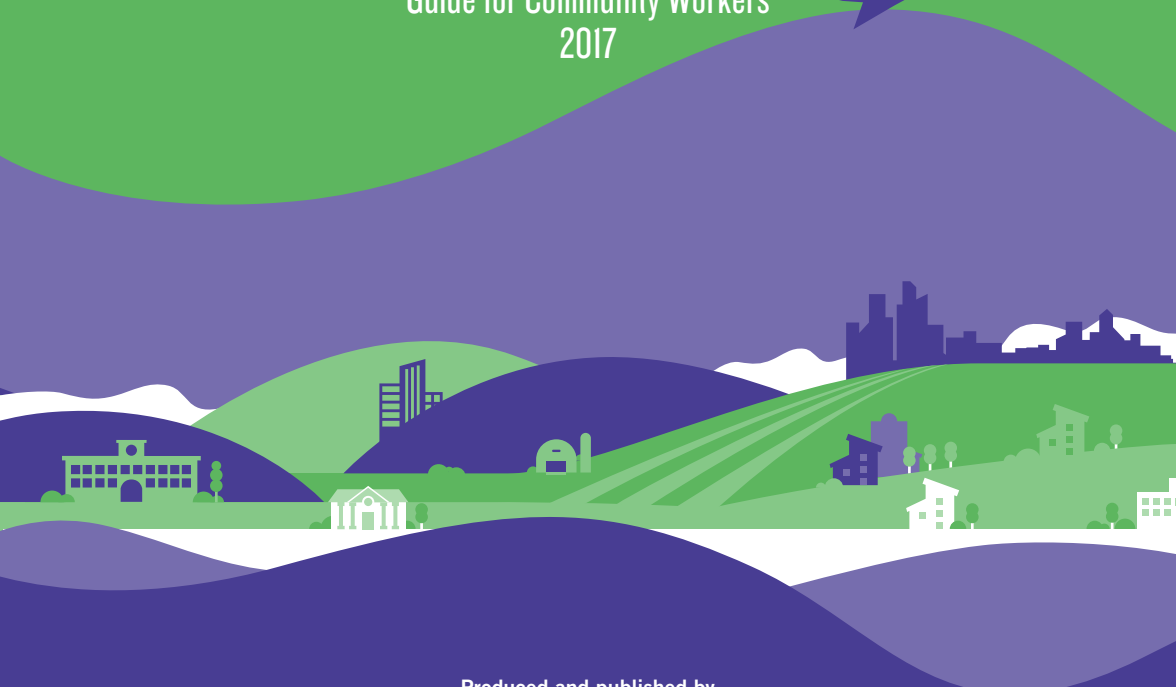


IMMIGRANTS' AND REFUGEES' ACCESS TO SOCIAL BENEFITS AND PROGRAMS IN QUEBEC

Guide for Community Workers
2017



Produced and published by



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

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This guide 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 guide was verified in May 2017. It is strongly suggested that its users further verify this information in future years, as changes are likely to occur.

Produced by **Community Legal Services of Point St-Charles and Little-Burgundy**.

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This guide is available for free in French and English, as a PDF file, on the website of Community Legal Services: **www.servicesjuridiques.org**.

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TABLE OF CONTENT

LIST OF ACRONYMS USED IN THIS GUIDE	3
INTRODUCTION	5
Immigration Status and the Access to Social Benefits and Programs	5
How to Use this Guide	8
Preliminary Resources	9
SECTION I STATUS AND RECOURSES: IMMIGRATION IN QUEBEC	11
1 Immigration Status	12
1.1 Canadian Citizen	13
1.2 Permanent Resident	14
1.3 Accepted Refugee	15
1.4 Asylum Seeker (or Refugee Claimant)	16
1.5 Rejected Refugee Claimant	17
1.6 Temporary Resident	18
1.7 Non-status	20
2 Recourses to Remain in Canada	24
2.1 Refugee Appeal Division	24
2.2 Judicial Review	25
2.3 Pre-Removal Risk Assessment	26
2.4 Stay of a Removal Order	27
2.5 Immigration Appeal Division	28
3 Applying for Permanent Residence from Within Canada	29
3.1 Canada Experience Class - Quebec Selection Certificate	29
3.2 Humanitarian and Compassionate Considerations	31
3.3 Sponsorship Application	32
3.4 Canadian Caregiver Program	35
3.5 Temporary Resident Permit Holder (TRP)	36
3.6 Permanent Resident Applications Made from Outside Canada	37
4 Four Overarching Elements	38
4.1 Notion of “Residence”	38
4.2 Right to Work and Work Permits	39
4.3 Social Insurance Number	42
4.4 Change of Name and Designation of Sex	43
Immigration Resources	45

SECTION II SOCIAL SAFETY NET IN QUEBEC	47
1 Legal Aid	48
2 Welfare	53
3 Education	62
3.1 Elementary and Secondary Education	62
3.2 Post-Secondary Education	65
3.3 French Language Courses through Immigration-Québec	67
4 Family	69
4.1 Canada Child Benefit	69
4.2 Quebec Child Assistance Payment	73
4.3 Quebec Parental Insurance Plan (QPIP)	76
4.4 GST/HST Credit (Federal)	80
4.5 Solidarity Tax Credit	82
5 Housing	84
5.1 Tenant Rights and Recourses	84
5.2 Discrimination and Housing	88
5.3 Social Housing	90
5.4 Shelter Allowance Program	92
6 Compensation Programs	94
6.1 Victims of Criminal Acts (IVAC)	94
6.2 Road Accidents (SAAQ)	99
7 Retirement	102
7.1 Old Age Security (Federal)	102
7.2 Quebec Pension Plan	108
8 Health	112
8.1 Quebec Health Insurance and Prescription Drug Insurance Plans	112
8.2 Interim Federal Health Program	116
9 Workplace Rights	119
9.1 Work Standards	119
9.2 Workplace Accidents	128
9.3 Employment Insurance	133
RESOURCES CITED IN THE GUIDE	139

LIST OF ACRONYMS USED IN THIS GUIDE

Acronym	Equivalence
ADR	Administrative deferral of removals
BOC	Basis of Claim Form
CAQ	Quebec Acceptance Certificate
CBSA	Canada Border Services Agency
CCB	Canada Child Benefit
CDB	Child Disability Benefit (Canada)
CISS	Integrated Health and Social Services Centres
CLSC	Local Community Service Center
CNESST	Commission des normes, de l'équité, de la santé et de la sécurité du travail
CRA	Canada Revenue Agency
CSQ	Quebec selection certificate
CSSS	Health and social services center
DLI	Designated learning institutions
EI	Employment Insurance
eTA	Electronic Travel Authorization
GST	Goods and Services Tax
HST	Harmonized Sales Tax
IAD	Immigration Appeal Division
IRB	Immigration and Refugee Board
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
IVAC	Indemnisation des Victimes d'Actes Criminels
MTESS	Ministère du Travail, de l'Emploi et de la Solidarité sociale
OMH	Office municipal d'habitation
OMHM	Office municipal d'habitation de Montréal
PRRA	Pre-removal risk assessment
QPIP	Quebec Parental Insurance Plan
QPP	Quebec Pension Plan
RAD	Refugee Appeal Division
RAMQ	Régie de l'assurance maladie du Québec
RPD	Refugee Protection Division
SAAQ	Société de l'Assurance Automobile du Québec
SIN	Social Insurance Number
TAQ	Tribunal administratif du Québec
TAT	Tribunal administratif du travail
TRP	Temporary Resident Permit
TSR	Temporary suspension of removals

INTRODUCTION

IMMIGRATION STATUS AND THE ACCESS TO SOCIAL BENEFITS AND PROGRAMS

In Canada and in Quebec, a person's immigration status often determines their rights and the services they can access. Some laws and regulations create fairly clear categories of immigration status and rights or entitlement to services, while others are vague or even completely silent. Numerous government departments and employees are unclear on how to interpret and apply their own ambiguous laws and regulations surrounding immigration status or how to categorise the complex immigration status of some people.

A person's immigration status often determines their rights and the services they can access.

Formal entitlement and rights are not the only barrier many people face in accessing services. Those with precarious or no legal immigration status often hesitate in accessing services such as health care, education, or other community services because they fear being reported to immigration authorities; access to some services requires identification proving immigration status. Workers without legal status would rarely risk making a complaint against an employer for the same reason. Hence, those with precarious or no legal immigration status are often the most marginalized and exploited, because they have few rights and they face many barriers to improve their situation. People can lack legal immigration status for multiple reasons, including being a failed refugee claimant, and others whose work or study permits or visitor visas have expired.

The Community Legal Services is a community organization that also has the status of Local Legal Aid Center and for almost 50 years has intervened in the Point St-Charles and Little-Burgundy neighbourhoods located in Montreal. On a daily basis we try to achieve one of our main goals: to render justice more accessible for people. For us, it is clear everyone's social rights should be protected, particularly those who are most vulnerable.

The right to social benefits and programs is far from universal in Quebec. Specifically, eligibility requirements are difficult to understand and identify with regard to immigrants. In 2009, faced with this reality, which was becoming more and more present in our environment, we decided to prepare the first version of this guide. As we work closely with other community organizations, we became aware of the difficulties faced by community workers in searching for answers and solutions in order to support and help individuals seeking their assistance. What are the rights of immigrants and refugees? Where could they find the right answer? How to interpret or understand answers given by government departments and employees? In hopes of answering these questions and surpassing these barriers which constitute denials of justice, we tried to find answers.

Since the publication of the first version, many changes have taken place in Immigration law and with regard to social benefits and programs in Quebec. For example, between 2012 and 2017, somebody sponsored by their spouse received permanent resident status with the condition that they live with their spouse for two years. Exemptions to this rule could be applied for cases of abuse. This condition applied to childless couples in common whose relationship lasted less than two years when sponsorship began. Fortunately, on April 28, 2017, IRCC announced that this condition would no longer apply, so as to prevent situations where a person suffering violence from her sponsor would feel obliged to endure the situation for permanent residence. In the same year, the Refugee Appeal Division was set up in the Immigration and Refugee Board of Canada. In 2012, refugees were no longer required to apply for permanent residency within 180 days as there is no longer a deadline for submitting this application. In 2013, the Ministry of Education adopted a more inclusive policy on access to free education for students with precarious immigration status. In 2014, the Live-In Caregiver Program is replaced by the Caregiver Program. As a result, caregivers are no longer required to live with their employer, which—we hope—reduces situations of abuse suffered by these workers. As of 2015, welfare recipients cannot leave the province for more than 7 consecutive days or 15 cumulative days a month, following changes made to the *Individual and Family Assistance Regulation*. In 2016, the National Assembly adopted *An Act to allow a better match between training and jobs and to facilitate labour market entry*, creating the Aim for Employment Program, which creates cuts to welfare benefits for new claimants who do not meet certain conditions of their individual labour market entry plan, a plan imposed on participants by Government officials. As for Legal Aid eligibility scales, they are now catching up with minimum wage. In fact, the eligibility scales for Legal Aid increase every year on May 31 according to minimum wage increase. In 2017, the City of Montreal was declared a sanctuary city by municipal officials, following an increased awareness of the challenging reality of non-status people.

In 2016, several institutions changed their names. For example, the *Commission des normes du travail*, the *Commission de la santé et sécurité du travail* and the *Commission de l'équité salariale* merged to become the *Commission des normes, de l'équité, de la santé et de la sécurité du travail*. The *Tribunal administratif du travail* was created to replace the *Commission des lésions professionnelles* and the *Commission des relations du travail*. *Retraite Québec* replaced the *Commission administrative des régimes de retraite et d'assurances* and the *Régie des rentes du Québec*. Also, the Canada Child Benefit program was created and replaces the old Canada child tax benefit, the national child benefit supplement and the universal child care benefit.

In recent years, the world has seen a significant increase in the number of people displaced by war and persecution. The United Nations High Commissioner for Refugees calculated that in 2015, a record number of people were forced to flee their country. It was estimated that 24 people were forced to flee every minute, four times more people per minute than ten years ago. In Canada, between November 2015 and January 2017, Canada welcomed more than 40,000 Syrian refugees. In early 2017, the country saw an increase in people seeking asylum by the land border compared to previous years.

At this point in time, we felt that updating this guide was necessary to enable community workers to be better equipped with the necessary and contemporary resources to better support immigrants and refugees. And so we share with you, for the second time, the results of our research, in the form of a guide which is intended as a working tool. This is one of the means at our disposal to render justice more accessible.

HOW TO USE THIS GUIDE

This guide is divided into two sections. The first section aims to present a comprehensive picture of the complex ins and outs of the Canadian immigration system. First, the different categories of immigration status are described (Section I.1). Next, the recourses available to people who wish to reside or remain in Canada legally are examined (Section I.2), as well as the different methods of obtaining permanent residency when a person is already in Canada (Section I.3). Since the purpose of the guide is to inform community workers about the rights and remedies of immigrants in Canada (mainly concerning social legislation and programs), procedures that may be initiated outside Canada for permanent residence are not discussed extensively, although this is the usual process of obtaining permanent residence. Elements that have an impact on a person's access to certain programs or to employment are then explained: the notion of "residence", the right to work and work permits, social insurance numbers as well as change of name and designation of sex (Section I.4).

The second section looks one by one at the social programs in Quebec and the laws supporting them. The different types of benefits, services, support programs or compensation to which immigrants and refugees in Quebec have access are explored. The laws and social programs are organised as follows by theme: Legal Aid, welfare, education, family, housing, compensation programs, retirement, health and employment. In each subsection, the general program is described first. The eligibility requirements for each program are then explained, with particular attention on immigration status. In some cases, a specific scenario or profile is described, such as "the situation of a sponsored immigrant who receives welfare".

Throughout, website links are provided to access useful forms. Finally, at the end of each subsection, institutional and community resources are indicated to help the reader find avenues for further research.

PRELIMINARY RESOURCES

TO FIND A LAWYER OR NOTARY:

Legal Aid: Commission des services juridiques (CSJ)

www.csj.qc.ca/commission-des-services-juridiques/accueil.aspx?lang=en

Phone: 514-873-3562

Association québécoise des avocats et avocates en droit de l'immigration (AQAADI)

www.aqaadi.com/en/

1-800-361-8495, ext. 3471

Barreau du Québec, referral service

www.barreau.qc.ca/en/public/trouver/avocat/index.html

Montreal Bar, referral service

reference@barreaudemontreal.qc.ca

www.barreaudemontreal.qc.ca/en/public/referral-service

514-866-2490

Longueuil Bar, referral service

www.barreaudelongueuil.qc.ca/trouver-un-avocat

450-468-2609

Quebec Bar, Beauce and Montmagny, referral service

www.barreaudequebec.ca/population/service-de-reference/

418-529-0301

Other areas of Quebec, referral service

www.avocatsdeprovince.qc.ca/service-de-reference.html

1-866-954-3528

Chambre des notaires, referral service

www.cnq.org/en/find-a-notary.html

1-800-668-2473

JurisReference:

Online reference tool

www.jurisreference.ca/en/

FOR LEGAL INFORMATION

Votre boussole juridique

Directory of free or low cost legal resources in Quebec
www.votreboussolejuridique.ca/

Éducaloi

www.educaloi.qc.ca/en

Centre d'accès à l'information juridique (CAIJ)

www.caij.qc.ca/en/home

Canadian Legal Information Institute (CANLII)

Legislation and jurisprudence of Quebec and Canada
www.canlii.org/en/

SECTION I

STATUS AND RECOURSES: IMMIGRATION IN QUEBEC

The purpose of this section is to provide an overview of the different categories of immigration status a person may have in Canada, as well as some of the common options and procedures available for obtaining status. For information regarding a specific situation, it is best to consult a lawyer or someone knowledgeable in immigration matters.

1 IMMIGRATION STATUS

The *Immigration and Refugee Protection Act (IRPA)*, *Immigration and Refugee Protection Regulations* and the *Citizenship Act* regulate Canada's immigration system. The *IRPA* creates a number of different categories of immigration status that are defined in this section. It is difficult to give a complete overview of all the various types of status or the different ways people can end up in Canada without legal status, as Canada's immigration laws and policies can create confusing and multiple forms of precarious immigration status.

Immigration services and claim processing are the responsibility of the Minister of Immigration, Refugees and Citizenship Canada (IRCC). The Immigration and Refugee Board (IRB) is the administrative tribunal that makes decisions regarding claims and challenges arising under the *IRPA*. It includes the Refugee Protection Division (RPD), the Refugee Appeal Division (RAD), the Immigration Division (ID) and the Immigration Appeal Division (IAD). Also, Immigration-Québec is the body in charge of selecting permanent and temporary immigrants specifically for Quebec (for more information on the shared jurisdiction between provincial and federal governments regarding immigration matters, see Section I.3).

1.1 CANADIAN CITIZEN

People may be Canadian citizens by virtue of being born on Canadian soil (this includes children born in Canada whose parents do not have legal status), being born in another country to a Canadian parent, or by making an application for citizenship.

To obtain citizenship, a person must:

- be a **permanent resident**;
- have lived a minimum of **four years** on Canadian soil during the six years preceding the date of application;
- and **have lived in Canada at least 183 days** per calendar year in the last four years that are partially or completely included in the six years preceding the date of application:
 - Days spent in Canada prior to obtaining permanent residence status are not accounted for.
 - In addition, stays in jail, penitentiary, correctional homes, probation and parole periods are excluded from the calculation.
- Have filed their income taxes for four fiscal years that are completely or partially included in the six year period prior to the application date.

In order for a child under the age of 18 to obtain citizenship, the child must be a permanent resident. The parent (adoptive or biological) or legal guardian must file an application on their behalf. At least one parent must be a Canadian citizen or apply for citizenship at the same time as the child.

A Canadian citizen has the right to live in Canada permanently and to return to Canada regardless of whether they leave the country for long periods of time. Citizenship also provides a person with the right to hold a Canadian passport and to vote in Canadian elections, which permanent residence does not. A citizen cannot be removed from Canada for having been convicted of a crime. However, IRCC can try to revoke someone's citizenship if they are considered to have obtained or retained their citizenship through fraud or misrepresentation. IRCC must notify the citizen of this decision and allow them to make written submissions in their defense as well as the opportunity to be heard in court.

1.2 PERMANENT RESIDENT

A permanent resident is someone who has been granted permission by IRCC to settle in Canada permanently. They are later able to become a Canadian citizen.

There are different procedures to follow to acquire permanent resident status depending on whether the applicant is inside or outside Canada at the time of application (see Section 1.3).

A permanent resident has the right to reside, study and work in Canada, as well as to access most of the same social services and benefits as citizens.

However, **unlike citizens, permanent residents can lose their status** for a variety of reasons. First, permanent residents can lose their status if they are outside Canada for too long. A permanent resident must reside in Canada for at least two years within a five-year period. Exceptions apply for permanent residents accompanying (for any reason) a Canadian citizen who is their common law partner or spouse, or, in the case of a child, their parent. Other exceptions include absences for work if the employer is a Canadian business, the federal or provincial government.

A permanent resident can also lose their status for reasons of serious criminality, on security grounds (e.g. terrorism), for human and international rights violations, and organized criminality (e.g. people smuggling, gangs). People who lose their permanent residency for these reasons can subsequently be deported from Canada.

One common reason permanent residents lose this status is due to serious criminality, which is based on either the maximum sentence that could be given for a crime or the sentence that is actually given when the person is convicted. A crime is deemed to be serious if the maximum sentence possible for the crime is 10 or more years in prison, even if a shorter sentence, or no time at all in prison, is received. A crime is also deemed to be serious if the imposed sentence is more than six months in prison.

