or by linking their application to an IRCC account.
- **Other applications in general:** [Click here for more details.](#)



[Processing times.](#)





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# Thank You !



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