

QUESTIONS / ANSWERS

What does rejected refugee status mean?

A person whose asylum (protection) application has been denied by the Refugee Protection Division.

Am I entitled to challenge the decision refusing my asylum application?

YES. A refused refugee may challenge a decision made by the Immigration and Refugee Board (IRB) by appealing to the IRB **Refugee Appeal Division**, applying for judicial review at the **Federal Court of Canada** and by filing a **pre-removal risk assessment** (PRRA) application.

Refused refugees are strongly advised to consult a lawyer or community organization as soon as possible.

Can I be forced to return to a dangerous country?

IT DEPENDS. Canada decides on a list of countries considered too dangerous to send back people who have been refused asylum (**stay of a removal order**). These refused refugees will be able to live in Canada and apply for a **work permit** until the country is removed from the list. In the meantime, they may try to obtain permanent residence by applying **on humanitarian grounds**.

This document provides general information and does not in any way constitute legal advice or statement of opinion. The Canadian and Quebec immigration systems being particularly complex, they sometimes create quite intricate situations. Therefore, it is necessary to consult specialists to validate the application of various notions to any specific case. The information in this document was verified in May 2017.

For more information and a list of resources, see our guide for community workers: “Immigrants’ and Refugees’ Access to Social Benefits and Programs in Quebec”, available to download for free at: www.servicesjuridiques.org

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Also available in this series (in French, English, Arab, Creole, simplified Chinese and Spanish):

- Being an asylum seeker in Quebec
- Being a temporary resident permit holder in Quebec
- Being a non-status person in Quebec
- Being a temporary worker and international student in Quebec
- Being an accepted refugee in Quebec
- Being a permanent resident in Quebec
- The criterion of residence

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BEING A REJECTED REFUGEE IN QUEBEC

Knowing Your Rights to Social Programs



COMMUNITY LEGAL SERVICES
OF POINT ST-CHARLES AND LITTLE-BURGUNDY

JUSTICE

Can I consult a lawyer for free if I have a legal problem?

YES, if a person is eligible for **Legal Aid**, depending on their income and if they live in Quebec, **regardless of immigration status**.

Services available include several legal matters: family, administrative, immigration, youth, criminal, housing, etc.

Can I go to court if I have a problem with my landlord regarding the dwelling where I live?

YES. The *Régie du logement* can intervene if there is a **lease** between the tenant and the landlord. **Immigration status is not verified**.

Tenants who are victims of discrimination may file a complaint with the *Commission des droits de la personne et des droits de la jeunesse*.

FAMILY

Can my child go to school?

YES. Children of refused refugees have the right to attend **public school for free** as well as the obligation to go to school in Quebec as long as they are still living in Quebec.

Am I entitled to child benefits?

NO. Refused refugees are not entitled to the **Canada Child Benefit** (federal) or the **Child Assistance Payment** (provincial).

However, **welfare** recipients are entitled to an additional amount of money per child.

Am I entitled to government benefits following my child's birth or adoption?

YES. A refused refugee who is **still authorized to live in Canada** and who has worked in the last 12 months with a valid **work permit** is entitled to benefits under the Quebec Parental Insurance Plan (QPIP) (parental, maternity, paternity, adoption).

BENEFITS

Am I entitled to welfare?

YES. Refused refugees are eligible for welfare, depending on their financial situation, while exercising their recourses and up until the official deportation date.

Am I entitled to financial compensation as a victim of crime?

YES. The IVAC (*Indemnisation des victimes d'actes criminels*) program **does not take into account the victim's immigration status** to assess eligibility for benefits.

Am I entitled to financial compensation as a road accident victim?

YES. The SAAQ (*Société de l'assurance automobile du Québec*) program covers all persons considered to be **legal residents** (who are authorized to reside in Canada), which includes refused refugees who **still have permission to remain in Canada**, for accidents occurring outside and inside Quebec, regardless of fault.

Am I entitled to financial support for the elderly?

POSSIBLY. To qualify for **Old Age Security** benefits as of age 65, a person must live in Canada for at least 10 years.

It is possible to have lived in Canada for 10 years as a refused refugee yet still have permission to remain in Canada, for example if the country of return is among those countries to which Canada temporarily suspends deportation.

From the age of 60, it is possible for a refused refugee to receive benefits from the **Quebec Pension Plan** if they were legally working in Quebec and contributing to the plan.

HEALTH

Am I entitled to free medical care and medicine?

YES. Refused refugees are entitled to the **Interim Federal Health Program** (IFHP) for medical and prescription drug coverage until the official date of deportation.

WORK

Can I work?

YES. Refused refugees who **still have permission to reside in Canada** can apply for a **work permit** and work until the date of deportation.

Can I file a complaint against my employer if my working conditions are unfair?

YES. The government agency regulating **minimum labour standards** (the CNESST) accepts complaints **regardless of the worker's immigration status**.

Am I entitled to financial compensation as a result of a work accident that prevents me from working temporarily or permanently?

YES. If a refused refugee **still has permission to reside in Canada** and works with a valid **work permit**, the government agency that is responsible for **occupational health and safety** (the CNESST) will study the application for work accident benefits.

Am I entitled to financial compensation if I lose my job?

YES. Refused refugees who **still have the authorization to remain in Canada** and who have been working with a valid **work permit** are eligible for Employment Insurance (EI), administered by Service Canada, which replaces up to 55% of gross income (before tax) for a certain period.

If the EI application is accepted, the claimant must be available to work during the benefits period, meaning having a valid **work permit** or having applied for the renewal of the **work permit**.