

QUESTIONS / ANSWERS

What is asylum?

A person who finds themselves outside the country of usual residence because of fear of persecution and fear of danger (torture, risk to their life, risk of cruel and unusual treatment or punishment) may seek asylum or protection from Canada. If this refugee claim is accepted, the person becomes a **refugee** or a **protected person**.

How does one seek asylum in Canada?

Arriving in Canada (e.g. by air or on foot), it is possible to apply for asylum **at customs** to be recognized as a refugee.

Clarification: it is also possible to be recognized as a refugee by the Government of Canada **before arriving to Canada**. For example, people waiting in a refugee camp may be sponsored (chosen) by the government. Other individuals may be sponsored by groups of individuals or organizations in Canada who are committed to helping these individuals settle in Canada. A person who is granted refugee status in this manner has permanent resident status upon arrival in Canada.

Is it possible to apply for asylum in Canada from the United States?

In principle no. Under an agreement between Canada and the United States, known as the **Safe Third Country Agreement**, a person must apply for asylum (protection) to the **first** of the two countries where they arrive.

However: there are exceptions, for example: unaccompanied minors, or persons with family in Canada.

People coming into Canada without formally crossing a border (without giving their name at the border) may still be able to apply for asylum once in Canada.

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

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BEING AN ASYLUM SEEKER 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 parents seeking asylum 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?

NO. An asylum seeker is not entitled to the **Canada Child Benefit** (federal) nor the **Child Assistance Payment** (provincial) until the asylum application is granted.

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. An asylum seeker who has worked in the last 12 months with a **work permit** is entitled to benefits under the Quebec Parental Insurance Plan (QPIP) (parental, maternity, paternity, adoption).

BENEFITS

Am I entitled to welfare?

YES. Asylum seekers are eligible for welfare, depending on certain criteria.

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 asylum seekers, 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 since the age of 18.

An asylum application is normally processed well before 10 years and so the applicant would probably have become an accepted refugee, a permanent resident or a Canadian citizen by the end of the 10 years.

From the age of 60, it is possible for an asylum seeker 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. Asylum seekers are entitled to the **Interim Federal Health Program** (IFHP) for medical care and prescription drug coverage until they become permanent residents.

WORK

Can I work?

YES. A person who has applied for asylum and is awaiting a hearing can apply for a **work permit** and work.

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 an asylum seeker works 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. Asylum seekers who have been working with a **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 permit.