Every new permanent resident receives a “Permanent Resident Card” without having to apply for the card itself. The card is a documented proof of status, particularly useful when returning to Canada after a trip.

1.3 ACCEPTED REFUGEE

There are two categories of people who can be accepted as refugees in Canada by the Refugee Protection Division of the Immigration and Refugee Board (IRB) — a Convention refugee or a person in need of protection. To be recognized as a **Convention refugee**, the applicant must demonstrate that they have a well-founded fear of persecution in their country of origin on the grounds of race, religion, nationality, political opinion, or membership in a particular social group. A **person in need of protection** is someone who would personally be at risk of torture, risk to their life, or risk of cruel and unusual treatment or punishment if returned to their country of origin. These risks cannot be ones faced generally by other individuals in or from that country. Furthermore, the risk cannot be due to lawful sanctions, unless they were imposed in violation of international standards, nor can it be due to the unavailability of health or medical services in the country. For both of these classifications, the person must demonstrate that they are unable or unwilling, out of well-founded fear, to seek the protection of their state or country. In addition, the person must face persecution or risks in every part of the country (e.g. they cannot move elsewhere within the country and be safe).

Once a positive decision is received from the IRB granting a person Convention refugee status or status as a person in need of protection, that person can stay in Canada and apply for permanent resident status at any time with IRCC. Since August 15, 2012, refugees are no longer required to apply for permanent residence within 180 days. Accepted Refugees also have to apply for a Quebec Selection Certificate (CSQ – *Certificat de Sélection du Québec*) from Immigration-Québec. This should be done as soon as possible as possession of a CSQ can give greater access to services.

- For more information on the Permanent Residence application process as an accepted refugee, including the CSQ application, consult Immigration-Québec: www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/refugee-recognized/index.html

1.4 ASYLUM SEEKER (OR REFUGEE CLAIMANT)

Once a person arrives in Canada and has made a claim for refugee protection, either at a port of entry, an airport, or at a Citizenship and Immigration Canada office, the person has the status of a refugee claimant. The person will remain a refugee claimant, with the rights and access to services this status entails, until they receive a decision from the IRB or they withdraw their claim for refugee status.

- For more information, visit *Ready for my Refugee Hearing*: www.refugeeclaim.ca/

1.5 REJECTED REFUGEE CLAIMANT

Rejected refugee claimants have had their application for refugee protection in Canada refused by court (RPD). See section 1.2 for details on recourses to stay in Canada.

When a person initially makes their claim for refugee protection in Canada, a “conditional departure order” is issued against them. If a person receives a positive decision from the IRB granting them either Convention refugee status or status as a protected person, this conditional departure order is dismissed. In the event of a negative decision from the IRB, however, this conditional departure order comes into effect after 30 days. If the person does not apply for judicial review and does not leave Canada within 30 days of the negative decision on their refugee claim (or within 30 days of a negative decision on their application for judicial review), the departure order automatically becomes a deportation order and the person will be prevented from returning to Canada in the future unless they receive special permission from IRCC.

For a person who does not leave Canada “voluntarily”, it can take months or even years for the CBSA to enforce a person’s deportation order and make arrangements for the person to be removed from Canada.

When a person does not “voluntarily” leave Canada, the deportation order may come into effect immediately or after all remedies have been exhausted.

1.6 TEMPORARY RESIDENT

This category includes people who are authorized to be in Canada for a limited time to visit, work or study.

Most **visitors** have to apply for a visa to travel to Canada, unless they are from a visa-exempt country. A visa is a travel document permitting a person to enter or remain in the country. Normally, visitors are authorized to stay in Canada for up to six months.

→ For a list of **visa-exempt countries**, visit IRCC:
www.cic.gc.ca/english/visit/visas.asp

As of November 10, 2016, an Electronic Travel Authorization (eTA) is required to fly to or to transit through Canada for visa-exempt foreign nationals. There is only the United States that is exempt from this new entry requirement. In addition, a Canadian citizen with dual citizenship must present their Canadian passport to fly to or transit through Canada, and not their other passport. According to IRCC, the new eTA is a security measure to control access to people banned from traveling to Canada.

In addition to the visa, foreign workers need **work permits** to work legally in Canada. With some exceptions, a person must apply for a work permit **before** coming to Canada and have a job offer from an employer. Most work permits are valid for one year. For more information, see section 1.4.2.

On November 30, 2014, the Live-In Caregiver Program became the **Canadian Caregiver Program**. As a result, anyone who wants to work in this field must follow the rules for obtaining a regular work permit. A labour market impact assessment must first be conducted by the person looking to hire abroad. This change is most welcome given that caregivers are no longer required to reside in the home of their employer, and so less vulnerable to potential abuse.

Foreign students need a **study permit** for any studies or program longer than six months. To be eligible, students need to have been accepted by a designated learning institution, have proven financial independence, be without a criminal record and be in good health.

→ For a list of **designated learning institutions**, visit IRCC:
www.cic.gc.ca/english/study/study-institutions-list.asp

Students and **workers** who wish to live temporarily in Québec must first apply to Immigration-Québec to obtain a Quebec Acceptance Certificate (**CAQ**). The CAQ is not required for temporary workers in the following situations: the work contract is for less than 30 days, the work is unpaid, the labour market impact assessment is not required by the federal or provincial government, or if a **work permit** is not required for the type of work in question.

→ **For more information on the necessary paperwork for working in Quebec, visit Immigration-Québec:**

www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/temporary-workers/obtaining-authorizations/index.html

→ People who are staying in Canada on a temporary resident visa, work permit or study permit may extend their stay by applying for an extension. This request should be filed before the permit or visa expires:
Work permit: www.cic.gc.ca/english/information/applications/extend-worker.asp
Study permit: www.cic.gc.ca/english/study/study-extend.asp
Tourist visa: www.cic.gc.ca/english/visit/extend-stay.asp

A **Temporary Resident Permit** (TRP) is a document that authorizes a person to stay in Canada on a temporary basis even if they are not permitted to be in Canada or do not meet the requirements of the immigration laws and regulations. This person may have been denied a permanent or temporary resident visa or an eTA.

A TRP may be granted for reasons of public policy, national interest, or humanitarian and compassionate considerations, in exceptional circumstances and at the discretion of the immigration officer in particularly urgent cases. This permit is denied to someone whose refugee application has been refused in the past year. However, this rule doesn't apply to victims of human trafficking. Indeed, IRCC has a special policy to issue TRPs to victims of human trafficking as well as stateless children born to parents who are Canadian citizens. TRPs can be valid for a period between one day and three years. It may be extended or cancelled by an agent, for example, if the permit holder leaves Canada without authorization to return.

1.7 NON-STATUS

This category consists of people in Canada without any **legal immigration status**. People can find themselves without any legal immigration status, whether permanent or temporary, for a variety of reasons. For example, some people have overstayed visitor visas, or study or work permits, while others did not leave Canada when ordered by IRCC following the refusal of their refugee claim. Those who had deportation orders issued against them but did not show up on the date scheduled for their removal will usually have arrest warrants issued against them.

To date, the necessary measures have not been put in place to ensure true protection of non-status persons.

Non-Canadian citizens can be deemed **inadmissible to enter Canada** for security reasons including espionage, human rights or international rights violations, and crime (organized or otherwise). Risk of danger to public health and the risk of excessive burden for health and social services can also lead to inadmissibility. This last condition does not apply for refugees or protected persons, or to spouses and children sponsored by a family member. Inability to be financially independent may also result in inadmissibility. Permanent residents cannot be deemed inadmissible based on health, financial independence or based on less serious crimes. A false statement submitted as part of the immigration process can lead to inadmissibility. This includes Canadian citizens. Finally, previous violations of the *IRPA* may also cause inadmissibility. Inadmissibility leads to deportation orders.

However, when humanitarian crises and dangerous conditions in a country are recognized, the Canadian government suspends deportations to these countries, by issuing **administrative deferral of removals** (ADR) and **temporary suspension of removals** (TSR). In both cases, the situation of generalized insecurity of a country is considered, but the TSR lasts longer than the ADR. Currently, TSRs are in effect for Afghanistan, the Democratic Republic of Congo and Iraq. While ADRs are in effect for parts of Somalia, the region of the Gaza Strip, Syria, Mali, Central African Republic, South Sudan, Libya, Yemen, Burundi and Haiti. Those who have been deemed inadmissible due to crime, international and human rights

violations, or safety cannot benefit from these suspensions. ADRs and TSRs are not a path to permanent residence status but only delay deportation.

→ For an up to date list of countries for which ADRs and TSRs are issued, visit: www.cbsa-asfc.gc.ca/security-securite/rem-ren-eng.html

On February 20, 2017, the Municipal Council of the City of Montreal voted unanimously to declare the city a **sanctuary city**, following the lead of other Canadian cities such as Toronto, Hamilton and Vancouver. The declaration states that the city intends to develop an action plan to improve city services access for non-status people who could be without fear of being reported to federal authorities and deported. The *Commission de la sécurité publique* and Montreal police (SPVM) are to be mandated to ensure access of non-status migrants to municipal public security services. The practical application of the new sanctuary city status remains to be determined. **To date, the necessary measures have not been put in place to ensure true protection of non-status persons.**

→ To read the entire declaration (only published in French), visit: www.mairedemontreal.ca/en/montreal-ville-sanctuaire

Meanwhile, numerous groups and organizations have endorsed and signed the following Solidarity City Declaration.

Non-status

**SOLIDARITY CITY DECLARATION
(A COLLECTIVE DECLARATION LAUNCHED BY SOLIDARITY ACROSS
BORDERS), SEPTEMBER 24, 2016:**

For thousands of undocumented immigrants across the country, cities such as Montreal, Toronto and Vancouver are sweatshops. Immigrants and refugees work the most precarious and dangerous jobs. The Canadian economy cannot survive without this super-exploited work force, made particularly vulnerable by their lack of permanent status and the threat of deportation.

In order for their labour to provide this windfall for Canadian capital, non-status migrants are forcibly kept in a state of heightened vulnerability, deprived of access to essential services and basic social and economic rights. This apartheid system is maintained both through laws and regulations and through fear of discovery and deportation.

Everybody should have access to healthcare, education, social housing, food banks, unemployment benefits and any other social welfare regardless of immigration status. Labour norms and human rights should apply equally to all.

At a time when money and corporations can cross borders more easily than ever, these very borders are taking on an ever more deadly character for billions of people around the world. Solidarity City is the name given to the vision that resists this reality, that aims to transform our communities from sites of racist exploitation to places of mutual aid and support.

In order to bring this vision closer to reality, we are asking community organizations and centres, collectives, trade unions, healthcare providers, educational institutions, food banks, shelters, housing co-ops, and everyone else to commit to providing services equally to all, regardless of immigration status. As one important symbolic step, we ask you to endorse this Solidarity City declaration.

By endorsing this declaration, you are agreeing to publicly support the Status for All campaign, meaning opposition to deportations and detentions as well as supporting regularization for all non-status migrants.

Moreover, if your organization provides services, you agree to:

- never ask for information regarding immigration status;
- treat all information regarding other people's immigration status as strictly confidential, and never share it with government agencies;
- not charge fees based on immigration status;

- implement a policy of non-cooperation with the Canadian Border Services Agency, including barring them from your premises;
- work to make sure that labour and other human rights standards are applied equally to all, without regard to immigration status, in our organizations, workplaces, and communities.

Faced with fear, isolation, precarity and division, we strike back with solidarity, mutual aid, and direct action.

Solidarity Across Borders

www.solidaritesansfrontieres.org

2 RECOURSES TO REMAIN IN CANADA

The recourses and applications listed in this section are generally the only ways a person can stay in Canada if they lose their refugee claim or permanent resident status, stay beyond the validity of their work permit, visitor visa, or study permit, or otherwise find themselves in Canada without status.

First, the recourses that are open to people looking to regularise their status are described. They are found in the *IRPA*. Different ways of applying to remain in Canada and of acquiring permanent resident status are discussed in the following section.

2.1 REFUGEE APPEAL DIVISION

It is possible to appeal decisions of the Refugee Protection Division (RPD) to the Refugee Appeal Division (RAD) within 15 days of receipt of the decision rejecting the refugee claim. No appeal may be made of a decision that says that the refugee claim in question has no credible basis or is manifestly unfounded.

If the RAD rejects the appeal, it is possible to request judicial review by the Federal Court within 15 days of receipt of the decision.

If no appeal is filed, the rejected refugee claimant will be convened by a Canada Border Services Agency (CBSA) officer for deportation arrangements. The CBSA is the coercive wing of IRCC.

2.2 JUDICIAL REVIEW

The RAD's decisions can be challenged by judicial review by the Federal Court of Canada. Judicial review is much more limited than an appeal, and in general only reviews the decision to determine whether all procedural requirements were fulfilled and does not actually examine the merits of the decision. Judicial review is a complicated process that normally requires the assistance of a lawyer. Indeed, people can only represent themselves or be represented by a lawyer before the Federal Court, as opposed to another type of intermediary such as an immigration consultant, friend, or community organization.

Before a person is granted a hearing on their application for judicial review, they must first be granted "leave" (e.g. permission) for judicial review, meaning a judge must authorize the application to go forward to a hearing.

2.3 PRE-REMOVAL RISK ASSESSMENT

In most cases, if a person is ordered to leave Canada, they are given the option of applying for a Pre-Removal Risk Assessment (PRRA) prior to being deported. A person's removal from Canada will be suspended until a decision is made on this assessment. In a PRRA, a person must demonstrate that, if deported, they will face a personalized risk of persecution, risk to their life, risk that they may be subjected to cruel and unusual treatment, or risk of torture in the country in which they are being returned. If the person is a refused refugee claimant, the PRRA application must be based on new evidence (e.g. evidence that was not available at the time that their refugee claim was heard by the IRB).

A person must demonstrate that, if deported, they will face a personalized risk of persecution, risk to their life, risk that they may be subjected to cruel and unusual treatment, or risk of torture in the country in which they are being returned.

If the PRRA is accepted, the person will be granted **protected person status** and have the right to apply for permanent residence in Canada (see Section I.3).

2.4 STAY OF A REMOVAL ORDER

Stay of a removal order is a motion that can be made to the Federal Court asking to suspend a deportation that has been scheduled to take place at a specific date and time. Normally, when a person is facing deportation from Canada, CBSA calls the person in for an interview and informs them in writing of the date and time that their deportation will take place, as well as provides them with their removal itinerary (ie flight information).

A person who applies to the Federal Court for a stay of deportation must also file an application for judicial review of the decision rendered by a tribunal, court or an officer. Usually, when a motion for a stay of deportation is made, a hearing is held. In a stay of deportation a person is essentially asking the Federal Court to temporarily suspend their removal from Canada on an urgent basis until the Court has a chance to judicially review a decision.

2.5 IMMIGRATION APPEAL DIVISION

If a **permanent resident** is convicted of a serious crime, CBSA can prepare a report and refer the case to the Immigration Division of the IRB for an admissibility hearing. **The Immigration Division will then hold a hearing to determine whether the person should lose their status as a permanent resident and be deported on the basis of whether the crime meets the definition of “serious”.**

In many cases, if the person loses their permanent resident status and is facing deportation following this hearing, they can appeal to the Immigration Appeal Division (IAD). During this appeal, they can present other factors that might influence their case, such as remorse for the crime and whether they sought counselling, as well as humanitarian and compassionate factors, such as the length of time they have been in Canada, if they have family and children in Canada, and the risks they may face in the country to which they would be deported.

However, no appeal can be made to the IAD for a deportation order if the permanent resident was declared inadmissible by the ID on grounds of security, human or international rights violations and crimes considered to be serious, including organised crime.

If an appeal is successful, the removal order could be cancelled or a stay of deportation could be issued for a certain length of time, during which the person has numerous conditions to obey. If the person breaks a condition, especially if they commit another crime, the stay of deportation will be cancelled and the person can be removed from Canada. If the person obeys all of the conditions for the period of time specified their deportation order could be cancelled or they may have to go back to the IAD for a review of their case.

3 APPLYING FOR PERMANENT RESIDENCE FROM WITHIN CANADA

Aside from the paths towards permanent residence mentioned previously, such as those taken by Convention refugees or protected persons (see Section 1.1.3), there are a variety of other categories of people who can apply for permanent residence from within Canada. In this section, different ways of applying for permanent residence from within Canada are presented. It should, however, be noted that Citizenship and Immigration Canada's general rule is that a person must apply for permanent residence (i.e. apply to immigrate) from their country of origin before coming to Canada.

A person planning to immigrate to Quebec from outside of Canada has to apply to Immigration-Québec first to see if they meet the specific selection criteria of Quebec.

Immigration falls under the **shared jurisdiction of the Government of Quebec and the Government of Canada**. A person planning to immigrate to Quebec from outside of Canada has to apply to Immigration-Québec first to see if they meet the specific selection criteria of Quebec. The application will then go to IRCC at the federal level to ensure that the person meets the admission requirements, such as medical and security checks. To immigrate to Quebec, a person and their family members must meet both the selection criteria (provincial) and the admission requirements (federal). The official immigration document issued by the Quebec government is the Quebec Selection Certificate (CSQ). While refugees, family sponsorships (including spouses and common-law partners) and people applying for permanent residence on humanitarian grounds fall under federal jurisdiction, they will still need to apply for a CSQ at some point in the process.

3.1 CANADA EXPERIENCE CLASS - QUEBEC SELECTION CERTIFICATE

The Canada Experience Class allows **temporary foreign workers** (here on a valid work permit) and **recent graduates** with Canadian educational credentials who are already in Canada, but in a province other than Quebec, to apply for permanent residence from within Canada. Applicants must have worked or studied in fields that meet minimum requirements set by the government and have knowledge of English or French, as well as either work experience as a temporary foreign worker or work experience following graduation from a recognized Canadian post-secondary institution.

Applicants living in Quebec must make a similar application to Immigration-Québec. Under an agreement with the federal government, Quebec chooses its own immigrants, including those applying in this category.

Foreign students can apply for a Quebec Selection Certificate (CSQ) as early as six months before graduating and as late as 36 months following graduation.

Temporary foreign workers must also apply for a CSQ. They must meet the normal requirements to immigrate to Quebec, which are evaluated primarily according to a point system that takes into account level of education, work experience and language skills.

Refugee claimants and temporary workers who do not have a valid work permit cannot apply for permanent residence through the Canada Experience Class.

→ To apply for permanent residence through the **Canada Experience Class**, visit IRCC: www.cic.gc.ca/english/immigrate/cec/apply-who.asp

→ To access information on Immigration-Québec's process, visit:

Students:

www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/students/stay-quebec/index.html

Workers:

www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/temporary-workers/stay-quebec/index.html

3.2 HUMANITARIAN AND COMPASSIONATE CONSIDERATIONS

Under this class a person must demonstrate that they would face “unusual and undeserved or disproportionate hardship” if they were required to leave Canada in order to apply for permanent residence.

This hardship can range from the instability in a person’s country of origin to a person’s personal situation in Canada (e.g. they have Canadian-born children and would be separated from them if they had to leave the country). While a person must demonstrate this excessive hardship, they must usually also show that they are significantly established in Canada. This is usually demonstrated by showing that one has been employed, has attended language courses, has volunteered in the community, and so on.

The Humanitarian and Compassionate considerations application is one of the only ways for a person living in Canada without any legal status to obtain permanent residence status without having to leave the country.

These applications may take more than two years to be processed and do not, in the meantime, stop a person’s deportation. The Humanitarian and Compassionate considerations application is one of the only ways for a person living in Canada without any legal status to obtain permanent residence status without having to leave the country.

