

***Temporary public policy to facilitate the granting of permanent residence for certain refugee claimants working in the health care sector during the COVID-19 pandemic***

**and**

***Temporary public policy to grant permanent residence to certain foreign nationals selected by Quebec working in the health care sector during the COVID-19 pandemic***

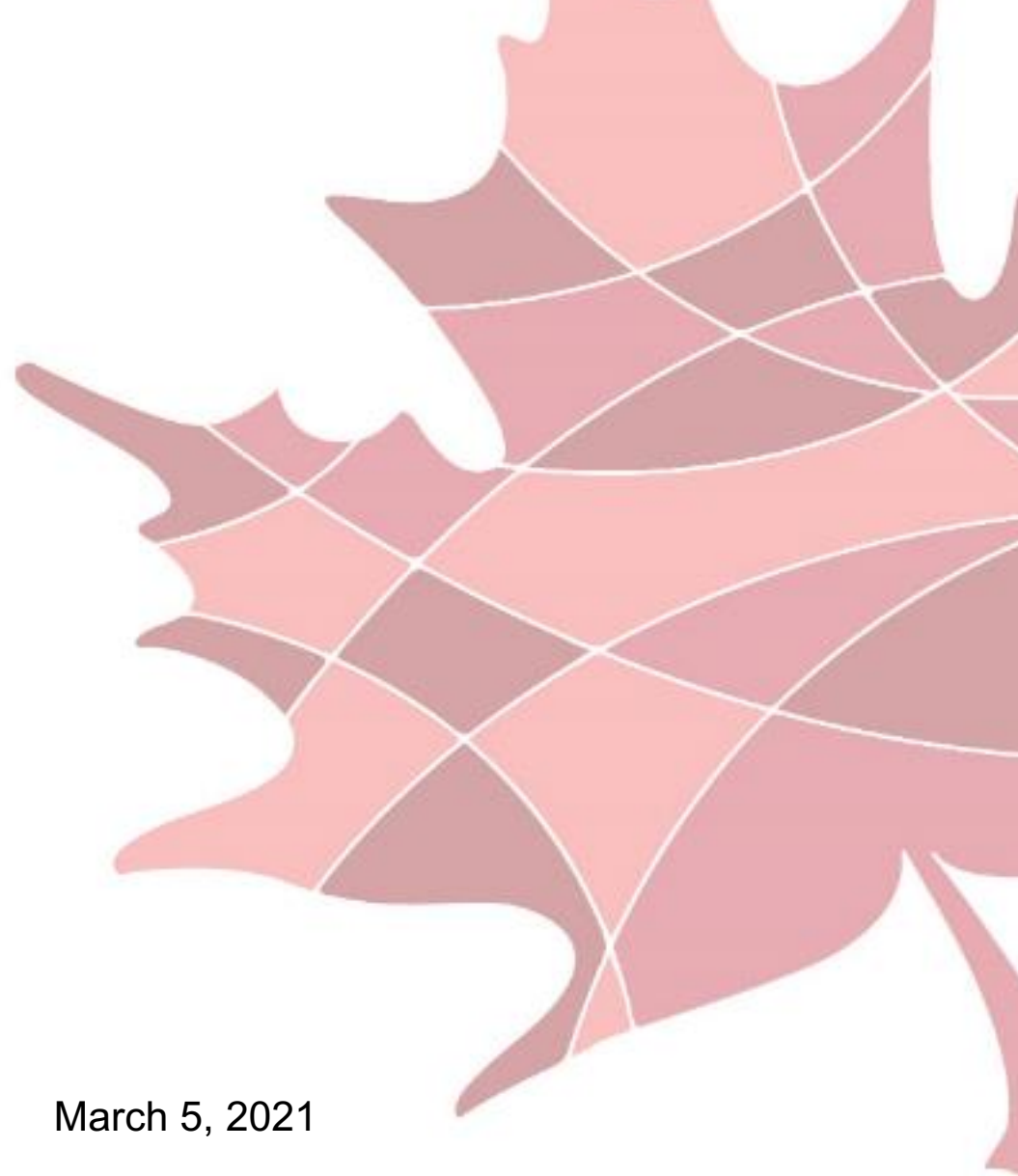
March 5, 2021



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada

Canada



## Objectives of the two public policies

### Objectives:

- Under the *Immigration and Refugee Protection Act* section 25.2, two public policies have been developed to grant permanent resident status to certain refugee claimants to recognize their exceptional service providing direct patient care during the COVID-19 pandemic.
- The public policies enable the Government of Canada to recognize their significant contribution and the risk to their health during the pandemic by providing them with a more secure future in Canada.
- The two public policies came into effect on December 14, 2020 and will end on August 31, 2021.

