



## New pathway to permanent residency for claimants working in the health-care sector: practical information

The federal government has opened a **new pathway** to permanent residency for refugee claimants who have worked in the health-care sector during the COVID-19 pandemic. The pathway is slightly different for people living in Quebec.

This document provides a brief overview and some issues to consider. The full details of the pathway are available on the [government website](#).

### Basic eligibility requirements

To qualify, the person must:

- have made a refugee claim before March 13, 2020 and have lived in Canada since that time. The claim may be waiting for a decision at the Immigration and Refugee Board (Refugee Protection Division or Refugee Appeal Division), or refused. However, the person does not qualify if the claim was found ineligible, or was withdrawn or abandoned. The person also does not qualify if the claim was found to be manifestly unfounded, was excluded as a result of serious criminality or other serious violations or was ceased or vacated.
  - have worked legally with a work permit. (Note that if the work permit later expired because the person was ineligible for a new work permit as a refused refugee claimant, that would not exclude the person.)
  - have worked in the health-care sector in a **designated occupation** (see “Annex A” of the policy), and in a designated setting:
    - for at least 120 hours between March 13, 2020 and August 14, 2020; AND
    - for at least 6 months (30 hours per week) or 750 hours (if working part-time) before August 31, 2021.
- (For applicants living in Quebec, the **work requirements will be assessed by the Quebec government**).
- The person and their family members must meet other basic immigration requirements, including those related to criminality, security, health and documentation necessary for landing.

Before they are granted permanent residence the person will be required to withdraw their refugee claim (or appeal at the Refugee Appeal Division, or judicial review application at the Federal Court). We recommend that people receive legal advice before withdrawing their claims, appeals or judicial reviews.

### Widow/Widower

In addition, a person can qualify if they have been in Canada since before August 14, 2020 and are the spouse or common-law partner of a person who meets the criteria above, contracted COVID-19 and passed away from it.

### Detailed qualification criteria

See [this webpage](#) for detailed information about who qualifies.

## Family members

If the applicant is accepted, their family members in Canada also qualify for permanent residence (unless they are inadmissible). “Family member” is defined in the immigration regulations and means generally a spouse or common-law partner and children under 22 years.

Family members who are outside Canada will need to be sponsored through the Family Class after the successful applicant is granted permanent residence.

## Living in Quebec or outside of Quebec

There are slightly different processes for applicants planning to live in Quebec and for those in other parts of Canada.

## Fees

Applicants must pay processing fees, the Right of Permanent Residence Fee and biometrics fees (if applicable).

## End date

Applications must be received on or before August 31, 2021.

## Processing issues

- If a person has already applied for humanitarian and compassionate consideration (H&C), they can **transfer that application** to this pathway.
- If a person has a claim pending at the Immigration and Refugee Board, the claim will be suspended while they apply.
- Once a person’s application is approved in principle (in other words, the government decides that the applicant meets the criteria for the pathway), the person’s removal order will be formally stayed. The Canada Border Services Agency has also stated that they will not remove people who are applying under the program.
- A person applying for this pathway must continue to apply separately for a work or study permit.

## Some issues to consider

People with a pending refugee claim should consider whether it is in their interests to pursue their refugee claim or to apply for this pathway, if they qualify. The following are some issues to consider:

## Inadmissibility

<b>Pandemic healthcare worker pathway</b>	<b>Application for permanent residence as an accepted refugee</b>
<ul style="list-style-type: none"><li>• A person can be found inadmissible on health, criminality or other grounds. There are some exemptions for immigration-related grounds (e.g. overstaying a visa, entry without a valid document).</li><li>• If a family member (in Canada or outside Canada) is inadmissible on grounds of health, criminality or security, the applicant is inadmissible.</li></ul>	<ul style="list-style-type: none"><li>• Accepted refugees and their family members are exempt from certain inadmissibility grounds, notably “excessive demand on health or social services”, non-serious criminal offences, and other immigration-related grounds.</li><li>• The fact that a family member is inadmissible does not affect the admissibility of the applicant.</li></ul>

## Family reunification

People with family members should consider the differences between this pathway and applications for permanent residence for accepted refugees.

<b>Pandemic healthcare worker pathway</b>	<b>Application for permanent residence as an accepted refugee</b>
Family members outside Canada must be declared in the application but cannot receive permanent residence through the pathway.	Family members outside Canada must be declared in the application and can be processed for permanent residence as part of the person's application.
Family members (inside and outside Canada) must be examined before the applicant in Canada can receive permanent residence. If they are inadmissible, the applicant in Canada is inadmissible and their application may be refused.	Family members (inside and outside Canada) do not need to be examined before the applicant in Canada can receive permanent residence. The inadmissibility of a family member does not affect the applicant in Canada.
Family members outside Canada must be sponsored under the Family Class once the applicant in Canada has received permanent residence. <b>Family Class sponsorship criteria and obligations apply</b> (including the obligation to support sponsored family members financially and to meet the requirements of a sponsor).	Family members do not need to be sponsored through the Family Class.  Family members can also apply for permanent residence within a year after the accepted refugee becomes a permanent resident (One Year Window).
<p>The "lock in date" for the age of the children is:</p> <ul style="list-style-type: none"> <li>the date of the application to the pathway for any children in Canada,</li> <li>the date of the Family Class sponsorship application for any children outside Canada.</li> </ul> <p>This means that a child must be <b>under 22 years old</b> at the date of the pathway application or the sponsorship application (and must remain single).</p> <p>(An older child may qualify as a dependant as a result of a disability).</p>	<p>The "lock in date" for the age of the children is the date of the refugee claim. This means that if a child (whether in or out of Canada) was <b>under 22 years old</b> at the date the refugee claim was made, the child still qualifies as a dependant (if they are still single), even though they are over 22 years old at the time of the permanent residence application.</p> <p>(An older child may qualify as a dependant as a result of a disability).</p>

## Travel document

<b>Pandemic healthcare worker pathway</b>	<b>Application for permanent residence as an accepted refugee</b>
<ul style="list-style-type: none"><li>• If the person cannot provide a passport or travel document, the same alternatives apply to establish identity as for accepted refugees (see <a href="#">Annex B of the policy</a>)</li></ul>	<ul style="list-style-type: none"><li>• Section 178 of the Regulations provides alternatives to prove identity for refugees who do not have a passport or travel document.</li></ul>

## Fees

<b>Pandemic healthcare worker pathway</b>	<b>Application for permanent residence as an accepted refugee</b>
<ul style="list-style-type: none"><li>• Permanent resident processing fees (\$550 per adult, \$150 per dependent child)</li><li>• Right of Permanent Residence Fee (\$500 per adult – can be paid at the end of the application process)</li><li>• Biometrics fees, where applicable (\$85 per individual, \$170 family rate)</li></ul>	<ul style="list-style-type: none"><li>• Permanent resident processing fees (\$550 per adult, \$150 per dependent child)</li><li>• Biometrics fees, where applicable (\$85 per individual, \$170 family rate)</li></ul>

## Useful links

IRCC information about the “[Health-care workers permanent residence pathway](#)” (including detailed information about how to apply)

Text of the [public policy](#) (for people outside Quebec)

Text of the [public policy for people in Quebec](#)

Detailed [guidance for IRCC officers](#)

Information from the [Quebec government for applicants in Quebec](#)

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