- To view the Humanitarian and Compassionate Considerations forms, visit IRCC: www.cic.gc.ca/english/information/applications/handc.asp
- To check current processing times, visit IRCC: www.cic.gc.ca/english/information/times/index.asp

3.3 SPONSORSHIP APPLICATION

Canadian citizens and **permanent residents** who are **18 years of age or older** can sponsor their spouses and certain family members. If the sponsorship application is accepted, the sponsored individual is granted permanent resident status. Generally, **social assistance recipients** are not eligible to be sponsors. An exception applies to social solidarity recipients, meaning those recipients whose capacity for employment is deemed severely limited. Also admissible as sponsors are social assistance recipients aged 58 and over who automatically receive a temporarily limited capacity allowance due to their age.

Someone who has been declared inadmissible to enter Canada cannot be sponsored, so this situation must be corrected first. However, this prohibition does not apply to inadmissibility arising from not having legal status in Canada.

The sponsor pledges to Immigration-Québec to meet the basic needs of the sponsored person (undertaking agreement), for a period ranging from 3 to 10 years, as of the date the sponsored person becomes a permanent resident.

Once the sponsorship is approved and the sponsored partner becomes a permanent resident, the sponsor cannot cancel the undertaking agreement, even if the sponsored person becomes a Canadian citizen, the couple separates, the sponsor encounters financial difficulties or if the sponsor or the sponsored partner or family member moves to another province.

Sponsored person	Duration of sponsorship (undertaking)	Comments
Spouse, common-law partner or conjugal partner	3 years	-----
Child under 13 years of age	Minimum 10 years	10 years or until the age of majority (18 years old), whichever is longer
Child 13 years of age and older	Minimum 3 years	3 years or until the age of 22, whichever is longer
Other relatives	10 years	-----

Source: www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/family-reunification/requirements-sponsor/duration-sponsorship.html

SPOUSE OR COMMON-LAW PARTNER IN CANADA CLASS

This category allows either a permanent resident or Canadian citizen over 18 years old to sponsor their spouse or common-law partner who is living with them in Canada.

A **common-law partner** is defined for immigration purposes as a couple who has been living together in a conjugal relationship for at least one year in a continuous, uninterrupted 12-month period, with the exception of short absences for business travel or family reasons. Partners who do not fill these criteria can apply as '**conjugal partners**' by proving that their relationship has existed for at least a year, but exceptional circumstances did not permit cohabitation or marriage.

The essential criterion of this application is based on the **true nature** of the relationship between the sponsor and the sponsored partner. Evidence to support the authenticity of the relationship includes a marriage certificate, children's birth certificates, photographs, joint bank accounts and leases, etc. A sponsorship application must first be submitted to IRCC, followed by an undertaking application to Immigration-Québec.

Between 2012 and 2017, somebody sponsored by their spouse received permanent resident status with the condition that they **live with their spouse** for two years. Exemptions to this rule could be applied for cases of abuse. This condition applied to childless couples in common whose relationship lasted less than two years when sponsorship began. Fortunately, on April 28, 2017, IRCC announced that this condition would no longer apply, so as to prevent situations where a person suffering violence from her sponsor would feel obliged to endure the situation to obtain permanent residence. The condition no longer applies as well to those whose sponsorship process was already underway at the time of the change and any ongoing investigations were cancelled. However, IRCC continues to investigate allegations of fraud marriages.

FAMILY REUNIFICATION

Under the category of Family Reunification, the sponsor must be a Canadian citizen or permanent resident and be at least 18 years old. Family members eligible for sponsorship include:

- spouse or partner; dependent child; father or mother;
- grandfather or grandmother;
- a child adopted abroad or that will be adopted;
- brother, sister, nephew, niece, grandson or granddaughter (if they are an orphan under the age of 18 and without a spouse).

Other family members not included in the above list, but that are related by blood or adoption, may be sponsored if the sponsor:

- has no spouse, or common-law partner, or conjugal partner;
- has no family included in the list above that they can sponsor;
- has no family included in the list above that is a Canadian citizen, permanent resident, or an “Indian” registered under the Indian Act.

If these conditions are met, the sponsor may sponsor only one family member under this option. Normally, under the category of Family Reunification, the family member to sponsor is **not yet living in Canada** when the sponsorship application is being processed.

- To view the partner sponsorship forms, visit IRCC:
www.cic.gc.ca/english/information/applications/spouse.asp
- To view the undertaking application forms, visit Immigration-Québec:
www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/family-reunification/apply/undertaking-application/index.html
- To view the family member sponsorship forms, visit IRCC:
www.cic.gc.ca/english/information/applications/family.asp

3.4 CANADIAN CAREGIVER PROGRAM

On November 30, 2014, the Live-In Caregiver Program became the Canadian Caregiver Program (refer to Section I.1.6). Participants of the new program may apply for permanent residence through the programs Caring for Children or Caring for People with High Medical Needs. Caregivers who still have a work permit under the Live-In Caregiver Program can apply for permanent residence under the old process.

- To view the Caring for Children Program application, visit IRCC: www.cic.gc.ca/english/immigrate/caring-children/index.asp
- To view the Caring for People with High Medical Needs Program application, visit IRCC: www.cic.gc.ca/english/immigrate/caring-medical/index.asp

3.5 TEMPORARY RESIDENT PERMIT HOLDER (TRP)

TRP holders are eligible to become permanent residents of Canada if they have not become inadmissible to stay in Canada on any grounds other than those for which the original permit was issued and have resided continuously in Canada for three to five years, depending on the nature of their original inadmissibility (see Section I.1.6 for more information regarding TRP).

- To view the permanent residence application for TRP holders, visit IRCC: www.cic.gc.ca/english/resources/tools/perm/non-econ/permits/index.asp

3.6 PERMANENT RESIDENT APPLICATIONS MADE FROM OUTSIDE CANADA

People can come to Canada as permanent residents in numerous ways, having applied for this status outside of the country at a Canadian visa office or embassy. For the purposes of this guide, these applications are not covered in detail. However, let's simply mention that **people can apply for permanent residence from outside Canada as skilled workers, business investors, business entrepreneurs, and self-employed persons**. People can also be selected as refugees abroad by IRCC or be sponsored to come to Canada as refugees by groups of two to five people or community organizations. Individuals in these categories, whose applications were accepted, would be granted permanent residence as of the date they arrive in Canada.

→ For more information on permanent residence applications made from outside Canada, visit IRCC: www.cic.gc.ca/english/immigrate/apply.asp

4 FOUR OVERARCHING ELEMENTS

Before each social program and law is described in detail, it is important to discuss four overarching elements that may influence one’s access to benefits and employment. These four important elements are the notion of “residence”, right to work and work permits; social insurance number; and change of name and designation of sex.

4.1 NOTION OF “RESIDENCE”

The notion of “residence” is crucial because it is often mentioned in legislation. However, it is important to note that it is a different notion than that of “permanent residence”, which refers to a specific immigration status. The notion of residence is an eligibility criteria used to determine whether a person is entitled to certain benefits or services. However, **the definition of “residence” varies according to context or legislation in question, further complicating the situation of immigrants.**

In some cases, reference is made to the concept of residence as defined in Section 77 of the *Civil Code of Quebec*: “the residence of a person is the place where he ordinarily resides.”

In other cases, the notion of “residence” is defined in a section of a specific law or regulation. This definition then applies solely in the context covered by that law and may differ greatly from one law to another. For example, primary and secondary-level instruction is generally free, but the payment of additional student fees may be required for students who are not residents of Quebec (discussed further in Section II.3.1). For the purposes of the *Education Act*, the notion of “residence” in Quebec is defined in Section I of the *Regulation Respecting the Definition of Resident in Quebec* and includes 10 specific situations.

Some laws or regulations also refer to the notion of “residence” without ever defining the term, which creates numerous difficulties in determining the rights of non-status people in Quebec. It is therefore crucial to pay special attention to the criteria associated with the notion of “residence” in any given context.

4.2 RIGHT TO WORK AND WORK PERMITS

In order to work legally in Canada, a person who is not a **Canadian citizen** or **permanent resident** or **international student** must have a valid work permit issued by IRCC and a social insurance number. The work permit application may be filed either **outside or within Canada**.

A work permit can be **open or closed**. An open permit is not linked to a particular job, so no employer is indicated on the permit. IRCC delivers open work permits without requiring a labour market impact assessment or employment offer. Closed work permits, however, generally require a labour market impact assessment and employment offer. Individuals carrying a work permit, either closed or open, cannot work for **ineligible employers**, declared non-compliant for breach of their obligations under the Temporary Foreign Worker Program or the International Mobility Program. Work permit holders also cannot work for an employer who offers on a regular basis the following services: striptease, erotic dance, escort services or erotic massages.

In order to work legally in Canada, a person who is not a Canadian citizen or permanent resident must have a valid work permit issued by IRCC and a social insurance number.

From Canada, an open work permit can be requested from IRCC mainly by:

- **permanent residence applicants** and their family members;
- **spouses or common-law** partners of international students and temporary workers;
- **accepted refugees** and **protected persons**;
- **asylum seekers** (pending a hearing before the RPD);
- **rejected refugees** who are still allowed to remain in Canada because arrangements have yet to be made for their deportation (as long as an individual in this situation has not failed to appear for their deportation date, they can usually get a work permit while exercising legal recourses);
- **temporary residence permits** whose licenses are valid for at least six more months are eligible to obtain a work permit, along with their family members;
- and certain **young workers** participating in special programs.
- In some cases, **spouses** (married or common law) **without status** who are in the process of being sponsored by a Canadian citizen or permanent resident can obtain a work permit while the sponsorship application is being processed.

The list of documents required to obtain a work permit varies depending on immigration status.

Permanent residence applicants from within Canada and their family members may apply for a work permit, including individuals in the following categories: caregivers, spouses or common law partners of applicants and individuals citing humanitarian and compassionate considerations (see section I.3).

Most **visitors** do not qualify for a work permit. Some people may work temporarily in Canada **without holding a work permit**, such as:

- business visitors, for example under the North American Free Trade Agreement;
- journalists;
- lecturers;
- entertainers;
- and foreign government representatives, among others.

International students do not need work permits to work, whether on or off campus. Indeed, since January 1st 2014, a work permit is no longer required to work off campus. All that is needed is a valid study permit and to pursue full-time studies at a recognized institution. There is no maximum number of hours that can be worked on campus. However, off-campus, an international student can work a maximum of 20 hours per week during the academic session and full-time during vacation as per the academic calendar (such as winter and summer vacations and reading weeks).

However, in the **Post-Graduation Work Program**, new graduates must obtain a work permit to participate. Under this program, a work permit can be a maximum of 3 years, depending on the length of the studies. The studies must have been pursued full-time in a recognized post-secondary program that lasted at least 8 months without interruption. Secondary school level vocational training is also recognized under this program. Graduates must apply for a work permit within 90 days of obtaining their final results.

From outside of Canada, workers must apply to Immigration-Québec. If the request is approved, a Quebec selection certificate (CSQ) is granted. The selected worker will then file an admission application as well as a work permit application to IRCC. A temporary worker will not have to contact Immigration-Québec if a labour market impact assessment is not required. In this case, applications will only need to be made to IRCC.

→ To view the work permit application and a list of required documents, visit IRCC: www.cic.gc.ca/english/work/apply-how.asp

→ For a complete list of work permit exemptions in Canada, visit IRCC: www.cic.gc.ca/english/work/apply-who-nopermit.asp

Immigrants and refugees may face discrimination in employment in Quebec.

→ Victims of discrimination, notably to do with race, colour, religion or ethnic origin, should file a complaint to the *Commission des droits de la personne et des droits de la jeunesse* (CDPDJ).

www.cdpcj.qc.ca/en/droits-de-la-personne/defendre-vos-droits/Pages/porter-plainte.aspx

Toll-free: 1-800-361-6477

→ To view the webinar (only available in French): *Comprendre le harcèlement discriminatoire en milieu de travail pour mieux le prévenir*, visit CDPDJ:

www.cdpcj.qc.ca/fr/formation/webinaires/Pages/default.aspx

4.3 SOCIAL INSURANCE NUMBER

The Social Insurance Number (SIN) is a nine-digit number that is required in order to work in Canada, with or without a work permit, open or closed. A SIN is also necessary to have access to government programs and benefits.

Individuals who are not Canadian citizens or permanent residents have SINs that begin by the number “9”. Because of this, those with precarious immigration statuses are vulnerable to employment discrimination since their statuses are identifiable by their SIN. These temporary SINs usually have an expiration date that corresponds to the expiration date indicated on an individual’s immigration documents. If these immigration documents have no expiration date, the SIN will be valid for two years following issuance of the documents. Individuals with this type of SIN can exchange it for a new number if they become permanent residents.

To obtain a social insurance number, temporary residents must present:

- their work permits; **or**
- their study permits stating they may accept employment or work in Canada; **or**
- their visitor record indicating that they are authorized to work in Canada.

A number of social programs, such as Employment Insurance, require that applicants provide their SIN. Consequently, eligibility for such programs generally depends on the ability to obtain a work permit, which in turn is linked to one’s immigration status in Canada.

→ For more information on SIN applications, visit Service Canada:
www.canada.ca/en/employment-social-development/services/sin/before-applying.html
1-800-808-6352

4.4 CHANGE OF NAME AND DESIGNATION OF SEX

The *Directeur de l'état civil du Québec* regulates official documents such as birth, marriage and death certificates, as well as changes of names and designation of sex. The rules surrounding name changes and changes in the designation of sex are provided for by the *Civil Code of Quebec* and the *Regulation respecting change of name and of other particulars of civil status*.

NAME CHANGE

Individuals aged 14 and over can change their name by making a request to the *Directeur de l'état civil*. A parent or guardian can request a name change for a dependent minor (14 years old and under). Individuals born outside of Quebec who wish to change their name, and whose birth was not registered with the *Directeur de l'état civil* must first request to register their birth with the *Directeur*.

Only Canadian citizens residing in Quebec for at least one year may apply for a change of name.

Only Canadian citizens residing in Quebec for at least one year may apply for a change of name to the *Directeur de l'état civil*.

DESIGNATION OF SEX

Individuals wishing to change the designation of sex in their birth certificate must apply to the *Directeur de l'état civil du Québec*. Applicants aged 18 and older must apply themselves while applicants aged 14 to 17 years old can choose to be represented by a parent or guardian, or to file the application themselves. Children aged 14 and under must be represented by a parent or guardian. Minors must submit with their application a report from a health professional that confirms that the request to change the designation of sex is appropriate. This request to change the designation of sex cannot be granted for individuals aged 14 to 17 without their consent. Applicants must declare that the designation of sex requested is the one that best corresponds to their gender identity and that they plan to continue assuming that identity. This application is not in any case conditional to medical treatment or surgery.

First name (not last name) changes can be requested in the application to change designation of sex. The *Directeur* may, with the consent of the applicant, directly notify Quebec government agencies of these changes such as *Retraite Québec*, the *ministère du Travail, de l'Emploi et de la Solidarité sociale*, the *Curateur public du Québec*, the *Commission des normes, de l'équité, de la santé et de la sécurité*

du travail. Changes to designation of sex and first names (if requested) will also automatically be brought to the applicant's marriage certificate, if applicable. As well, if the applicant also requested a change to their first name, this change will be brought to their children's birth certificate, if applicable.

Only Canadian citizens residing in Québec for at least one year may apply for a change of designation of sex in the civil status documents held by the *Directeur de l'état civil*. Critics against this immigration status requirement argue that migrant transgender individuals are vulnerable to discrimination if their documents are not consistent with their gender identity.

Individuals born in Quebec, but no longer residing in Quebec, may apply for a change of designation of sex with the *Directeur de l'état civil du Québec*, with proof that such a change is not possible in the country or province of residence.

- To view the form: *Application for Insertion of an Act of Civil Status Made Outside Québec in the Québec Register of Civil Status*, visit: www.etatcivil.gouv.qc.ca/publications/FO-16-23%20Application%20for%20Insertion%20of%20an%20Act%20of%20Civil%20Status%20Made%20Outside%20Quebec%20in%20the%20Quebec%20Register%20of%20Civil%20Status.pdf
- To access the form preliminary analysis Application to request a name change, see: www.etatcivil.gouv.qc.ca/publications/FO-12-04-request-preliminary-analysis-modification-surname-first-name.pdf
- For more information, visit the *Directeur de l'état civil du Québec*: www.etatcivil.gouv.qc.ca/en/default.html

IMMIGRATION RESOURCES

Immigration and Refugee Board of Canada (IRB)

www.irb-cisr.gc.ca/Eng/Pages/index.aspx

Immigration, diversité et inclusion Québec (Immigration-Québec)

www.immigration-quebec.gouv.qc.ca/en/home.html

514-864-9191

Immigration, Refugees and Citizenship Canada (IRCC)

www.cic.gc.ca/english/index.asp

Directeur de l'état civil du Québec

www.etatcivil.gouv.qc.ca/en/default.html

1-877-644-4545

Association québécoise des avocats et avocates en droit de l'immigration (AQAADI)

www.aqaadi.com/

1-800-361-8495, extension 3471

Action Réfugiés Montréal

www.actionr.org/

514-935-7799

Ready for my refugee hearing

Refugee hearing preparation guides in several languages + guided tours inside IRB courtrooms

www.refugeeclaim.ca/

Montréal, a new beginning

Resources for newcomers to Montreal

www.ville.montreal.qc.ca/nouveaudepart/en

Carrefour d'aide aux nouveaux arrivants (CANA)

www.cana-montreal.com/en/

514-382-0735

CEDA - Support for Immigrants

www.cedast-henri.blogspot.ca/

514-596-4422

Canadian Council for Refugees (CCR)

www.ccrweb.ca/en

514-277-7223

Ligue des droits et libertés

www.liguedesdroits.ca

514-849-7717

Ligue des droits et libertés, section Québec

www.liguedesdroitsqc.org/

418-522-4506

Saguenéens et Jeannois pour les droits de la personne

www.sjdp.ca/

418-542-2777

IMMIGRATION RESOURCES

Médecins du monde

Healthcare for non-status individuals in Montreal.

www.medecinsdumonde.ca/

514-281-8998

To join the mobile clinic: 514-501-3411

To join the migrant clinic, Wednesday and Thursday from 1 pm to 8 pm:

514-281-8998, extension 246.

PINAY – Filipino women’s organization

www.pinayquebec.org/

514-364-9833

Regional Program for the Settlement and Integration of Asylum Seekers (PRAIDA)

www.csssdelamontagne.qc.ca/en/care-and-services/asylum-seekers/

514-731-8531

Solidarity Across Borders

www.solidarityacrossborders.org

438-933-7654

Just Solutions

www.montrealcitymission.org/en/programs/just-solutions

514-844-9128 ext. 204

Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI)

Directory of organizations supporting refugees and immigrants

www.tcri.qc.ca

514-272-6060




SECTION II



SOCIAL SAFETY NET IN QUEBEC

Access to social benefits and services is often dependent on one's immigration status. In Section II, the rights and recourses of Quebec residents with respect to social laws and programs are discussed. For each topic, the general programs and eligibility conditions are first outlined. Then, the way in which immigration status affects accessibility is presented. Applicable laws and other useful resources are also provided. For information regarding a specific situation, it is best to consult a lawyer or others who are knowledgeable in immigration matters or regarding social services and social law.



