

QUESTIONS / ANSWERS

What is a Temporary Resident Permit (TRP)?

An immigration officer may, at their **discretion**, allow a person to **remain temporarily in Canada** (between one day and three years, renewable) for exceptional (social, humanitarian or economic) reasons by granting them a temporary residence permit.

This permit may be given even to a person who had been declared inadmissible in Canada or who does not meet the criteria for another immigration status.

A person who has been refused asylum in the last year is not entitled to a temporary residence permit. An exception applies for victims of **human trafficking** who are nonetheless eligible for the TRP.

There is also a special policy for **stateless children born to parents who are Canadian citizens**.

A TRP may be cancelled, for example, if the permit holder leaves Canada without prior permission to return.

Can I become a Canadian citizen?

POSSIBLY. A temporary resident permit holder may apply for permanent residence if they have lived in Canada on a continuous basis **between three and five years**, depending on the criteria of the permit. After becoming a permanent resident, they can eventually apply for Canadian citizenship.

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 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
- Being a rejected refugee in Quebec
- The criterion of residence

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BEING A TEMPORARY RESIDENT PERMIT HOLDER 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 temporary resident permit holders have the right to attend **public school for free** as well as the obligation to go to school in Quebec.

Am I entitled to child benefits?

EVENTUALLY. Temporary resident permit holders are entitled to the **Canada Child Benefit** (federal) and the **Child Assistance Payment** (provincial) as of the 19th month of residence in Quebec. It is not necessary to have had a valid permit or visa during the entire 19-month period, as long as the TRP is valid at the time of applying.

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

YES. A temporary resident permit holder 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. Temporary resident permit holders are eligible for welfare, depending on their financial situation.

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 temporary resident permit holders, for accidents occurring outside and inside Quebec, regardless of fault.

Am I entitled to financial support for the elderly?

POSSIBLY. Temporary resident permit holders are eligible for **Old Age Security** (federal), as of age 65, if they have lived in Canada for at least 10 years since age 18.

From the age of 60, it is also possible for temporary resident permit holders 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 AND NO. Temporary resident permit holders are entitled to **free medical care** (through the *Régie de l'assurance maladie du Québec*) (RAMQ), but **not prescription drug coverage**.

WORK

Can I work?

YES. Temporary resident permit holders can work legally as long as they have a **work permit**.

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 temporary resident permit holder has been working with a **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. Temporary resident permit holders 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.