### Why two public policies?

- Immigration to Quebec is a shared jurisdiction with the provincial government; this relationship is governed by the *1991 Canada-Quebec Accord*, which grants Quebec specific selection authorities for most immigrants destined to the province.
- In accordance with the Accord, two public policies have been developed: one for applicants intending to reside in Quebec; and one for applications intending to reside in the “rest of Canada”. Quebec is responsible for assessing ability to establish in the province, as well as the occupation and work experience requirements.
- The Government of Canada has worked closely with the Quebec government to develop and administer this special measure, with Quebec selecting applicants intending to reside in Quebec. Quebec has corresponding Regulations that align with the eligibility criteria of this public policy.

## Conditions (eligibility requirements) applicable to the principal applicants

### A) The foreign national:

1. Is a pending refugee claimant or a failed refugee claimant, who made a refugee claim in Canada prior to March 13, 2020 and continued to reside in Canada when their application for permanent residence was made;
2. Was authorized to work in Canada by virtue of a work permit or work permit exemption under section 186 of the *Immigration and Refugee Protection Regulations*, unless the individual lost their authorization to work as a result of a removal order against them becoming enforceable due to a final negative decision on their refugee claim, in which case work performed subsequent to the loss of that authorization need not be authorized;
3. Intends to reside in a province or territory other than Quebec\*;
4. Worked in Canada in one or more designated occupations (see Annex A) providing direct patient care in a hospital, public or private long-term care home or assisted living facility, or for an organization/agency providing home or residential health care services to seniors and persons with disabilities in private homes:
  - for a minimum of 120 hours (equivalent to 4 weeks full-time) between March 13, 2020 (the date when Canadian travel advisories were issued) and August 14, 2020 (the date the public policy was announced); and,
  - for a minimum of 6 months full-time (30 hours per week) or 750 hours (if working part-time) total experience (obtained no later than August 31, 2021); and,
  - for greater certainty, periods of work in a designated occupation must be paid unless the applicant was doing an internship that is considered an essential part of a post-secondary study program or vocational training program in one of the designated occupations, or an internship performed as part of a professional order requirement in one of the designated occupations.

\*Intends to reside in Quebec

For these requirements, Quebec has corresponding Regulations and issues a CSQ to applicants who meet their Regulations

## Conditions (eligibility requirements) applicable to the principal applicants (con't)

5. Is not inadmissible other than for any of the following reasons:
- having failed to comply with conditions related to their temporary stay including:
    - having overstayed a visa, visitor record, work permit or student permit
  - having worked or studied without being authorized to do so under the Act (as long as it was solely as a result of losing their work authorization when a removal order against them became enforceable as specified under Condition A)2 described above);
  - having entered Canada without the required visa or other document required under the Regulations;
  - having entered Canada without a valid passport or travel document.

Note: However for the purpose of the granting of the permanent residence pursuant to this public policy, the foreign nationals and their family members are required by subparagraph 72(1)(e)(ii) of the Regulations to provide the Department of Immigration, Refugees and Citizenship Canada any of the documents enumerated under subsection 50(1) of the Regulations. If the foreign national and their family members in Canada are unable to obtain any of the documents, enumerated under subsection 50(1) of the Regulations (e.g., valid passport or travel document), as required by subparagraph 72(1)(e)(ii) of the Regulations, an exemption from this requirement can be granted if these foreign nationals can provide any of the documents described in subsection 178(1) of the Regulations where such alternative document complies with the requirement of subsection 178(2) of the Regulations (specific wording of these provisions is provided in Annex B of this public policy).


6. Is a pending refugee claimant or claimant who has received a final negative decision from the Immigration and Refugee Board (IRB) and, if they have commenced an application for leave and judicial review of the negative IRB decision in Federal Court, or an appeal in relation to the underlying IRB decision at the Federal Court of Appeal, and who has complied with all other eligibility and admissibility conditions of this public policy, is required, in terms of the final condition of this public policy, to withdraw their refugee claim at the IRB or their appeal of the negative decision by the IRB at the Refugee Appeal Division (RAD), Federal Court application or appeal at the Federal Court of Appeal of the underlying decision of the IRB, in order to be granted permanent residence through the public policy. Should the individual decide not to withdraw their refugee claim at the IRB, their appeal at the RAD, their application at the Federal Court or their appeal at the Federal Court of Appeal, those processes will continue to proceed but their application for permanent residence under this public policy will be refused.