1 LEGAL AID

In Quebec, people who are admissible to the Legal Aid program can have access to the services of a lawyer or notary to obtain legal advice, and be represented before a variety of courts and tribunals either for free or by making a financial contribution. The Legal Aid program is regulated by the *Act respecting legal aid and the provision of certain other legal services*, the *Regulation respecting legal aid*, and the *Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services*.

Admissibility to Legal Aid depends on two main factors: 1) a person's or a family's financial situation and their family composition; **and** 2) the legal problem for which they are seeking counsel.

FINANCIAL ELIGIBILITY

Financial eligibility is established according to the annual gross income and number of people of a given household. Since January 1st 2016, Legal Aid eligibility scales allow a single person that works full time (35 hours per week) on minimum wage to have access to free Legal Aid. Scales are indexed every 31st of May according to the new minimum wage. An applicant's spouse or common law partner's income is generally taken into account to determine eligibility. Income includes employment as well as employment-insurance, CNESST benefits, student bursaries, and even received child or spousal support payments, to name just a few. However, benefits for children as well as the solidarity tax credit are not considered income (see section II.4). Welfare recipients are automatically considered eligible for free Legal Aid.

Legal aid eligibility scales allow a single person that works full time (35 hours per week) on minimum wage to have access to free Legal Aid.

Certain individuals not eligible for free Legal Aid may receive services if they contribute between \$ 100 and \$ 800 towards the total cost of the legal services and proceedings. The amount of the contribution required depends on a household's income and composition: the higher their income, the higher their contribution. These contribution amounts represent the maximum amount a person would have to pay for the legal services or proceedings on a given issue, regardless of whether the real cost is much higher. If the cost of the procedures or

services is less than the maximum contribution a person has to pay, they are only responsible for that lesser amount. In short, a person who is eligible for Legal Aid with contribution pays at all times the lesser of the contribution and the actual costs of his or her file.

To be financially eligible for free Legal Aid or for Legal Aid with contribution, a household's gross (before tax) annual income must be within the income ranges below (as of **May 31st, 2017**):

ELIGIBILITY TO LEGAL AID – ANNUAL GROSS INCOME SCHEDULE							
Maximum costs	Income	Single person	One adult + one child	One adult + two children or more	Couple without children	Couple + one child	Couple + two children or more
FREE	Maximum income or last resort financial assistance	\$20,475	\$25,050	\$26,742	\$28,494	\$31,881	\$33,574
WITH CONTRIBUTION							
\$100	Reputed income maximum (up to)	\$ 21,490	\$ 26,292	\$ 28,068	\$ 29,907	\$ 33,462	\$ 35,239
\$ 200	Reputed income maximum (up to)	\$ 22,506	\$ 27,533	\$ 29,393	\$ 31,321	\$ 35,043	\$ 36,904
\$ 300	Reputed income maximum (up to)	\$ 23,521	\$ 28,775	\$ 30,719	\$ 32,734	\$ 36,624	\$ 38,569
\$ 400	Reputed income maximum (up to)	\$ 24,537	\$ 30,017	\$ 32,045	\$ 34,147	\$ 38,205	\$ 40,234
\$ 500	Reputed income maximum (up to)	\$ 25,552	\$ 31,258	\$ 33,370	\$ 35,560	\$ 39,785	\$ 41,898
\$ 600	Reputed income maximum (up to)	\$ 26,567	\$ 32,500	\$ 34,696	\$ 36,974	\$ 41,366	\$ 43,563
\$ 700	Reputed income maximum (up to)	\$ 27,583	\$ 33,741	\$ 36,021	\$ 38,387	\$ 42,947	\$ 45,228
\$ 800	Reputed income maximum (up to)	\$ 28,599	\$ 34,984	\$ 37,348	\$ 39,801	\$ 44,529	\$ 46,894

It is important to note that people may still be admissible if they have income over these amounts because deductions are allowed for certain expenses, such as daycare expenses, tuition and expenses to compensate for a severe physical or mental impairment. Moreover, certain assets (such as property or shares) can render a person inadmissible even if their annual income meets the above scales. It is best for a person to make an appointment at their local Legal Aid office to determine whether they are eligible for Legal Aid.

There are Legal Aid offices in all regions of Quebec. These offices provide services in all legal issues covered by Legal Aid. In Montreal, there are civil Legal Aid offices in several areas of the city that deal with family law, administrative law and housing law, while specialized Legal Aid offices deal with criminal law, immigration law, youth law and health law for the entire territory of Montreal.

FREE CHOICE OF ONE'S LAWYER

The Quebec Legal Aid system is structured under a mixed model, which means that one can receive legal services from the permanent lawyers of the Legal Aid network who work at local Legal Aid offices, or from lawyers or notaries who are in private practice and accept Legal Aid mandates. The choice belongs to the person requesting legal services.

A lawyer in private practice can choose not to take Legal Aid mandates. However, if a lawyer accepts to represent an individual regarding a specific issue for which they obtained a Legal Aid mandate they are not permitted to additionally charge their client for those services.

SERVICES COVERED

The following areas of law and legal problems are usually covered by Legal Aid: family law, social assistance (welfare), employment insurance, criminal law, youth protection, and contesting administrative decisions by government departments and bodies regarding benefits or compensation programs, such as the road accident compensation program (SAAQ) or the victims' compensation program (IVAC), the Quebec Pension Plan, etc.

Some other services are sometimes covered, as is the case for housing and applications to the *Régie du logement*. It is then said that coverage is discretionary and Legal Aid is granted if one of the following criteria is demonstrated: probability of imprisonment, threatened livelihood, exceptional circumstances involving the interests of justice, physical security or psychological impairment, essential needs are threatened, possibility of serious restriction of freedom.

To determine whether a specific issue or legal problem is covered by Legal Aid, it is best to make an appointment at one of the Legal Aid offices to have the situation evaluated.

Legal Aid also offers affordable services to all individuals even those financially inadmissible to Legal aid, such as the Homologation Assistance Service and a child support recalculation service: *Service administratif de rajustement des*

pensions alimentaires pour enfants (SARPA). The Homologation Assistance Service allows parties to use a Legal Aid lawyer (a permanent lawyer from a Legal Aid office or a lawyer working in private practice) to amend an existing judgment regarding custody, access rights, and child or spousal support if a judgment has already been rendered concerning child support or child and spousal support. The service costs \$ 550 and each parent pays half. Thus, a person who is financially eligible for free Legal Aid will not have to pay their share. A person who is eligible for the contribution component will pay the lesser of the contribution and the \$ 275 share. The SARPA, on the other hand, allows child support payments to be readjusted for children under the age of 18 if a child support judgment has already been rendered.

For immigration matters, services related to a refugee claim, detention and deportation hearings before the Immigration Division, applications for judicial review to the Federal Court, loss of permanent residence, refugee or citizen status, sponsorship, appeals to the Immigration Appeal Division, the Refugee Appeal Division, and the Federal Court of Appeal, and applications for permanent residence on humanitarian and compassionate grounds may be covered by Legal Aid, among others.

A person who is refused Legal Aid can apply for a review of that decision within 30 days. A review committee will subsequently render a new decision, which is final and without appeal. The request for review must be made in writing, with the reasons for the request for review.

LEGAL AID BASED ON IMMIGRATION STATUS

Legal Aid legislation is silent with regard to immigration status and **requires only that a person reside in Quebec in order to be eligible**. Residence is a matter of fact. The question is whether the applicant is usually residing in Quebec. Moreover, a person detained in Quebec who did not live in Quebec prior to detention is considered a resident of Quebec even if they didn't intend on being residents. All immigration statuses covered in this guide are eligible for Legal Aid if they usually reside in Quebec, including individuals without status.

Also, people who would not otherwise be eligible for Legal Aid, such as visitors, would be eligible if they are detained by immigration or other authorities. Indeed, the *Legal Aid Act* provides that a person may be eligible in “any other case if the freedom of the person to whom Legal Aid would be granted is or is likely to be seriously restricted, due to the possibility of committal to custody or detention”.

RESOURCES

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval
www.ccjm.qc.ca
514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec
www.csj.qc.ca
514-873-3562

Community Legal Services of Point St-Charles and Little-Burgundy

www.servicesjuridiques.org
514-933-8432

Coalition pour l'accès à l'aide juridique

www.coalitionaidejuridique.org/

2 WELFARE

The *ministère du Travail, de l'Emploi et de Solidarité sociale du Québec* (MTESS) administers two main last-resort financial assistance programs: the **Social Assistance Program** and the **Social Solidarity Program**. These programs are provided for under the *Individual and Family Assistance Act* and the *Individual and Family Assistance Regulation*.

Applications for financial assistance are usually made at the applicant's closest Local Employment Centre (*Centre Local d'Emploi* – CLE). However, in Montreal, applications made by refugee claimants or sponsored immigrants are processed at the *Centre spécialisé des demandeurs d'asile, des garants défaillants et des parrainés* (CSDAGDP).

SOCIAL ASSISTANCE PROGRAM

The purpose of the Social Assistance Program is to grant last-resort financial assistance to people with no severe limitations for employment and to people with temporary limitations for employment. Temporary limitations include being at least 20 weeks pregnant, being 58 years old or more, or being in charge of an infant younger than 5 years old. Basic benefit amounts are shown on the Table: *Social Assistance Program and Social Solidarity Program Benefit Amounts*.

Eligibility for the Social Assistance Program is based on a number of criteria, as well as on a person's immigration status. Notably, one must:

- Show that their financial resources as well as the value of their assets (especially property or vehicles) are equal to or less than the amount prescribed by regulation. If this requirement is not met, the monthly payment may be reduced or the application may be refused;
- Reside in Quebec (that is, to normally live in Quebec);
- Be an adult 18 or older (a person younger than 18 may be eligible for social assistance if they are or have been married, if they are the parent of a dependent child, or legally emancipated).

Eligibility for welfare and the benefits received are determined based on the income of the applicant. This income may be the result of employment, child support payments, a retirement pension under the Quebec Pension Plan, workers compensation from the *Commission des normes, de l'équité, de la santé et de la sécurité de travail*, or revenue from the *Société de l'assurance automobile du Québec* or the Quebec Parental Insurance Plan, or repeated donations.

Welfare recipients can usually obtain free prescription medication by presenting their claim slip (“carnet de réclamation”) at the pharmacy. Access to free medication falls under the Basic Prescription Drug Insurance Plan, which is administered by the *Régie de l’assurance maladie du Québec* (RAMQ). One must, therefore, be eligible for the RAMQ plan to then have access to the Basic Prescription Drug Insurance Plan. There are many people, for example refugee claimants, who are not eligible for the RAMQ plan (see Section II.8 for more information).

The Program will also reimburse certain costs that arise from a special need (e.g. buying glasses) or a specific situation (e.g. damage following a fire).

SOCIAL SOLIDARITY PROGRAM

The purpose of the Social Solidarity Program is to grant last-resort financial assistance to people with severe limitations to employment. In a two-adult family, only one adult must qualify for the program in order for both adults (spouses or common-law partners) to be in the program.

To obtain a Social Solidarity allowance, a medical report must be produced attesting to the fact that your physical or psychological condition is significantly impaired, either permanently or for an indeterminate time (but for at least 12 months) and, therefore, in combination with your socio-occupational profile (little schooling, no work experience), you or your spouse have severe limitations to employment.

SOCIAL ASSISTANCE PROGRAM AND SOCIAL SOLIDARITY PROGRAM BENEFIT AMOUNTS

SOCIAL ASSISTANCE PROGRAM				
Category	Basic Benefit	Temporary limitations allowance	Total Amount	Excluded Work Income
1 adult				
No limitations	\$ 628	\$ 0	\$ 628	\$ 200
Temporary limitations	\$ 628	\$ 133	\$ 761	\$ 200
1 independent adult who is sheltered or required to live in an institution for social reintegration purposes or 1 minor sheltered with his or her dependent child or 1 adult staying at an addiction treatment centre	\$ 203	\$ 0	\$ 203	\$ 200

SOCIAL ASSISTANCE PROGRAM				
Category	Basic Benefit	Temporary limitations allowance	Total Amount	Excluded Work Income
1 spouse of a student				
No limitations	\$ 174	\$ 0	\$ 174	\$ 200
Temporary limitations	\$ 174	\$ 133	\$ 307	\$ 200
2 adults				
No limitations	\$ 972	\$ 0	\$ 972	\$ 300
Temporary limitations	\$ 972	\$ 229	\$ 1,201	\$ 300
2 adults with different situations				
1 adult with no limitations and 1 adult with temporary limitations	\$ 972	\$ 133	\$ 1,105	\$ 300
2 adults with temporary limitations, of which 1 adult is not entitled to the temporarily limited capacity allowance, for example an asylum seeker	\$ 972	\$ 133	\$ 1,105	\$ 300

SOCIAL SOLIDARITY PROGRAM		
Category	Social Solidarity Allowance	Excluded Work Income
1 adult	\$ 954	\$ 100
1 spouse of a student	\$ 484	\$ 100
1 independent adult admitted to a shelter or required to live in an establishment for social reintegration purposes or 1 minor adult sheltered with his or her dependent child or 1 adult staying at an addiction treatment centre	\$ 203	\$ 100
2 adults	\$1,426	\$ 100

Source: MTESS, www.emploi.quebec.gouv.qc.ca/publications/pdf/00_nouv-montants-prestation_2017_A.pdf

Certain factors can affect the amount of benefits received. For example, special benefits or adjustments may be added for dependent children. Participation in an employment program can qualify the recipient for a “Return to Work” supplement. Benefits are reduced if the recipient is living with their parents. QST amounts can also vary if the recipient shares an apartment.

AIM FOR EMPLOYMENT PROGRAM

On November 10, 2016, Bill 70, the *Act to allow a better match between training and jobs and to facilitate labour market entry*, was passed into Law. This Act amends the *Individual and Family Assistance Act* by creating the Aim for Employment Program. On this program, new welfare recipients will be imposed an individual labour market entry plan for a period of 12 months by Government agents. Failure to fulfill certain conditions of the imposed plan may result in cuts to benefits. At the time of publishing this guide, the implementing regulations, which will provide details of the Program, have not yet been officialised.

ELIGIBILITY FOR SOCIAL ASSISTANCE BASED ON IMMIGRATION STATUS

Canadian citizens and **permanent residents** are eligible for both the Social Assistance Program and the Social Solidarity Program. However, individuals accepted from outside of Canada as permanent residents such as **skilled workers** are not usually eligible for last-resort financial assistance in the 90 days following their arrival.

In their application for permanent residence, these **skilled workers** were required to demonstrate their ability to support themselves upon their arrival to Canada:

Number of family members	Funds required (in Canadian dollars)
1	\$12,300
2	\$15,312
3	\$18,825
4	\$22,856
5	\$25,923
6	\$29,236
7	\$32,550
For each additional family member	\$3,314

Source: IRCC, www.cic.gc.ca/english/immigrate/skilled/funds.asp

These financial requirements do not apply to a worker who has already received a job offer in Canada, or who is already employed in Canada, or who is authorized to work in Canada.

In Quebec, a **skilled worker** must also respect the Immigration-Quebec scales, which are less demanding than those of IRCC:

**BASIC NEEDS OF MAIN FAMILY UNITS FOR THE THREE-MONTH PERIOD
AFTER ARRIVAL IN QUÉBEC**

	One adult	Two adults
No children	\$3,085	\$4,525
One child (-18 years)	\$4,146	\$5,069
Two children (-18 years)	\$4,680	\$5,470
Three children (-18 years)	\$5,214	\$5,872

Source: 2017 Scales, Immigration-Québec, www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/permanent-workers/requirements-programs/glossary.html

Thus, immigrants of this category are assumed to have a certain amount of liquid assets (this amount is determined by law) with which to live in Canada for a 90-day period even if they are actually out of funds (due to spending, theft, loss, etc.). These individuals are therefore ineligible for financial assistance because they are assumed to have assets that exceed the maximum allowed for welfare during the first 90 days in Canada.

Convention refugees or **protected persons** are not assumed to have these liquid assets, even if they are selected from outside of Canada. Also, certain rules apply to **sponsored immigrants** – these will be explained shortly.

In the case of a **couple** (spouse or common-law) who arrive in Canada and then apply for financial assistance, the primary welfare applicant is assumed to possess the total amount of liquid assets discussed above. In the case of separation or divorce after the family's arrival to Canada, the spouse and/or dependent children who were included in the application can submit an independent welfare claim, without these liquid assets being attributed to them.

Like Canadian citizens and permanent residents, **accepted refugees** in Canada and **protected persons** are eligible for the Social Assistance Program and the Social Solidarity Program once they have obtained their Quebec Selection Certificate (CSQ). The application for a CSQ can be made as soon as an individual has been attributed the status of refugee or protected person from the IRB or IRCC. In a two-adult family, only one adult must qualify as a Convention refugee or protected person in order for both adults (spouses or common-law partners) to be eligible for welfare, so long as all other eligibility criteria (income, etc.) are met.

Refugee claimants waiting for a decision from the IRB may have access to social assistance, but are only eligible for certain benefits and allowances. For example, refugee claimants are not eligible for the temporary limitations to employment allowance or special benefits related to health.

Benefits for refugee claimants are determined according to their family composition. Benefits are adjusted according to the number of dependent children, with a supplement for single-parent families. Refugee claimants must meet the same eligibility requirements as other financial assistance applicants. When the application for welfare is submitted, the applicant must supply their refugee protection claimant document issued by IRCC as well as a certificate of eligibility for the Interim Federal Health Program.

Refused refugees may still receive the same welfare benefits as a refugee claimant while they await either their departure to another country or their Pre-Removal Risk Assessment (PRRA), as long as they are not considered to be in an irregular situation with IRCC. A person is considered to be in an irregular situation if they:

- didn't attend their immigration hearing;
- didn't attend their interview to arrange the details of their departure;
- didn't show up to their scheduled date of departure.

Individuals in these circumstances are considered clandestine or **non-status**.

Temporary residents with a study permit, visitors (with or without a visa) and **work permit holders** are not usually eligible for welfare. Similarly, **caregivers** are not eligible for welfare unless they obtain permanent resident status.

A SPECIFIC CASE: SPONSORED IMMIGRANTS

People who immigrate to Canada through the **Family Class** program are sponsored by a family member in their application for permanent residence in Canada.

In a sponsorship application, the sponsor signs an agreement with the *ministère de l'Immigration, de la Diversité et de l'Inclusion du Québec* in which they commit to provide, if necessary, financial support for the essential needs of the person sponsored. Sponsors residing elsewhere in Canada sign an agreement with IRCC. As mentioned in Section 1.3.3, social assistance recipients are not eligible to be sponsors. An exception applies to social solidarity recipients, meaning those recipients whose capacity for employment is deemed severely limited. Also admissible as sponsors are **social assistance** recipients aged 58 and over who automatically receive a temporarily limited capacity allowance due to their age.

The length of this obligation varies according to the family relationship:

Sponsored person	Duration of sponsorship (undertaking)	Comments
Spouse, common-law partner or conjugal partner	3 years	----
Child under 13 years of age	Minimum 10 years	10 years or until the age of majority (18 years old), whichever is longer
Child 13 years of age and older	Minimum 3 years	3 years or until the age of 22, whichever is longer
Other relatives	10 years	----

Source: Immigration-Québec, www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/family-reunification/requirements-sponsor/duration-sponsorship.html

Sponsorship agreements come into effect when the person sponsored obtains their permanent resident status. The agreement is not cancelled in case of divorce or separation and is in addition to the normal obligations that exist between spouses or between parents and children.

