

FCJ REFUGEE CENTRE

Walking with uprooted people

TEMPORARY PATHWAY
TO PERMANENT
RESIDENCY

Webinar by
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FCJ | **Refugee Centre**
Walking with uprooted people

FCJ Refugee Centre serves refugees and others at risk due to their immigration status, and welcomes anyone asking for advice, counsel and support.



Settlement Program

**Immigration Help &
Refugee Protection**

Anti- Human Trafficking Program

Popular Education

Networking

www.fcjrefugeecentre.org

WHO WE ARE...

Non-profit organization which serves refugees and others at risk due to their immigration status...



WWW.FCJREFUGEECENTRE.ORG

**Shelter for
women/kids**

**Settlement
services**

**PRIMARY
CARE
CLINIC**

**Public
Education**

**Immigration Help &
Refugee protection**

**ACCESS TO
EDUCATION**

**Anti-human
trafficking**

**Migrants
Workers Mobile
Program**

Networking

**Youth
network**

TEMPORARY PATHWAY TO PERMANENT RESIDENCY

1. On August 2020, the federal government announced a temporary pathway to permanent residency for refugee claimants working in the health-care sector during the COVID-19 pandemic.
2. On December 14, 2020, Immigration, Refugees and Citizenship Canada (IRCC) started to accept applications for permanent residence from refugee claimants who work in Canada's health-care sector and provide direct care to patients.

TEMPORARY PATHWAY TO PERMANENT RESIDENCY

The announce was extended to:

1. Refugee claimants who contracted COVID-19 and subsequently passed away, spouses and common-law partners of these individuals who are in Canada and arrived before August 14, 2020.
2. In addition, applicants' internship experience (both paid and unpaid) will be considered, as long as it is an essential part of a post-secondary study program or vocational training program in one of the designated occupations. An internship performed as part of a professional order requirement in one of the designated occupations will also be considered.

Requirements: who can apply

- If you:
 - ✓ Have claimed asylum before March 13, 2020
 - ✓ Were issued a work permit after they made a claim for asylum
 - ✓ Have worked in the health-care sector, in health institutions
- For example:
 - ✓ Hospitals
 - ✓ Long-term care homes
 - ✓ Home care through an organization or agency
 - ✓ Assisted living facilities
 - ✓ Have worked in a designated occupation for no less than 120 hours between March 13, 2020 and August 14, 2020
- What counts as a designated occupation?
 - ✓ orderlies
 - ✓ nurses
 - ✓ nurses' aides
 - ✓ patient service associates
 - ✓ assistant orderlies certain home support workers

(Continue...)

Requirements: who can apply

- What counts as a designated occupation?

- ✓ You must demonstrate 6 months of experience in one of these occupations before being granted permanent residence.
- ✓ Applicants will have until August 31, 2021 to gain this experience.
- ✓ NOTE: If you want to move to Quebec using this policy, you also need to have Certificat de sélection du Québec (CSQ),
- ✓ You must still be admissible, especially when it comes to criminality, security and health.

- Your work experience must meet all of the following requirements

a) Your experience is in one or more of these jobs:

- ✓ Nursing co-ordinators and supervisors (NOC 3011)
- ✓ Registered nurses and registered psychiatric nurses (NOC 3012)
- ✓ Licensed practical nurses (NOC 3233)
- ✓ Nurse aides, orderlies and patient service associates (NOC 3413)
- ✓ Allied primary health practitioners (NOC 3124)
- ✓ Home support workers (NOC 4412) - some occupations only

b) You provided direct patient care in these jobs

c) You did most of the main duties listed in the NOC descriptions for these jobs

HOW IT WORKS

If you apply under this policy for permanent residence to the IRCC, your refugee claim or refugee appeal will be put on hold by the IRB:

- ❑ This means your application is paused because it is no longer needed until a decision is made on your Permanent Residence application.
- ❑ IRCC will notify the IRB that you submitted a permanent residence application. BUT if you have a claimant's hearing within 35 days, you can submit evidence that you applied to IRCC for Permanent Residence so that the hearing is cancelled, as there can be delays of notification between offices. More than 35 days, it will cancel automatically.

HOWEVER IF YOU:

- If your hearing has started AND substantive evidence has been accepted by the RPD before IRCC notifies them of your permanent residence application, the IRB will not pause your refugee application and it will continue as usual and decision will be made.
- o Substantive evidence: evidence that supports a fact or argument in your case.

DECISIONS

IF YOUR APPLICATION FOR PERMANENT RESIDENCE IS APPROVED

- One of the last requirements is that you cancel or “withdraw” your refugee application.
- This includes any applications sent by your in-Canada family members
- Please submit a Notice of Withdrawal of a Claim for Refugee Protection Form: <https://irb-cisr.gc.ca/en/forms/Documents/RpdSpr2401e.pdf>

IF YOUR APPLICATION FOR PERMANENT RESIDENCE IS REFUSED:

- The RPD will receive the notice it was rejected, and your refugee claim will then be resumed (no longer paused) and a decision will be made on that.

FOR REFUGEE APPEALS

- It is the same concept: if you apply for Permanent Residence, they will put the appeal on pause and notify you. This includes appeals returned to the Refugee Appeal Division (RAD) by the Federal Court.
- BUT if substantive work has begun (the court has started work on analysing evidence and the case in general) the appeal will go on, there will be no pause.
- If your Permanent Residence claim is refused, your appeal will continue once the RAD is notified by the IRCC.

H&C:

If you've already applied for humanitarian and compassionate considerations, you can ask us to assess your application under this process instead if

- your application is still pending – this means we're still processing it and haven't made a decision yet
- you meet the eligibility and work experience requirements of this process

EXTENSION OF TIME LIMITS

FOR APPEALS:

- Usually you have 15 days after receiving the written decision to file an appeal with the RAD and 30 days to perfect the appeal.
- You now have 45 days to perfect the appeal
- This only applies for the duration/length of the policy.

The information used in this presentation is from the official website of Immigration, Refugees and Citizenship Canada:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/healthcare-workers-permanent-residence.html>

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QUESTIONS

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<https://www.fcjrefugeecentre.org/2020/10/refugeehearing/>