\*These two requirements also apply to family members who are included in the application and to the spouse or common-law partner of the deceased health-care worker

## Conditions (eligibility requirements) applicable to the principal applicants (con't)

OR B) The foreign national:

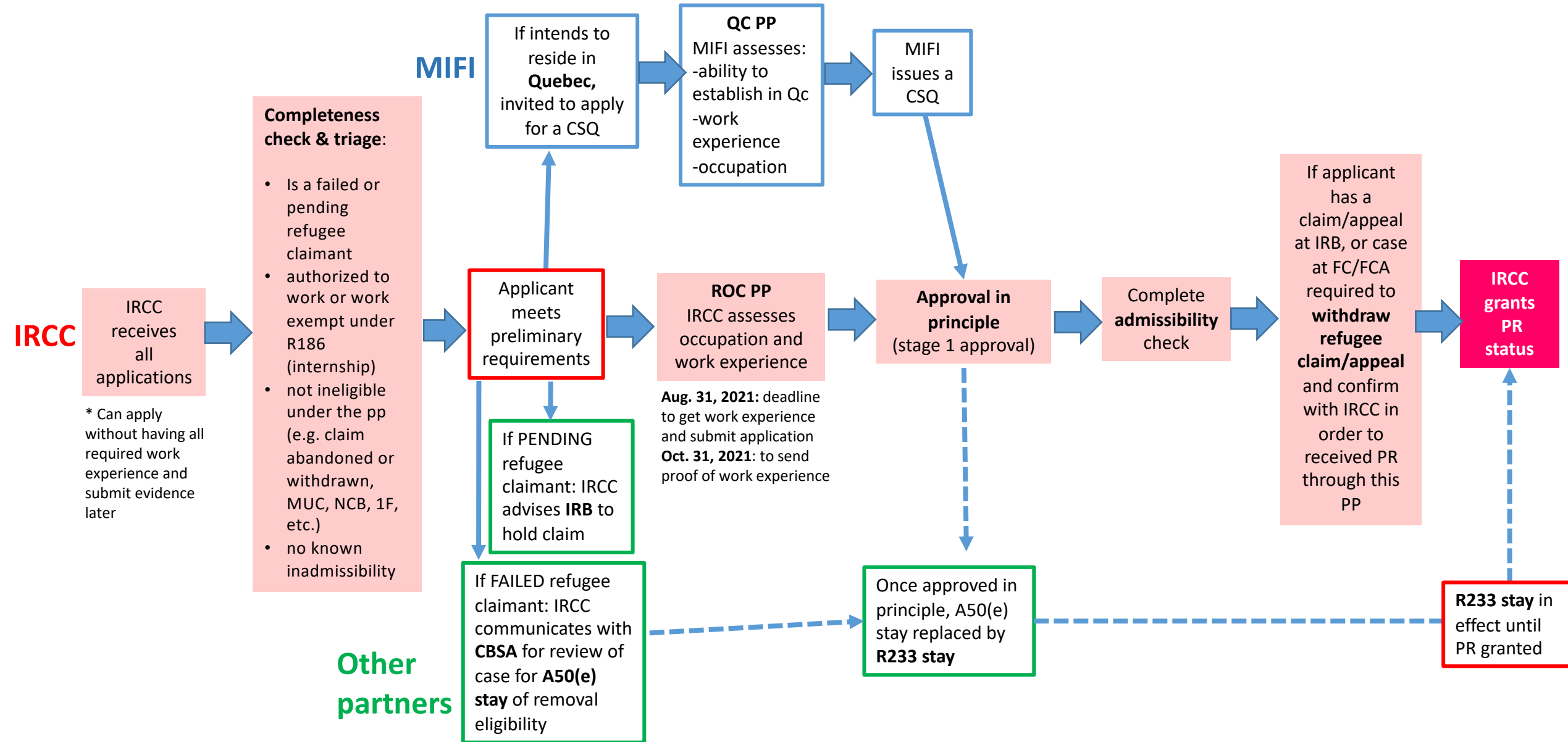
7. Was the spouse or common-law partner of a foreign national who would have met conditions 1 and 2, worked in Canada in a designated occupation (see Annex A) providing direct patient care in a hospital, public or private long-term care home or assisted living facility, or for an organization/agency providing home or residential health care services to seniors and persons with disabilities in private homes, at any time between March 13, 2020 and August 14, 2020, and who contracted COVID-19 and passed away prior to applying for permanent residence or after applying but before being granted permanent residence;
8. Resided in Canada prior to August 14, 2020 and intends to reside in a province or territory other than Quebec\*; and,
9. Meets condition 5 above and if the foreign national is a pending refugee claimant or claimant who has received a negative decision from the IRB, meets condition 6 above.



For these requirements, Quebec has corresponding Regulations and issues a CSQ to applicants who meet their Regulations

\*Resided in Canada prior to August 14, 2020 and intends to reside in Quebec;

# TEMPORARY PUBLIC POLICIES TO GRANT PR TO HEALTH CARE WORKERS: Application Processing



## Applications received as of February 6, 2021

| Public policy  | Received cases (PA) | Received persons (PA + dependents) | Cases approved in principle |
|----------------|---------------------|------------------------------------|-----------------------------|
| Rest of Canada | 585                 | 1,681                              | 239                         |
| Quebec         | 393                 | 844                                | 0                           |
| Total          | 978                 | <b>2,525</b>                       | 239                         |