A sponsored immigrant is only eligible for the Social Assistance Program or the Social Solidarity Program if the sponsorship agreement has not been respected (as in if the sponsor does not meet the basic needs of the person they are sponsoring). The sponsor can be held accountable and be obliged to reimburse the MTESS for all benefits incurred during the period of the sponsorship agreement, including costs of medication paid for by social assistance, if applicable.

If the person sponsored continues to live with their sponsor, they are not considered to be deprived of their means of subsistence; welfare will therefore be refused (unless the sponsor is a welfare recipient or is bankrupt).

When a sponsored immigrant applies for welfare benefits, the *Centre spécialisé des demandeurs d'asile, des garants défaillants et des parrainés* (CSDAGDP) double-checks the following sponsorship details:

- Whether the sponsorship contract is still in effect;
- The guarantor's reasons for not respecting their sponsorship contract;
- Whether the sponsor can take responsibility for the person sponsored and whether the government can recover the debt directly from the sponsor.

AN EXCEPTION: VIOLENCE BETWEEN SPONSORS AND SPONSORED PERSONS

In the case of physical or psychological violence by the sponsor towards the sponsored person or their children, and when the couple has separated, the minister (MTESS) can decide upon a complete or partial remission of the sponsor's debt. The goal of this measure is to avoid exacerbating violent or potentially violent situations that could come with the sponsor facing a claim.

THE DISCRETIONARY POWER OF THE MINISTER IN CASES OF INELIGIBILITY

A person who is ineligible for the Social Assistance Program or the Social Solidarity Program because of their immigration status can still receive benefits by virtue of a decision rendered under the discretionary power of the Minister. This discretionary power is bestowed upon regional program directors and is exercised in cases judged to be exceptional. The person or family applying to welfare under this category must prove that they are in a situation in which their health or security is at risk of being compromised or that they would be totally destitute without social assistance. The discretionary decision made by the Minister is not subject to revision or appeal.

Financial assistance received through this discretionary power can sometimes be subject to a reimbursement agreement.

Foreign and Canadian-born **students** are not permitted to take advantage of this discretionary power and must, instead, use the recourses made possible by their educational institution and the Minister of Education.

APPLICATION FOR REVIEW OR APPEAL

If a person disagrees with the *Centre local d'emploi's* decision regarding their welfare file, whether concerning a welfare refusal or cancellation, or concerning a money claim, they have 90 days following the decision to request a review with the *Centre local d'emploi*. If the review is not successful, it is possible to file an appeal through the *Tribunal administratif du Québec* (TAQ) within 60 days of receiving the decision.

WELFARE RESOURCES

Ministère du Travail, de l'Emploi et de la Solidarité sociale

www.mess.gouv.qc.ca/thematiques/aide-financiere/index_en.asp

Front commun des personnes assistées sociales du Québec (FCPASQ)

www.fcpasq.qc.ca

514-987-1989

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

3 EDUCATION

In Quebec, the right to education and the associated costs vary depending on whether the student is attending elementary, secondary, or post-secondary education. Costs and admissibility requirements also vary depending on whether the school is publicly or privately funded.

3.1 ELEMENTARY AND SECONDARY EDUCATION

Education, whether public or private, is compulsory for children, who meet the definition of resident of Quebec, between ages 6 and 16.

In order for a child to attend public kindergarten, primary school or secondary school, they must apply for admission at the school board serving their neighbourhood. For private and independent schools, the schools themselves usually control admission.

Furthermore, under the Quebec Charter of the French Language all students must attend French-language public or private primary or secondary schools, except for:

- Children who have done most of their elementary or secondary studies in English elsewhere in Canada;
- Children whose father or mother did most of their elementary studies in English anywhere in Canada;
- Children of Canadian citizens whose brother or sister did or is doing their elementary or secondary studies in English anywhere in Canada;
- Temporary residents of Quebec;
- First Nation children.

ELEMENTARY AND SECONDARY EDUCATION BASED ON IMMIGRATION STATUS

The first section of the *Education Act* grants the **right to attend school to every child** up to the age of 18 and up to the age of 21 years for students with disabilities. This right applies to preschool, primary or secondary. The Act refers to every person and not to every resident. **The right to education is therefore not a function of immigration status.**

The Law provides that school boards must admit children residing on their territory. The notion of residence that should be used here corresponds to that of the *Civil Code of Quebec*, that is to say, the place where an individual usually lives, and therefore irrespective of their immigration status.

The **right to free schooling**, on the other hand, is more particular. Section 3 of the *Education Act* states that children entitled to education are also entitled to free schooling if they are residents of Quebec. The *Regulation respecting the definition of resident in Quebec's* definition of resident applies in the context of the *Education Act*. Thus, the right to free education in Quebec generally applies to a child who is a **Canadian citizen** or a **permanent resident** and who resides in Quebec.

The Act provides that school boards must require a **financial contribution** from students who do not meet the definition of Quebec resident. Nevertheless, the *ministère de l'Éducation et de l'Enseignement supérieur* has the discretion to create categories of students who do not have to pay these fees.

Thus, thanks to a policy established by the Ministère, a majority of students who attend public school, who do not meet the definition of Quebec resident, and who are not Canadian citizens or permanent residents, are entitled to free education.

The following students are entitled to free schooling:

- Canadian citizens or permanent residents (children or parents);
- Children of temporary workers;
- Children of international students;
- Asylum seekers;
- Refused asylum seekers (if their residence in Canada is still permitted);
- Accepted refugees who have their CSQ;
- Permanent residence applicants who have their CSQ (children or parents) in family reunification or humanitarian cases;
- Temporary residence permit holders (children or parents);
- Students who have French citizenship (education agreement between France and Quebec);
- Students participating in recognized school exchange programs;
- Children of asylum seekers and refused asylum seekers whose residence in Canada is still permitted and accepted refugees who have their CSQ;
- Children of temporary workers and international students whose work or study permit expired less than one year ago;
- Children who are in the care of youth protection (*Direction de la protection de la jeunesse*), a CLSC or a CISSS.

Certain documents will be required by school boards for admission, obtaining a permanent code (for the first registration), and determining whether the student is entitled to free schooling, such as a birth certificate with an official translation, official passport from another country, etc.

Non-status children may be admissible to free schooling. For example, a school board that finds that a child will be penalized in terms of schooling due to obstacles in obtaining documentation and regularizing their immigration status can ask the ministère de l'Éducation et de l'Enseignement supérieur to exempt the child in question from paying school fees, despite their immigration status.

Parents whose children are denied access to free schooling, despite this policy, can file a complaint with the school board, the *ministère de l'Éducation et de l'Enseignement supérieur*, or the Quebec Ombudsman. The Ministry may intervene with the school board to remind it that it may apply for a school fees exemption depending on the student's situation. The Ministry estimates that of the approximately 800,000 students enrolled in public school, about 1,000 are not entitled to free education.

Fortunately, a bill to amend the *Education Act* was tabled in spring 2017. This bill should provide free schooling for children with no status. As the present guide was about to go to print, the *Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance* was just adopted and came into effect on November 9th, 2017.

Under the *IRPA*, minors can attend primary and secondary school without a **study permit**. However, children of parents who are in Canada as visitors must obtain an IRCC study permit and an Immigration-Quebec CAQ (Quebec Acceptance Certificate). This application must be made from the country where the applicant last had permanent residence and include proof of admission to school. Children whose parents have applied for and obtained a work or study permit from outside Canada do not have to provide this proof of admission. Study permits for elementary and secondary (level 1 and 2) school are valid for one year and are renewable. Study permits for secondary school (level 3 to 5) are valid for the entire period.

3.2 POST-SECONDARY EDUCATION

The Quebec government subsidizes post-secondary education and controls tuition fees. There are three levels of tuition: Quebec resident (lowest level), out-of-province Canadian resident (tuition set to average Canadian tuition) and International tuition (highest). The Quebec resident tuition is only available to people who meet the definition of a “Quebec resident”, residents of jurisdictions that have bilateral agreements with the Quebec government, and to students enrolled in French literature or Quebec programs of study.

→ To access the *tuition policy for Canadian students that are non-residents of Quebec by Quebec universities* (in French), visit the *ministère de l'Éducation et de l'Enseignement supérieur*: www.education.gouv.qc.ca/fileadmin/contenu/documents_soutien/Ens_Sup/Universite/Droits_scolarite/Politique_etudiants_etrangers.pdf

The main post-secondary institutions in Quebec are universities and CEGEPs (*Collège d'enseignement général et professionnel*) where students can take pre-university or vocational courses. There are public and private CEGEPs.

POST-SECONDARY EDUCATION AND IMMIGRATION STATUS

Anyone who is not a **Canadian citizen** or **permanent resident** and who wants to enrol in a post-secondary program that is longer than six months requires a CAQ for these studies. A CAQ is issued for the length of the studies to a maximum of 49 months and can be renewed. To obtain a CAQ a final letter of admission to a university or college is normally required. After obtaining a CAQ for studies, an application to IRCC is usually made for a study permit. In most cases, these students will have to pay international student fees. Under cooperation agreements between Quebec and certain foreign governments, foreign students may be exempt and pay the same tuition fees as Quebec students (e.g. France).

Accepted refugees, whether or not they have applied for a CSQ, and individuals accepted in principle after filing an application for permanent residence on **humanitarian and compassionate grounds** are subject to Quebec resident fees.

A **refugee claimant** or **refused refugee**, as well as people in Canada on **visitor visas** or **temporary work permits**, would require a CAQ for studies and a study permit from IRCC, but will have to pay international student fees and prove that they have the money to do so in order to obtain a CAQ.

Those with **no legal immigration status** in Canada would not be able to obtain a CAQ, as proof of immigration status in Canada is required to apply, and an application for an IRCC study permit would not be granted to someone with no legal immigration status in Canada.

- To access the CAQ study request, visit Immigration-Québec:
www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/students/obtaining-authorizations/certificat-acceptation/index.html
- For a list of designated educational institutions, visit:
www.cic.gc.ca/francais/etudier/etudier-etablisements-liste.asp

3.3 FRENCH LANGUAGE COURSES THROUGH IMMIGRATION-QUÉBEC

French second language courses are offered free of charge in Quebec. This program is provided for in the *Act respecting immigration to Quebec* and the *Regulation respecting linguistic integration services*. Financial assistance can be obtained in the form of a participation allowance, a childcare allowance and a transportation allowance. The participation allowance varies between \$ 30 and \$ 115 per week, depending on immigration status. The childcare allowance reimburses up to \$ 25 of expenses incurred per day. The transportation allowance is available to individuals sponsored under the *Family Class* program as well as to students referred by the MTESS.

Eligibility for these courses and the ability to attend full-time or part-time courses is based on immigration status. All applications for admission or financial assistance are made to Immigration-Québec.

ELIGIBILITY FOR FRENCH COURSES THROUGH IMMIGRATION-QUÉBEC, FULL-TIME OR PART-TIME

Status	Eligible for full-time studies	Eligible for part-time studies
Permanent resident	✓	✓
Naturalized Canadian citizen	✓	✓
Accepted refugee	✓	✓
Person authorized to apply for permanent residence on-site in Canada	✓	✓
Temporary Resident Permit Holder	✓	✓
Refugee claimant	X	✓
Temporary worker holding a CSQ	✓	✓
International student holding a CSQ	✓	✓

Source: Immigration-Québec, www.immigration-quebec.gouv.qc.ca/en/french-language/glossary.html

The online francization service (FEL) is a program offering online French courses. This service is available to:

- CSQ holders for at least two months that are still abroad (required age of 16 or older)
- CAQ holders that are already residing in Quebec to work or study (required age of 18 years or older)
- Residents of Quebec with the required immigration status (see above table).

Individuals who have attained a maximum of **1,800 hours** of French classes offered by Immigration-Québec are not admissible to the FEL program.

→ To access the FEL program, visit:

www.immigration-quebec.gouv.qc.ca/en/french-language/learning-online/index.html

EDUCATION RESOURCES

Ministère de l'Éducation et de l'Enseignement supérieur

www.education.gouv.qc.ca/

Quebec Ombudsman

www.protecteurducitoyen.qc.ca/en

To file a complaint: 1-800-463-5070

To access the online complaint form:

www.protecteurducitoyen.qc.ca/en/make-a-complaint/complaint-forms/online-complaint-form

Collectif éducation sans frontières

www.collectifeducation.org/en/

438-933-7654

Banque interrégionale d'interprètes (BII), du CIUSSS du Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters for Montreal, Laval and Montérégie. Other areas can be served upon request. The service is available for health and social services appointments, meetings with schools, the CNESST and the SAAQ. Fees applicable.

www.santemontreal.qc.ca/professionnels/services-et-outils/banque-regionale-dinterpretes
514-597-3284

Fédération des commissions scolaires du Québec

www.fcsq.qc.ca/

1-800-463-3311

4 FAMILY

4.1 CANADA CHILD BENEFIT

The **Canada Child Benefit** (CCB) is a monthly, **non-taxable** and **non-seizable** payment that varies according to household income, number of children and civil status. This federal program is regulated by the *Income Tax Act* and the *Income Tax Regulations*.

Since July 2016, the CCB has replaced the former Canada Child Tax Benefit (CCTB), the National Child Benefit Supplement (NCBS) and the Universal Child Care Benefit (UCCB). A **Child Disability Benefit** (CDB) may also be added.

BENEFITS AMOUNTS BETWEEN JULY 2016 AND JUNE 2018	
Parameters	Annual amounts
MAXIMUM AMOUNT FOR CCB	
Per eligible child under the age of six	\$ 6,400
Per eligible child aged 6 to 17	\$ 5,400
AMOUNT FOR CDB:	\$ 2,730

Source: Canada Revenue Agency, www.cra-arc.gc.ca/bnfts/ccb/clcityccb-eng.html

However, beyond a net annual family income of \$ 30,000, the CCB is gradually reduced to zero.

As well as one's immigration status, there are a number of additional criteria that determine one's eligibility for the CCB. The child must be under 18 and must be living with the person who receives the benefits. The CCB recipient must be the child's primary caregiver (this includes being responsible for the child's health and education). If the child lives with both their mother and father, CCB payments are usually made to the mother. However, the child's father, grandparents or tutor can also apply for CCB, indicating that they are the child's primary caregiver.

In the case of **shared custody** (between 40% and 60%), both parents receive 50% of the full benefit amount. No agreement derogating from this principle will be accepted, ratified by court or not.

The CCB is administrated by the Canada Revenue Agency (CRA). It is therefore necessary to submit one's income tax return in order to receive benefits. The benefits are calculated on an annual basis, in July, based on the family's net annual income in the preceding year. Benefits are paid on the 20th day of each month.

CCB ELIGIBILITY BASED ON IMMIGRATION STATUS

First and foremost, CCB eligibility is based on the guardian parents' status, not the child's status.

Only one partner needs to be eligible in order to receive benefits.

To be eligible to receive benefits, one parent, or their spouse or common-law partner, must reside in Canada and be a **Canadian citizen**, a **permanent resident**, a **protected person**, or a **Convention refugee**. **Temporary residents** who have resided in Canada for the past 18 months are also eligible for these benefits.

In determining one's entitlement to family benefits, **common-law partners** must live together in a conjugal relationship and meet at least one of the following conditions:

- The partners are in a conjugal relationship and have lived together for at least 12 months without an interruption that exceeds 90 days;
- The partners are the parents of a child by birth or adoption;
- One of the partners is the sole and primary caregiver of a child of the other spouse who is under the age of 18, if the applicant is not the biological parent.

Only one partner needs to be eligible in order to receive benefits. Therefore if one person has the required immigration status, the couple may apply for benefits.

→ Benefit recipients and their spouse or common-law partner who have become Canadian citizens within the 12 months preceding their application or who have an immigration status that is not that of Canadian citizen, this includes individuals who have the status of "Indian" within the meaning of the *Indian Act*, must complete the CRA form "**Status in Canada /Statement of Income**": www.cra-arc.gc.ca/E/pbg/tf/rc66sch/

The definition of **temporary resident** used to determine eligibility for federal family benefits is complicated. Temporary residents must have lived in Canada during the 18 months preceding their application for the CCB. They must also have a study permit, a work permit or a Temporary Resident's Permit or an extension to a Temporary Resident's Permit that doesn't state "does not confer status" or "does not confer temporary resident status". The application for benefits must be submitted in the claimant's nineteenth month of residence in Canada. It is not

necessary for the temporary resident to have had a valid visa or permit for the 18 months preceding their application, but they must have a valid visa or permit on the date that the application is submitted and during the period the parent receives benefits.

Refugee claimants and **refused refugees** are not eligible for family benefits. They may, however, receive welfare (see Section II.2). Through welfare, they will ultimately receive, if applicable, a monthly supplement based on the number of dependent children in the family. This amount is, however, less than that of family benefits.

Similarly, **people without legal status** are not eligible to receive family benefits. However, the spouse or common-law partner of a person without status who meets eligibility requirements can apply for family benefits.

Individuals receiving family benefits by virtue of the **status of their spouses** or common-law partners will no longer be eligible if the couple separates. If they continue to accept benefits following a separation, they may become indebted to the federal government.

For the purposes of the *Income Tax Act*, individuals are deemed to be residents throughout the taxation year if they reside in Canada for 183 days or more.

In addition to the above eligibility criteria, the beneficiary must be a **resident of Canada**, which is based on his or her residency in Canada (such as a lease, utility bills, bank statement, as well as the duration, purpose and regularity of stays in Canada and abroad). For the purposes of the *Income Tax Act*, individuals are deemed to be residents throughout the taxation year if they **reside in Canada for 183 days or more**.

CHALLENGING A CRA DECISION

A person who receives benefits while the government believes that they are not entitled may receive a **claim for the amounts received**. It is possible to challenge the claim by completing a "Notice of Objection". The decision on the notice of objection may then be challenged in the Tax Court of Canada within 90 days of the date of the decision. The decision of the Tax Court of Canada can be appealed before the Federal Court of Appeal.

FOR MORE INFORMATION

Canada Revenue Agency

www.cra-arc.gc.ca

1-800-387-1194 (Benefits inquiry)

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province
of Quebec

www.csj.qc.ca

514-873-3562

4.2 QUEBEC CHILD ASSISTANCE PAYMENT

The **Child Assistance Payment** is **non-taxable, non-seizable** financial assistance provided by *Retraite Québec*, as provided for in the *Taxation Act* and the *Taxation Regulations*. This benefit is paid every three months in principle, on the first working day (January, April, July, and October) or monthly, upon request. Child assistance payments may include **supplements for handicapped children**. The benefits amount is calculated based on the number of children under 18 residing with the beneficiary, family income and marital status. On the other hand, the Supplement for handicapped children and the Supplement for handicapped children requiring exceptional care are paid according to the state of health of the child, without considering income.

The eligibility criteria are identical to those of the CCB, including the fact that the recipient or their spouse must be responsible for the care and education of the child for whom the benefits are received.

In order to obtain the child assistance payment, the beneficiary and their spouse (if applicable) must complete their annual income tax return in Quebec. The benefit amount is adjusted each year, in July, based on the previous year's income.

The *Directeur de l'état civil* shall automatically notify *Retraite Québec* of the birth of any child in Quebec. For other situations (adoption, change of custody, etc.), an application must be filed with *Retraite Québec*.

In the case of shared custody (between 40% and 60%), the child assistance payment is paid to each parent throughout the year, each receiving half the total amount. No agreement derogating from this principle will be accepted, approved by court or not.

MAXIMUM AND MINIMUM YEARLY AMOUNTS IN 2017
(indexed in January of each year)

Parameters	Amounts
MAXIMUM ASSISTANCE	
1st child	\$2410
2nd child	\$1204
3rd child	\$1204
4th and subsequent children	\$1806
Single-parent family	+ \$845
MINIMUM ASSISTANCE IN ALL CASES	
1st child	\$676
2nd child	\$625
Single-parent family	+ \$337
Supplement for handicapped children	\$2,280
Supplement for handicapped children with exceptional care needs	\$11,448

Source: *Retraite Québec*, www.rrq.gouv.qc.ca/en/enfants/naissance/paiement_soutien_enfants/Pages/montant.aspx

ELIGIBILITY FOR CHILD ASSISTANCE PAYMENTS BASED ON IMMIGRATION STATUS

The eligibility criteria for immigration status are identical to those for CCB (see section II.4.1).

- Anyone who is not a Canadian citizen or whose spouse is not a Canadian citizen must complete the “Status in Canada” form from *Retraite Québec*: www.rrq.gouv.qc.ca/SiteCollectionDocuments/www.rrq.gouv.qc/Anglais/formulaires/soutien_aux_enfants/LPF810_en.pdf

A beneficiary of the Child Assistance Payment, eligible solely for the status of their spouse or common-law partner, will no longer be eligible after separation, as is the case with the CCB. Payments received without right could be reclaimed.

A person must demonstrate that they **reside in Quebec** or, if temporarily residing outside Quebec, that they maintain sufficient ties in Quebec to remain a Quebec resident and thus should continue receiving Child Assistance Payments. It is also mandatory to be present in Quebec for 183 days or more each year.

CHALLENGING A RETRAITE QUÉBEC DECISION

You may apply for a review of a decision made by *Retraite Québec* regarding the Child Assistance Payment (e.g. a claim) within 90 days of the date of the decision of *Retraite Québec*. The review decision may then be challenged before the *Tribunal administratif du Québec* within 60 days of the date of the review decision. The TAQ's decision is final and cannot be appealed.

FOR MORE INFORMATION

Retraite Québec

www.retraitequebec.gouv.qc.ca

1-800-667-9625

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of
Quebec

www.csj.qc.ca

514-873-3562

4.3 QUEBEC PARENTAL INSURANCE PLAN (QPIP)

The Quebec Parental Insurance Plan (QPIP) is a Quebec plan provided for under the *Act respecting Parental Insurance* and the *Regulation under the Act respecting parental insurance*. This program provides benefits to eligible workers who take maternity, paternity, parental or adoption leave.

Since the QPIP is an income replacement plan, you must have worked to qualify.

This program is specific to Quebec and replaces the equivalent benefits offered to new parents under the federal employment insurance system (see section II.9.3).

For example, the Quebec Parental Insurance Plan is in many respects similar to EI parental benefits. However, the duration and amount of benefits are greater. The QPIP provides benefits up to 75% of average weekly earnings. Both salaried and self-employed workers are eligible.

Workers in Quebec pay contributions either by pay deductions from their employer or when they pay their income taxes. Workers from outside Quebec who have worked in other provinces and who have contributed to the EI program are eligible for the QPIP program if they meet the following criteria.

Employed workers are eligible if they reside in Quebec at the beginning of the benefit period, if they have stopped working or have reduced their income by at least 40% and if they have insurable income of at least \$ 2,000, during the reference period (which is usually 52 weeks before the benefit period), regardless of the number of hours worked. The average income earned during the 52 weeks prior to the benefit period is generally the income used to determine the benefit amount. The reference period may be extended to 104 weeks if the worker has been unable to work, for example because they received compensation from CNESST benefits, QPIP benefits, and indemnities from the *Société de l'assurance automobile du Québec*.

Self-employed individuals must reside in Quebec at the beginning of the benefit period and must have resided in Quebec on December 31st of the year preceding the beginning of the benefit period. They must have ceased their business activities or have reduced at least 40% of the time spent on business activities and have insurable earnings of at least \$ 2,000 during the reference period.

Families with incomes below \$ 25,921 receive an additional benefit.

FOUR CATEGORIES OF BENEFITS

There are four categories of benefits. The basic plan and the special plan for each plan are presented in the table below.

Maternity benefits are exclusive to the mother who gave birth. The payment of benefits cannot start before the 16th week of the expected date of delivery. In the case of termination of pregnancy after the 19th week of pregnancy, a woman is entitled to maternity benefits. If the termination of pregnancy occurs before the 19th week of pregnancy, this termination of pregnancy can be considered a health concern eligible for Employment insurance benefits.

Paternity benefits are exclusive to the mother's spouse if his or her name is entered on the birth certificate as part of a common parental project. The payment of benefits cannot start before the child's week of birth.

Parental benefits may be paid to either parent or shared between the parents, according to an agreement between them. In addition, these weeks can be taken simultaneously or successively by the parents. The payment of parental benefits cannot begin until the child's week of birth.

Adoption benefits may be paid to either parent or shared between them, according to an agreement established between them, simultaneously or successively. If the adoption takes place in Quebec, the payment of the benefits cannot start before the week when the child is entrusted to one of the parents. If the adoption takes place outside Quebec, the payment will begin two weeks before the child arrives with one of the parents.

MAXIMUM NUMBER OF WEEKS OF BENEFITS AND PERCENTAGE (%) OF AVERAGE WEEKLY INCOME FOR EACH TYPE OF BENEFIT, DEPENDING ON THE PLAN

Type of Benefits	Basic Plan		Special Plan	
	Maximum number of benefit weeks	Percentage of average weekly income	Maximum number of benefit weeks	Percentage of average weekly income
Maternity	18	70 %	15	75 %
Paternity	5	70 %	3	75 %
Parental (may be shared between the parents)	7 25 (7+25=32)	70 % 55 %	25	75 %
Adoption (may be shared between the adoptive parents)	12 25 (12+25=37)	70 % 55 %	28	75 %

Source: RQIP, www.rqip.gouv.qc.ca/travailleur_salarie/choix_en.asp

QPIP BASED ON IMMIGRATION STATUS

The requirement of residence in Quebec simply requires that a person lives in Quebec at the time of the claim and does not require that the person reside in Quebec for a specified period for the purposes of eligibility. However, persons who are neither Canadian citizens nor permanent residents must demonstrate that they intend to establish themselves in Quebec, or at least in Canada, in order to be eligible for the QPIP.

Only those who have worked legally are eligible for the QPIP.

Only those who have worked legally are eligible for the QPIP. For example, individuals who are neither **Canadian citizens** nor **permanent residents** must hold a **work permit** or be permitted to work according to their immigration status in order for their earnings to be considered insurable earnings. They must also hold a valid work permit at the time of application (see section 1.4.2).

Refugee claimants (who can apply for a work permit, pending their hearing before the Refugee Protection Division), as well as **accepted refugees** and **protected persons** (who must hold a work permit to have their application for permanent residence processed) can demonstrate their intention to reside in Canada in order to be eligible for the QPIP. **Refused refugees** (who can obtain a work permit for as long as they have not exceeded the date set for their deportation) may be able to demonstrate their intention to reside in Canada if they are exercising recourses before the Federal Court or if they have submitted a PRRA application.

Temporary Resident Permit holders may in most cases apply for a work permit. Therefore, they may be eligible for the QPIP because they are permitted to apply for permanent residence from Canada.

Temporary workers holding a valid work permit are also eligible if they demonstrate their intention to reside permanently in Quebec or Canada. The submission of an application for permanent residence in Canada under one of the categories described in section 1.3 may facilitate the demonstration of such an intention.

International students who have a valid study permit and a CAQ who are working are eligible if they demonstrate their intention to reside permanently in Quebec or Canada after their studies. Under certain circumstances, international students may apply for permanent residence after graduation.

Visitors are not eligible for the QPIP unless they are able to obtain a work or study permit and demonstrate their intention to reside in Canada. This is likely to be possible only if a visitor has applied for permanent residence in Canada, under the spouse or common-law partner category in Canada, or as a humanitarian and compassionate consideration. Individuals applying for permanent residency on the basis of humanitarian considerations will, however, be eligible for a work permit only after having obtained a conditional acceptance from IRCC. Similarly, individuals **without legal immigration status** would be eligible only if an application for permanent residence was accepted in principle.

FOR MORE INFORMATION

Quebec Parental Insurance Plan

www.rqap.gouv.qc.ca

1-888-610-7727

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of
Quebec

www.csj.qc.ca

514-873-3562

4.4 GST/HST CREDIT (FEDERAL)

The Goods and Services Tax (GST) and Harmonized Sales Tax (HST) credit is a federal program under the *Income Tax Act* administered by the Canada Revenue Agency (CRA). This credit is for low-income families to recover some or all of the GST and HST they pay. Eligibility is checked when filing tax returns.

To qualify for the GST /HST credit, a person must be at least 19 years of age or have (or have had) a common-law partner/spouse or have (or have had) dependent children.

Income is the other criterion for eligibility. For example, in 2017, eligibility is limited to \$ 52,000 for a single person with two dependent children who will receive minimal payments of \$ 28.45 per year.

In terms of immigration status, a person will become eligible as soon as they are deemed to be **resident in Canada** under the *Income Tax Act*, which means that they must stay in Canada for at least 183 days per year. A person newly deemed to be a resident in Canada may apply to receive the credit without waiting for the first tax return.

- To access the complete eligibility table for the GST/HST credit and the payment amounts, visit CRA: www.cra-arc.gc.ca/bnfts/gsthst/gstc_pymnt16-eng.html
- To access the form RC151 GST/HST Credit Application for Individuals Who Become Residents of Canada, visit: www.cra-arc.gc.ca/E/pbg/gf/rc151/

FOR MORE INFORMATION

Canada Revenue Agency

www.cra-arc.gc.ca

1-800-387-1194

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

4.5 SOLIDARITY TAX CREDIT

Revenue Quebec administers the payment of the solidarity tax credit, provided for in the *Taxation Act*. **This is a refundable tax credit designed to assist low- and middle-income households.** The credit is calculated for a period of one year from July to June, depending on the situation as of December 31st of the previous year. The credit includes a component related to the Quebec Sales Tax (QST), a component related to housing and a component relating to residence in a northern village. To qualify for the housing component, individuals must ensure that they have received the **RL-31** slip prepared by their landlords and provided to tenants before March 31st of each year. This statement indicates a housing number (box A) that must be produced at the time of the application or income tax filing. The maximum family income as of December 31st, 2016 is \$ 55,828 for an individual with a spouse, and \$ 51,279 for a single-parent family or an individual without a spouse.

Persons eligible for these benefits must, as of December 31st, reside in Quebec and be 18 years of age or older, unless they have a spouse, have dependent children or be emancipated. In addition, the person or spouse must be either a **Canadian citizen, permanent resident, protected person, temporary resident or temporary resident permit holder** who has lived in Canada for the past 18 months.

Individuals must apply for the solidarity tax credit when filing their income tax return, using *Revenu Québec's* Schedule D form. If the application was not made at the time of the income tax return, it is possible to request an adjustment by providing Schedule D any time of the year. It is possible to apply for payments up to four years retroactively.

In terms of immigration status, a person will become eligible as soon as they are deemed to be a **Quebec resident** under the Income Tax Act, which means staying in Canada for at least 183 days per year. A person newly deemed to be a resident of Quebec will be able to file an application for the payment of this credit without waiting for their first tax return.

- To access Schedule D, visit *Revenu Québec*:
[www.revenuquebec.ca/documents/en/formulaires/tp/2016-12/TP-1.D.D-V\(2016-12\).pdf](http://www.revenuquebec.ca/documents/en/formulaires/tp/2016-12/TP-1.D.D-V(2016-12).pdf)
- To access the form: ***Solidarity Tax Credit Application for New Residents of Québec***, visit:
[www.revenuquebec.ca/documents/en/formulaires/tp/tp-1029.cs.1-v\(2016-06\).pdf](http://www.revenuquebec.ca/documents/en/formulaires/tp/tp-1029.cs.1-v(2016-06).pdf)

FOR MORE INFORMATION

Revenu Québec – Solidarity Tax Credit and Slip 31

Quebec area: 418-266-1016

Montreal area: 514-940-1481

Toll-free: 1-855-291-6467

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

Fédération des associations de familles monoparentales et recomposées du Québec (FAFMRQ)

www.fafmrq.org/

514-729-MONO (6666)

5 HOUSING

This section briefly describes the rights, obligations and remedies of people who rent a dwelling in Quebec (tenants). It does not treat the particular situation of homeowners or landlords.

The *Civil Code of Quebec* contains provisions governing the relationship between a tenant and a landlord. It sets out the rights and obligations of both parties, as well as the remedies available to them. Some rules are of public order, which means that they must absolutely be respected and that parties cannot come to an agreement that contravenes these provisions.

5.1 TENANT RIGHTS AND RECOURSES

A tenant who considers that their landlord is violating their rights may ask the *Régie du logement* to rule on the situation. The *Régie du logement* is a specialized tribunal with jurisdiction to deal with most residential lease issues. This tribunal is created by the *Act respecting the Régie du logement*.

The *Régie du logement* has jurisdiction for applications where the amount in question does not exceed \$ 85,000 under the *Rules of procedure of the Régie du logement*. For example, an owner may file an application against a tenant for unpaid rent or a tenant may claim damages suffered by the owner's fault.

The *Régie du logement* also decides on applications concerning the condition of the dwelling, necessary repairs, renewal of a lease, the fixing of rent (according to the *Regulation respecting the criteria for the fixing of rent*), repossession, subdivision of a dwelling, any substantial alteration to a dwelling or the lease of low-rent housing.

The main obligations of a tenant to the owner include:

- Pay the rent agreed upon in the lease;
- Use the dwelling with caution and diligence;
- Do not change the destination of the dwelling (e.g. transform it into commercial space);
- Perform minor maintenance repairs;
- Leave the dwelling in the same condition as when it was obtained, except normal wear and tear;
- Do not disturb the peaceful enjoyment of other tenants.

The main obligations of an owner to his tenant include:

- Issue housing in good repair condition;
- Provide peaceful enjoyment of the dwelling throughout the term of the lease;
- Ensure that the dwelling can be used for its normal use and maintain it for this purpose throughout the lease term;
- Make all necessary repairs, except those to be borne by the tenant;
- Do not change the shape or destination of the housing.

A person may file an application with the *Régie du logement* by appearing in person at one of its offices or by downloading the appropriate form from the *Régie*'s website, completing it and sending it to the *Régie* accompanied by the payment of the fees payable. It is important to ensure that the other party receives a copy of the application once it is filed with the *Régie du logement*. The costs associated with filing an application vary depending on the type of procedure in question. Social assistance recipients do not have to pay the costs of filing an application with the *Régie du logement* but will still have to pay the costs to send a copy of the application to the other party. The reimbursement of expenses by the other party may be ordered by the *Régie*.

COURT FEES (NOVEMBER 2016)	
<p>Application to modify the lease:</p> <ul style="list-style-type: none"> • for fixing the rent • for modification to the lease <p>Application:</p> <ul style="list-style-type: none"> • concerning a revision or reduction of the rent • to contest the adjustment or the re-establishment of the rent • for the revision of a decision of the court • which includes a diminishing of the rent 	<ul style="list-style-type: none"> • If the rent is \$ 350 or less: \$ 46 • If the rent is more than \$ 350 but not more than \$ 600: \$57 • If the rent is more than \$600: \$ 74
<p>Replacing on the roll (a case struck off the roll)</p>	<p>37 \$</p>
<p>Motion to reopen the hearing (to be completed on the "Application" form)</p>	
<p>Application regarding unpaid rent</p> <p>Application relating to abandonment</p> <p>Application (for applications other than the preceding ones)</p>	<p>74 \$</p>

Source: *Régie du logement*, www.rdl.gouv.qc.ca/en/filing-an-application/costs-exigible

For some files, the application can be made online. These include applications for non-payment of rent (rent recovery and termination of lease), fixing of rent, lease modification and repossession. **It should be noted that the only recourse that the tenant can submit online is the request to fix the rent.** The other online remedies are reserved to the landlord.

A person who receives an application filed against the *Régie du logement* should ensure that it is properly prepared for the hearing because the decisions of the *Régie* may have serious consequences. For example, it may terminate a lease and order eviction, or determine that a tenant has a debt to the owner.

It is possible to represent yourself at the *Régie du logement* or to be represented by a lawyer, unless the only issue is a small claim, that is, a debt of \$ 15,000 or less and no termination of lease or other conclusions are requested. In this case, a person cannot be represented by a lawyer. In addition, if a person cannot attend the hearing for a serious reason, they can mandate another person to represent them: a spouse, a relative, or a friend.

It is difficult to appeal a decision from the *Régie du logement*. An application for leave to appeal must be filed with the Court of Quebec. It is therefore necessary that the appeal be first authorized by the Court before the appeal can be heard. No appeal is possible in the following situations: recovery of a debt of \$ 15,000 or less, authorization to deposit rent, fixing or revising rent, modifying another lease condition, dismembering of a building, a conversion into divided co-ownership and a demolition. In some cases, it is possible to file a request for revocation, revision or correction of the decision of the *Régie du logement*. These requests are made to the *Régie* itself.

HOUSING RECOURSES BASED ON IMMIGRATION STATUS

The only criterion for filing an application with the *Régie du logement* is the existence of a lease between the parties (the lease may be verbal or written). **Immigration status is irrelevant in determining whether a person can lodge a case with the *Régie du logement*.** A person does not have to prove their immigration status to file an application, nor to provide a social insurance number.

HOUSING RESOURCES

Régie du logement

www.rdl.gouv.qc.ca

1-800-683-BAIL (2245)

Fédération des locataires d'habitations à loyer modique du Québec

www.flhlmq.com/

514-521-1485

Front d'action populaire en réaménagement urbain (FRAPRU)

Directory of housing committees

www.frapru.qc.ca/

514-522-1010

Regroupements des comités logements et associations de locataires du Québec RCLALQ

Directory of Housing Committees and Tenant Associations in Quebec

www.rclalq.qc.ca/

1-866-521-7114

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

5.2 DISCRIMINATION AND HOUSING

The *Charter of Human Rights and Freedoms* (the Quebec Charter) prohibits discrimination on grounds of race, color, sex, pregnancy, sexual orientation, marital status, age, religion, political convictions, language, ethnic or national origin, social status, disability or the use of a means to overcome this disability. **The application of the Charter extends to all persons living in Quebec.**

An owner cannot refuse to rent a home for discriminatory reasons based on one of the grounds of discrimination set out in the Quebec Charter. **The only reason a landlord can refuse to rent is if they have reason to believe that a person will not be able to pay the rent** (for example, if a previous owner has indicated that rent payments were not made). It is important to note that an owner cannot refuse to rent a home to a person simply because they are unemployed.

A person who believes that a homeowner has refused to rent a home to them for discriminatory reasons may ask a friend to call or go to the landlord to ask if the home is still available. This may help to determine whether the owner lied when they stated that the dwelling had already been rented, so as not to rent it to that person. In some cases, discrimination is more explicit. For example, a landlord may make racist or homophobic remarks or emphasize his preference not to rent to people with children or receiving social assistance.

The *Régie du logement* has very limited jurisdiction over cases of discrimination. An application may be filed with the *Régie* only when there is a valid lease between an owner and a tenant. When a person is discriminated against when he or she tries to rent a dwelling, there is no such lease. In these cases, complaints of discrimination are made to the *Commission des droits de la personne et des droits de la jeunesse* (the Commission).

On the other hand, if a person is bound by a lease and is discriminated against by their landlord, they can file an application with the *Régie du logement*, which has the power to cancel the lease and allow the tenant to move on the basis of discrimination, or to award damages to the tenant and issue an order against the landlord. The tenant may also choose to file a complaint with the Commission.

FILING A COMPLAINT WITH THE COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE

The Commission has offices in all regions of Quebec. The first step in filing a complaint is to call the local office to obtain information on the procedure to follow considering the circumstances. Normally, a person must obtain a form from the Commission, complete it, sign it and return it by mail or e-mail so that a formal

complaint is filed. The complaint must generally be filed within two years from the time the discriminatory act is made or from the time the person becomes aware of the discriminatory act.

Once the complaint is filed, the Commission proceeds with an investigation and collects evidence (testimony from witnesses, relevant documents) to determine whether there has been discrimination. As a result of the investigation, the Commission makes recommendations and decides whether to refer the case to the Human Rights Tribunal.

TO FILE A COMPLAINT

Commission des droits de la personne et des droits de la jeunesse (CDPDJ)

www.cdpdj.qc.ca

1-800-361-6477

Human Rights Tribunal

www.tribunaux.qc.ca/TDP/index-tdp.html

514-393-6651

Régie du logement

www.rdl.gouv.qc.ca

Montréal: 514-873-BAIL (2245)

Autres régions: 1-800-683-BAIL (2245)

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

To view the guide for newcomers to Quebec: *Your Rights under the Charter*, visit the CDPDJ:

www.cdpdj.qc.ca/en/droits-de-la-personne/vos-droits-au-quebec/Pages/charte.aspx

To view the interactive diagram: *Complaints process*, visit CDPDJ:

www.cdpdj.qc.ca/en/droits-de-la-personne/defendre-vos-droits/Pages/plainte-traitement.aspx

5.3 SOCIAL HOUSING

The rules governing social housing are set out in the *Civil Code of Quebec*, the *Act respecting the Société d'habitation du Québec*, the *By-law respecting the allocation of dwellings in low-rental housing* and the *By-law respecting the conditions for the leasing of dwellings in low-rental housing*.

There are Municipal Housing Offices (OMH) in all regions of Quebec. OMH's are non-profit organizations that offer **low-rental housing**. For the Montreal region, the organization responsible is the *Office municipal d'habitation de Montréal* (OMHM).

The tenant of low-rental housing pays a rent (including heating) corresponding to 25% of their income. The size of the dwelling is based on the composition of the household. Rules specific to social housing are provided for in the *Civil Code of Quebec*.

LOW-RENTAL HOUSING

Eligibility

To obtain low-rental housing, a person must first fill out an application form with the OMH of their region. For example, in Montreal, a person must meet the following eligibility requirements:

- The applicant (single person or head of the household) is at least 18 years of age or an emancipated minor;
- The applicant is a Canadian citizen or permanent resident (landed immigrant);
- The applicant resided in the Metropolitan region of Montreal for 12 consecutive months in the 24 months preceding the application;
- The value of the property owned by the applicant and the persons registered on the application is \$ 50,000 or less;
- The applicant is self-sufficient for their essential needs or the needs of their household or has provided evidence that they are receiving guaranteed assistance for that purpose;
- Collective gross revenues for the previous year of persons registered on the application were equal to or less than the following amounts (for Montreal, 2016):

LOW-RENTAL HOUSING ELIGIBILITY IN MONTREAL, 2016

Family composition	Gross income
Person living alone	\$ 28,000
Spouses	\$ 28,000
2 people (not spouses) or 3 people	\$ 32,500
4 or 5 people	\$ 38,000
6 people or more	\$ 49,500

Source: *Société d'habitation du Québec*, www.habitation.gouv.qc.ca/espacepartenaires/offices_dhabitation/tous_les_programmes/programmes/hlm_public/exploitation_dun_projet/plafonds_de_revenus_loyers_medians_et_grilles_de_ponderation_prbi_lmm.html. Amounts for other cities in Quebec can be found in this link.

The following persons are not eligible:

- A full-time student with no dependent children;
- A former low-rental housing tenant whose lease had been terminated due to eviction, non-payment of a debt to an OHM or a judgment of the *Régie du logement* for the five years following their departure from a HLM or until the debt is covered.

For more information about the application process, contact the OMH in your region or download an application form from the website.

SOCIAL HOUSING BASED ON IMMIGRATION STATUS

To qualify for low-rental housing, a person must be a **Canadian citizen** or a **permanent resident** and must be residing in Quebec for 12 months during the two years preceding the application.

→ To apply for low-rental housing:

Société d'habitation du Québec

Directory of OMH's of Quebec

www.habitation.gouv.qc.ca/english.html

1-800-463-4315

Regroupement des offices d'habitation du Québec

www.rohq.qc.ca/

1-800-463-6257

5.4 SHELTER ALLOWANCE PROGRAM

The *Société d'habitation du Québec* and *Revenu Québec* administer the **Shelter Allowance Program** for homeowners, tenants, roomers and anyone sharing a dwelling with other occupants. The program offers a maximum of \$ 80 per month to low-income families.

The allowance takes into account the number of persons in the household, the type of household, income and monthly rent. To receive the allowance, a person must file an income tax return and file an application with *Revenu Québec*.

Eligible for the program are:

- single persons aged 50 or over;
- couples with one person aged 50 or over;
- low-income families (workers, students or social assistance recipients) with at least one dependent child (including a child 18 years of age and over if they are a full-time student).

However, the following are ineligible for the program:

- a person who lives in a low-rental housing or a publicly funded health and social services institution;
- a person who receives a rent supplement or receives another direct government subsidy for housing;
- a person, and their spouse if applicable, who owns property or cash of more than \$ 50,000 (excluding the value of residence, land, furniture and car).

SHELTER ALLOWANCE PROGRAM BASED ON IMMIGRATION STATUS

Special eligibility requirements apply to immigrants. Persons with one of the following statuses are eligible for the allowance:

- **Canadian citizen**;
- **Permanent resident**;
- **Accepted refugee** with a CSQ;
- **Holder of a temporary residence permit** issued for protection reasons.

In addition, a person with one of the following statuses is eligible for the program if they have at least one dependent child and are on social assistance or if they (or their spouse) are 57 years of age or older:

- **Refugee claimant**;
- **Refused refugee** who is still legally in Canada;
- A person whose **application for permanent residence on humanitarian and compassionate grounds** has been **accepted** and who holds a CSQ.

→ **To apply for Shelter allowance**, applicants must call *Revenu Québec*, to receive the form by mail:

Revenu Québec – Shelter allowance

Quebec area: 418-266-1016

Montreal area: 514-940-1481

Toll-free: 1-855-291-6467

Société d’habitation du Québec

www.habitation.gouv.qc.ca

1-800-463-4315

6 COMPENSATION PROGRAMS

6.1 VICTIMS OF CRIMINAL ACTS (IVAC)

Victims of crime or certain members of their families may receive benefits if they have been injured or killed in a crime committed in Quebec under the provincial plan administered by the *Directeur de l'indemnisation des victimes d'actes criminels* (IVAC), as provided for in the *Crime Victims Compensation Act*. For criminal acts committed outside Quebec, applicants must address their questions to the program applicable in the province or state in question.

The claim must be filed two years after the victim has suffered damages.

LIST OF CRIMINAL CODE OF CANADA INFRACTIONS THAT ARE COVERED BY THE IVAC PROGRAM

Sections	Description of Offence
65	taking part in a riot
76	hijacking of an aircraft
77	actions endangering the safety of an aircraft in flight or rendering the aircraft incapable of flight
78	taking offensive weapons and explosive substances on board an aircraft
80	failure to take reasonable care in respect of explosives where death or bodily harm results
81	intentionally causing death or bodily harm by explosive substance
86	pointing a firearm or using a firearm in a dangerous manner
153	sexual intercourse with female under 14 or under 16 years of age
155	incest
180	common nuisance causing harm
215	failure to provide necessaries
218	abandoning child
220	causing death by criminal negligence
221	causing bodily harm by criminal negligence
229	murder
234	manslaughter
239	attempted murder

LIST OF CRIMINAL CODE OF CANADA INFRACTIONS THAT ARE COVERED BY THE IVAC PROGRAM	
Sections	Description of Offence
244	causing bodily harm with intent
245	administering poison
246	overcoming resistance to commission of offence
247	setting traps likely to cause death or bodily harm
248	interfering with transportation facilities
258(1)	dangerous operation of vessel or towed object
258(4)	impaired operation of vessel
262	impeding attempt to save life
265	assault by use of motor vehicle
266	assault
267	assault with a weapon or causing bodily harm
268	aggravated assault
269	unlawfully causing bodily harm
270	assault interfering with lawful process
271	sexual assault
272	sexual assault with a weapon
273	aggravated sexual assault
279(1)	kidnapping
279(2)	unlawful confinement
343	robbery
423	intimidation by violence
430(2)	mischief causing actual danger to life
433	arson
436	causing fire resulting in loss of life
437	false fire alarm

A person who is injured, killed or has suffered pecuniary damage in any of the following situations may also be entitled to compensation (the maximum amount of compensation is \$ 1,000 in the case of pecuniary damage):

- Assisting a peace officer who makes an arrest or attempts to prevent an offense;
- Stopping or attempting to arrest the offender;
- Preventing or attempting to prevent an offense.

The claim must be filed two years after the victim has suffered material damages, personal injury or death. If the crime was committed before 2015, the period for filing an appeal is one year. It is also possible to file an application past the deadline if there are reasonable grounds to justify the delay.

The *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) is responsible for applying the IVAC program. The processing of claims is the responsibility of the Compensation for Victims of Crime Branch.

Effective November 24, 2016, a policy recognizes a parent as a victim for the purposes of the Act when it appears that the former spouse killed their child to hurt the surviving parent.

BENEFITS AND ALLOWANCES

The benefit amount varies depending on the victim's annual income and employment status (full-time or part-time, unemployed).

A person may receive an allowance for temporary total disability (income replacement), obtain reimbursement for certain medical expenses, receive permanent disability benefits and have access to rehabilitation services. Dependents of a deceased victim may receive an annuity and psychotherapeutic rehabilitation services.

EXCLUSIONS

Certain situations are excluded from the coverage of the plan, including cases where the victim:

- contributed, through gross negligence (provocation, involvement in illegal activities), to their own injury or death;
- is injured or killed during an indictable offense under the *Act respecting industrial accidents and occupational diseases* or any other compensation plan;
- is injured or killed as a result of an indictable offense committed by a motor vehicle in circumstances giving rise to the *Automobile Insurance Act* unless the assailant used the automobile to commit an assault (see Section II.6.2).

Any person who has taken part in the crime causing the death of the victim cannot claim IVAC benefits.

COMPENSATION TO VICTIMS OF CRIME BASED ON IMMIGRATION STATUS

Eligibility for benefits under the *Crime Victims Compensation Act* is not related to immigration status. Persons of all immigration categories are eligible for IVAC benefits and indemnities, whether refugee claimants, visitors, temporary or non-immigrant workers. No criterion of residence in Quebec applies. The primary eligibility requirement is that the criminal act was committed in Quebec. Although IVAC forms require a social insurance number, individuals who cannot provide this information (for example, visitors and non-status persons) are able to explain the situation and the reasons why they did not provide all the information requested. Persons without status will probably hesitate to apply to the IVAC program for fear of being reported to the federal authorities. Those in this situation should seek help from an organization or legal counsel.

Eligibility for benefits under the *Crime Victims Compensation Act* is not related to immigration status.

CHALLENGING A DECISION

IVAC decisions can be challenged. Challenges to decisions concerning the eligibility of a claim or the entitlement to the Total Temporary Disability Benefit are to be made within 30 days. Disputes over permanent partial disability decisions can be challenged within 90 days. The review decision may then be appealed at the TAQ.

→ **To access the review form, visit:**

www.ivac.qc.ca/documents/215f.pdf

→ **To access the IVAC benefits form:**

Direction de l'indemnisation des victimes d'actes criminels (IVAC)

www.ivac.qc.ca/documents/212f.pdf

1-800-561-4822

RESOURCES FOR VICTIMS OF CRIME

Association québécoise Plaidoyer-Victimes

www.aqpv.ca/
514-526-9037

Centre d'aide aux victimes d'actes criminels (CAVAC)

Directory of CAVACs in Quebec
www.cavac.qc.ca/
1-866-532-2822

Mouvement contre le viol et l'inceste

www.mcvicontreleviol.org/
514-278-9383

Regroupement des maisons pour femmes victimes de violence conjugale

www.maisons-femmes.qc.ca/
514-878-9134

Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS)

Directory of support agencies for Victims of sexual assault
www.rqcalacs.qc.ca/
1-877-717-5252

Programme Côté Cour

A service for victims of spousal and family violence that have to appear in court.
Montreal courthouse: 514-868-9577
Municipal court: 514-861-0141

Ligne Aide Abus Aînés

Free help hotline related to senior abuse
www.aideabusaines.ca/
514-489-2287

1-888-489-2287

From 8 am to 8 pm, 7 days a week

Sexual assault helpline

www.agressionssexuelles.gouv.qc.ca/en/
514-933-9007

24 hours a day, 7 days a week

SOS Violence conjugale

www.sosviolenceconjugale.ca/

1-800-363-9010

24 hours a day, 7 days a week

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval
www.ccjm.qc.ca
514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec
www.csj.qc.ca
514-873-3562

6.2 ROAD ACCIDENTS (SAAQ)

The traffic accident insurance program is governed by the *Act respecting the Société de l'assurance automobile du Québec*. Motor insurance contributions and the amounts of compensation to which victims are entitled are set out in the *Automobile Insurance Act* and the *Automobile Insurance Regulations*. **The program provides compensation for persons injured in an automobile accident** as well as the families of victims who die as a result of injuries sustained in an accident, **as a no fault program**. This plan is administered by the *Soci t  de l'assurance automobile du Qu bec* (SAAQ). Compensation is available in the event of death or injury to a driver, passenger, cyclist, motorcyclist, pedestrian or other road users.

The plan can compensate a road accident victim for:

- loss of earned income or employment insurance benefits;
- inability to care for a child under the age of 16 or a disabled person;
- a missed academic year or semester;
- costs related to the accident (ambulance transport, personal assistance, clothing, glasses);
- decreased quality of life caused by the accident (mental distress and pain);
- rehabilitation costs;
- the death of a spouse or dependent.

An application for compensation must be made within three years of the date of the accident, death or injury. Compensation depends on the link between the accident and the injuries, the consequences of injuries and the ability of a person to resume regular activities including employment. The income replacement benefit is determined, among other things, by the gross annual income before the accident and by the fact that a person was employed, was in school or unemployed at the time of the accident. Other factors can also be decisive.

AUTOMOBILE INSURANCE BASED ON IMMIGRATION STATUS

For accidents **outside Quebec**, the *Automobile Insurance Act* requires that a person reside in Quebec in order to benefit from the coverage of the plan. The Act states that a person residing in Quebec is a person who resides in Quebec or who ordinarily resides in Quebec and who has the status of a Canadian citizen, permanent resident or a person who is legal resident in Quebec". A person who is a legal resident in Quebec is defined in the *Regulation respecting the application of the Automobile Insurance Act* as being a foreign national holding a valid selection certificate. As a result, **persons without legal immigration status are not eligible for SAAQ compensation for an accident occurring outside Quebec**.

In the case of accidents occurring **within Quebec, non-residents** who are either owners, drivers or passengers of a motor vehicle for which a certificate of registration has been issued in Quebec are entitled to the same indemnity as Quebec residents. However, the amount of the indemnity under these circumstances will be calculated according to their share of responsibility in the accident, subject to an agreement concluded between the SAAQ and the jurisdiction of the residence of the applicant. Non-status persons are therefore eligible for the SAAQ's compensation for an accident occurring inside Quebec in the proportion where they are not responsible for the accident.

Non-status persons are therefore eligible for the SAAQ's compensation for an accident occurring inside Quebec in the proportion where they are not responsible for the accident.

SPECIAL CASES OF ROAD ACCIDENTS

If the motor vehicle accident occurs **while working**, the injured person must submit their claim to the CNESST. If the application to the CNESST is refused, they can then make a claim to the SAAQ by attaching the refusal letter.

A **victim of assault** in which the abuser uses or threatens to use an automobile as a weapon may choose to claim compensation under the IVAC or the SAAQ program.

A person who is the victim of an automobile accident by **assisting a person in danger** may claim compensation under the *Act to promote good citizenship* or the SAAQ program.

If a person decides to receive benefits under the IVAC program or through the *Act to promote good citizenship*, they must contact their regional CNESST office, rather than the SAAQ.

- In order to receive SAAQ benefits, a person must:
 - report the accident to the police in order to obtain an accident report;
 - consult a physician as soon as possible to have any symptoms related to the accident recorded in a medical report;
 - contact the SAAQ's Claims Department as soon as possible:

Société de l'assurance automobile du Québec (SAAQ)

www.saaq.gouv.qc.ca/accident-route/

If the accident took place in Quebec: 1-888-810-2525

If the accident took place outside of Quebec: 1-800-463-6898

CHALLENGING A DECISION

A decision may be challenged within 60 days of its receipt.

- To access the review application:

<https://saaq.gouv.qc.ca/fileadmin/documents/formulaires/application-review-form.pdf>

The revision decision may then be contested at the *Tribunal administratif du Québec* (TAQ) within 60 days of its receipt.

LEGAL AID RESOURCES

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

TO FIND AN INTERPRETER:

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montérégie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

7 RETIREMENT

RETIREMENT AND INCOME

There are two public pension plans guaranteeing a minimum income for eligible individuals. At the federal level, the Old Age Security Program provides a minimum source of income regardless of work history. This program is funded from the federal government's general tax revenues. At the provincial level, *Retraite Québec* administers the Quebec Pension Plan. This plan is similar to an insurance plan for workers.

7.1 OLD AGE SECURITY (FEDERAL)

Federal benefits paid under the **Old Age Security Program** include the **Old Age Security Basic Pension**, the **Guaranteed Income Supplement**, the **Spouse's Allowance** and the **Surviving Spouse's Allowance** and are provided for by the *Old Age Security Act*. This program has strict residency criteria. An applicant's employment history is not a factor in the determination of eligibility and there is no need to actually be retired.

As of April 2013, **Service Canada enrolls by default those eligible for pension from age 65**. The person shall receive a notice to that effect one month after their 64th birthday. They may also receive a letter advising them that they may be eligible and may apply. If no correspondence is received from Service Canada one month after one's 64th birthday, the forms and applications must be obtained.

Since July 2013, Old Age Security benefits can be deferred for up to 60 months (5 years) after the date one qualifies for benefits. This means that one could start receiving benefits between the ages of 65 and 70. The deferral of benefits could benefit some people who can afford to wait because there will be an increase of 0.6% for each month postponed, up to a 36% increase at the age of 70. After the age of 70, there is no financial advantage in deferring benefits and there is a risk of losing entitlement to benefits as they are payable up to 11 months retroactive from the application date.

The amount of the pension varies according to the length of residence in Canada. The following tables provide an overview of the types of benefits and benefit amounts for this federal program. Some characteristics specific to each type of benefit are then outlined, including how immigration status affects eligibility.

FEDERAL OLD AGE SECURITY PROGRAM

Old Age Security (OAS)

Benefit information	Basic federal pension program. It is not necessary to have stopped working to be eligible for OAS.
Eligibility requirements	A person living in Canada: -Who is 65 or older. -Who lives in Canada and is a Canadian citizen or a legal resident at the time their pension is approved. -Who has lived in Canada for at least 10 years after reaching age 18. -Have an annual income that does not exceed a pre-established limit.
Determining the benefit amount	Based on age and the number of years the person lived in Canada Taxable
Can the benefit be received outside of Canada?	Yes, if the person lived in Canada (or a country with which Canada signed a social security agreement) for at least 20 years after the age of 18. But: If the applicant doesn't meet these criteria they can still receive their pension outside of Canada, but only for the month that they leave and for 6 months after that.

Guaranteed Income Supplement (GIS)

Benefit information	The Guaranteed Income Supplement provides additional money, on top of the Old Age Security pension, to low-income seniors living in Canada.
Eligibility requirements	The person must be entitled to Old Age Security benefits; and Their annual income, and that of their spouse or common-law partner, if they have one, is below the prescribed limit.
Determining the benefit amount	The amount is determined on a yearly basis according to the person's annual income and conjugal status. Non taxable.
Can the benefit be received outside of Canada?	No. Benefit amounts are only payable to people living in Canada. But: If the person spends 6 consecutive months outside of Canada, they will receive benefits for the month that they leave and for 6 months after that. Subsequently, their payments will cease.

Allowance for low-income spouse

Benefit information	Allowance benefits help low-income spouses or common-law partners between 60 and 64 years old, until they are eligible for OAS when they turn 65. Allowance benefits are for people whose spouse or common-law partner (same sex or opposite sex) receives or is entitled to receive the Old Age Security pension and the Guaranteed Income Supplement.
Eligibility requirements	The person is 60 to 64 years old; and Has lived in Canada for at least 10 years since the age of 18 and is a Canadian citizen or legal resident; and Their annual income, together with that of their spouse or common-law partner is below the prescribed limit.
Determining the benefit amount	The amount is determined on a yearly basis according to the person's annual income and conjugal status. Non taxable.
Can the benefit be received outside of Canada?	No. Benefit amounts are only payable to people living in Canada. But: If the person spends 6 consecutive months outside of Canada, they will receive benefits for the month that they leave and for 6 months after that. Subsequently, their payments will cease.

FEDERAL OLD AGE SECURITY PROGRAM

Allowance for survivor

Benefit information	Allowance for the survivor is for people whose spouse or common-law partner has died.
Eligibility requirements	The person is 60 to 64 years old; and Has lived in Canada for at least 10 years since the age of 18 and is a Canadian citizen or legal resident; and Their annual income, together with that of their spouse or common-law partner, if they have one, is below the prescribed limit.
Determining the benefit amount	The amount is determined on a yearly basis according to the person's annual income and conjugal status. Non taxable.
Can the benefit be received outside of Canada?	It appears that it cannot be. Benefit amounts are only payable to people living in Canada.

Source: Service Canada, www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/eligibility.html; www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/guaranteed-income-supplement/allowance-survivor.html; www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/guaranteed-income-supplement.html

For the list of countries that have concluded a social security agreement with Canada: www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-international/apply.html

OLD AGE SECURITY BENEFIT PAYMENT RATES – OCTOBER TO DECEMBER 2017

Type of Benefit	Recipient	Maximum Monthly Benefit	Maximum Annual Income
Old Age Security Pension Old Age Security	All recipients	\$ 585.49	\$ 121,314
Guaranteed Income Supplement	Single person	\$ 874.48	\$ 17,760
	Spouse of pensioner	\$ 526.42	\$ 23,472 (combined income)
	Spouse of non-pensioner	\$ 874.48	\$ 42,576 (combined income)
	Spouse of Allowance recipient	\$ 526.42	\$ 42,576 (combined income)
Allowance	All recipients	\$ 1,111.91	\$ 32,880 (combined income)
Allowance for the survivor	All recipients	\$ 1,325.43	\$ 23,928

Source: Service Canada, www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/payments.html

OLD AGE SECURITY PENSION BASED ON IMMIGRATION STATUS

Individuals who do not meet the eligibility criteria at the residency level may still qualify for a pension based on a social security agreement that Canada has entered into with certain countries.

→ For the list of countries that have concluded a social security agreement: www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-international/apply.html

To qualify for full pension, you must have lived in Canada 40 years after the age of 18. A person may be eligible for a partial pension at the rate of 1/40th of the full pension for each year of residence in Canada after the age of 18. However, you must be a resident of Canada for a minimum of 10 years after age 18 to qualify for a partial pension. Also, once approved, a partial pension cannot be increased because of additional years of residence in Canada.

The term “legal resident” is defined in the *Old Age Security Regulations* and refers to a person who is “lawfully in Canada pursuant to the immigration laws of Canada”. An applicant is not required to be a “legal resident” for the entire period of 10 years of compulsory residence, as long as the claimant is a legal resident at the start of the pension. According to information obtained from Service Canada, **permanent residents** and **accepted refugees** are considered legal residents of Canada. While most accepted refugees have been granted permanent residence within this 10 year period, it may be that, in certain circumstances, a refugee claim may be filed several years after the arrival to Canada, the applicant lost permanent resident status due to ‘criminality’ (see section I), or that the person has not yet applied for permanent residence after receiving refugee status, since there is no longer a deadline. It is therefore possible to be in Canada legally after 10 years and still be a refugee. **Temporary Resident Permit holders** may also be considered legal residents of Canada.

Unless Canada has imposed a moratorium on deportation to a person’s country of origin, it is unlikely that the person can meet the 10-year residency requirement in Canada if they only hold a **study or work permit** or if they are a **refugee claimant** awaiting a hearing before the IRB. Despite the fact that there are a few remedies available to refugee claimants who receive a negative decision from the IRB, it is rare for a **refused refugee** to be in Canada for 10 years without acquiring another status, unless they come from a country under deportation moratorium or has waited several years before submitting their application for refugee status.

Non-status persons are not eligible for the *Old Age Security Program* because they do not meet the legal resident requirement of the *Old Age Security Regulations*.

In specific situations where a person meets the 10-year residency test but is not sure that they meet the “legal residency” requirement in Canada because of their immigration status, it is strongly suggested to file a well-prepared application, providing proof of residence and explanations and documents regarding the immigration status. A negative decision following an application for an Old Age Security pension can always be challenged (see section on the appeal process).

GUARANTEED INCOME SUPPLEMENT (GIS) BASED ON IMMIGRATION STATUS

The criteria for immigration status and residence for Old Age Security pension also apply to the guaranteed income supplement. There are also specific rules for “**sponsored immigrants**”. A person sponsored as a spouse, common-law partner or family member by a Canadian citizen or permanent resident, and even a person who has lived in Canada for 10 years since age 18, cannot receive the GIS, nor the spouse’s allowance or survivor’s allowance during the sponsorship period (see section II.2), unless the following situations arise:

- The guarantor dies;
- The guarantor was found guilty of abuse toward the sponsored person;
- The sponsored person declares a personal bankruptcy;
- The guarantor was sentenced to imprisonment for more than six months.

Non-sponsored immigrants who have accumulated less than 10 years of residence in Canada and who are eligible for Old Age Security under a social security agreement will see a gradual increase in the amount of their guaranteed income supplement and allowance for 10 years. Their benefit will increase by 1/10 for each year of residence.

THE ALLOWANCE FOR LOW-INCOME SPOUSE AND THE ALLOWANCE FOR THE SURVIVOR

The survivor’s allowance ceases if the survivor remarries or lives with a common-law partner for more than 12 months.

The criteria for immigration status are the same as for the old age security pension. An applicant must also be a Canadian citizen or a “legal resident” of Canada at the time the pension application is accepted.

The eligibility rules, as well as the GIS partial benefit rules, also apply to the sponsored spouse or common-law partner who applies for an allowance for low-income spouse or allowance for the survivor.

THE CHALLENGE AND APPEAL PROCESS

Applicants for the Old Age Security Program may seek clarification or reconsideration of any decision affecting their eligibility or the amount of their pension. This request must be submitted in writing to Service Canada within 90 days of receipt. If a person is not satisfied with the reconsideration decision, they can appeal within 90 days to the Social Security Tribunal of Canada. This tribunal, created in 2014, also deals with appeals regarding the Canada Pension Plan and Employment Insurance. The decision-maker may proceed on file, summon the appellant to a hearing in person, by telephone or videoconference, or summarily dismiss the record. The appellant will then have the opportunity to seek permission to appeal this decision made by the General Division, to the Appeals Division of that same court within 90 days.

- To challenge a Service Canada decision:
www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/after-applying.html

- To reach the Social Security Tribunal of Canada and view the appeal forms:
www1.canada.ca/en/sst/index.html
1-877-227-8577

- For the list of countries that have concluded a social security agreement:
www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-international/apply.html

- For information on Old Age Security, Guaranteed Income Supplement, Spouse's Allowance and Survivor's Allowance, as well as application forms:
Service Canada
www.canada.ca/en/employment-social-development/corporate/contact/oas.html
1-800-277-9915

7.2 QUEBEC PENSION PLAN

The Quebec Pension Plan (QPP) is created under the *Act respecting the Quebec Pension Plan*. This public pension plan is administered by *Retraite Québec* (formerly known as the *Régie des rentes du Québec*). In addition to the retirement pension, the plan also provides for disability and survivors' benefits.

Workers 18 years of age and older, whose employment income exceeds the \$ 3,500 general exemption, are required to contribute to the plan. Contributions are generally deducted from each pay.

Workers 18 years of age and older, whose employment income exceeds the \$ 3,500 general exemption, are required to contribute to the plan.

Quebec Pension Plan objective	The Quebec Pension Plan provides workers and their families with basic financial protection in the event of retirement.
Eligibility requirements	<p>The person has contributed to the Plan for at least one year; and they are at least 60 years old.</p> <p>It's not necessary to cease working to start receiving QPP benefits.</p>
Determining the benefit amount	<p>The recipient's retirement pension is calculated on the basis of the employment earnings and the age at which they take their retirement.</p> <p>As a rule, their retirement pension under the Quebec Pension Plan is equal to 25% of the average monthly earnings on which they contributed to the Plan if the benefits are asked at age 65.</p> <p>If the pension is claimed between the ages of 60 and 65, it will be less than 25% of the average income. If the pension is claimed between 65 and 70, it will be more than 25%. The same percentage will apply for the entire period of retirement.</p> <p>Benefits are indexed each year on January 1st based on cost of living. Benefits are paid out on a monthly basis.</p> <p>Taxable.</p>

MAXIMUM RETIREMENT PENSION AMOUNTS PAYABLE FOR PERSONS WHO BEGIN RECEIVING THEIR PENSION IN 2017

Recipient's age	Rate payable	Maximum monthly amount
60 years old	64 %	\$ 713.07
61 years old	71.2 %	\$ 793.29
62 years old	78.4 %	\$ 873.51
63 years old	85.6 %	\$ 953.73
64 years old	94 %	\$ 1,047.32
65 years old	100 %	\$ 1,114.17
66 years old	108.4 %	\$ 1,207.76
67 years old	116.8 %	\$ 1,301.35
68 years old	125.2 %	\$ 1,394.94
69 years old	133.6 %	\$ 1,488.53
70 years old or more	142 %	\$ 1,582.12

Source: *Retraite Québec*, www.rrq.gouv.qc.ca/en/programmes/regime_rentes/rente_retraite/Pages/montant_rr.aspx

Until the age of 65, a person may be eligible for **disability benefits** if they cease their regular work and can no longer perform this work on a regular basis because of health issues. There is also the pension for a **disabled person's child**. This pension applies to dependent (for at least one year) children under the age of 18 years whose parent or guardian is considered disabled, even if these children work.

A person is eligible for **survivor benefits** if their relative has sufficiently contributed to the QPP. These benefits include the death benefit (a lump sum of \$ 2,500), as well as the surviving spouse's pension. A person must have cohabited with their spouse for at least three years prior to the time of death (or one year if the couple has had or adopted a child together) in order to be recognized as a common-law partner. The benefit is paid regardless of whether the person remarries. Another survivor benefit, the orphan's pension, is paid to the guardian who is caring for the deceased person's minor child until the child reaches 18 years of age. The orphan's pension is \$ 241.02 per month. An annuity may also be combined in the case of a surviving spouse's pension and a retirement pension or the surviving spouse's pension and the disability pension.

Persons who had worked legally in a province other than Quebec probably contributed to the **Canada Pension Plan**, whose contributions are normally deducted from payroll. The QPP takes into account these contributions to the Canadian plan in calculating the amount of the retirement pension.

THE QUEBEC PENSION PLAN BASED ON IMMIGRATION STATUS

Immigration status does not affect the eligibility of a person to receive an annuity under the Quebec Pension Plan. **As long as a person has contributed to the plan**, as explained above, **they are eligible for a retirement pension**. However, only those who have legally worked in Canada will have contributed to the plan.

A person who no longer lives in Quebec, or even in Canada, can still receive an annuity under this plan.

CHALLENGING A DECISION

It is possible to challenge a decision of *Retraite Québec* by filing a review application within 90 days of receipt. The review decision may then be appealed at the TAQ within 60 days.

→ To access the review form:

www.rrq.gouv.qc.ca/en/services/formulaires/regime_rentes/demande_revision/Pages/demande_revision.aspx

FOR MORE INFORMATION AND TO ACCESS PROGRAM APPLICATIONS

Retraite Québec: Quebec Pension Plan

www.rrq.gouv.qc.ca/en/planification/sources_revenu_retraite/Pages/regime_rentes_quebec.aspx

Quebec area: 418-643-5185

Montreal area: 514-873-2433

Toll-free: 1-800-463-5185

Canada Pension Plan

www.canada.ca/en/services/benefits/publicpensions.html

1-800-277-9915

LEGAL AID:

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Commission des services juridiques (CSJ)

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

COMMUNITY RESOURCES FOR SENIORS

Association québécoise pour la défense des droits des personnes retraitées et préretraitées (AQDR)

www.aqdr.org/

514-935-1551

Réseau FADOQ

An organization that advocates for the rights of seniors and offers recreational and sporting activities and group savings for their members

www.fadoq.ca/en/

1-800-544-9058

Ligne Aide Abus Ainés

Free help hotline related to senior abuse

www.aideabusaines.ca/en/

1-514-489-2287

Toll-free: 1-888-449-2287

From 8 pm to 8 pm, 7 days a week

8 HEALTH

8.1 QUEBEC HEALTH INSURANCE AND PRESCRIPTION DRUG INSURANCE PLANS

The public **health insurance** plan offered by the *Régie de l'assurance maladie du Québec* (RAMQ) is provided for under the *Act respecting the Régie de l'assurance maladie du Québec* and the *Health Insurance Act*. Under this plan, an eligible person is entitled, free of charge, to covered medical care and basic hospital services. Admissible individuals receive a health insurance card which must always be presented to the doctor, the hospital, the local community service center (CLSC), the integrated health and social services centers (CISSS) and the Integrated University Health and Social Services centers (CIUSSS).

Some individuals who are eligible for the health insurance plan may also benefit from the public **prescription drug insurance** plan administered by the RAMQ and prescribed by the *Act respecting prescription drug insurance*. This government insurance plan provides basic protection for prescription drugs. Most people covered by the general plan have to pay a premium whether they buy drugs or not. The amount of the premium varies according to the net family income. Social assistance recipients have no premiums to pay.

A person insured under the public prescription drug plan pays part of the cost of medicines, the other part being paid by the RAMQ. The public plan includes a maximum monthly contribution beyond which a covered person can obtain free medicine.

All persons under the age of 65 who are eligible for a private insurance plan are required to join, for themselves and their families, at least for the portion of the plan that covers the drugs. A person may be eligible for a private plan either through employment, association or professional order, or through their spouse or parent. A person covered by private insurance must also include their spouse and children in the plan, unless they are already covered by another private plan.

People who reach the age of 65 and who qualify for a private insurance plan offering basic drug coverage have the choice of either maintaining their membership in the private plan or abandoning it to join the publicly funded plan of the RAMQ.

COVERAGE OF THE RAMQ BASED ON IMMIGRATION STATUS

Canadian citizens and **permanent residents** are eligible for RAMQ services (health insurance and prescription drug insurance), after registration and following the production of proof of residence in Quebec. However, children born in Quebec, therefore Canadian citizens, are not eligible for the RAMQ if their parents are without legal immigration status.

In general, a person arriving in Quebec from outside Canada (even if a Canadian citizen) is entitled to Quebec health insurance only after a **waiting period**, that can last up to three months after registration. Those just arriving to Quebec should therefore register with the RAMQ upon their arrival. The RAMQ does not reimburse the health care received during this waiting period.

This waiting period does not apply to **Convention refugees**, to **protected persons**, to welfare recipients nor to certain **seasonal workers**.

Free medical services can **exceptionally** be provided in the following cases, despite the waiting period:

- A victim of spousal, family or sexual assault;
- Care and follow-up related to pregnancy, childbirth or termination of pregnancy;
- Individuals with diseases of an infectious nature (such as tuberculosis) that have an impact on public health;
- Persons sponsored by a person under the spouse or common-law partner category while in Canada or who have applied for permanent residence on humanitarian or compassionate grounds may be eligible for RAMQ upon receipt of a letter from IRCC authorizing them to remain in Canada during the processing of their application.

Convention refugees and **protected persons** are eligible for RAMQ services. A copy of the IRB's judgment, the CSQ, as well as the IRCC asylum claim document, serve as proof of eligibility for the RAMQ.

Refugee claimants and **refused refugees** are not eligible for the RAMQ. However, they are covered by the Interim Federal Health Program (see section II.8.2).

Seasonal and temporary workers, including **caregivers**, are eligible for health insurance (but not prescription drug insurance) after the expiry of the waiting period, provided they hold a work permit for more than six months indicating the name of the employer and the place of employment (closed permit). The spouse or any dependent of the temporary workers is also eligible for Quebec health insurance. They shall be subject to the same waiting period as the worker accompanying them.

Seasonal workers from **Mexico** or the **Caribbean** who hold an employment authorization under the Seasonal Agricultural Worker Program (SAWP) are entitled to health insurance and are not subject to the waiting period. However, they are not eligible for drug coverage.

Quebec currently has **social security agreements** with the following countries: Belgium, Denmark, Finland, France, Greece, Luxembourg, Norway, Portugal, Romania, Sweden, Guadeloupe, French Guiana, Martinique, Réunion Island, and the island of Saint-Martin (list updated in April 2017). **Temporary workers and foreign students** from these countries will be eligible for health insurance without being subject to the waiting period. Students from **France** and **Belgium** are also covered by drug insurance.

To meet the criteria of the agreement, the **foreign student** must be enrolled full-time in a university or college program recognized by the Ministry of Education. An exception applies to students from Sweden who are eligible to health insurance as of high school.

Quebec workers or students who are living in a country part of the social security agreement will also be eligible for the health insurance plan of that country.

→ The list of countries who have signed to the social security agreement with Quebec varies fairly regularly. To consult the updated list, visit the RAMQ: www.ramq.gouv.qc.ca/en/immigrants-foreign-workers-students/health-insurance/Pages/agreements-other-countries.aspx

Other **foreign students** are not eligible for health insurance. Some individuals with a scholarship or internship under an official program of the Ministry of Education are eligible for the health insurance plan under certain conditions and without being subject to the waiting period.

Visitors (with or without a visa) are not covered by health insurance or drug insurance.

Holders of a temporary resident permit who have applied for permanent residence are eligible for health insurance if they are considered domiciled in Quebec.

Non-status persons are not eligible for the Quebec health insurance plan nor the Quebec prescription drug insurance plan.

Individuals who have just moved to Quebec **must not be absent from the province for 183 days or more** (consecutive or non-consecutive) during the 12 months following the date from which they are insured by the plan. Thereafter, the residency obligation (183 days or more per year) is calculated between January 1st and December 31st and applies to all persons, including Canadian citizens and permanent residents. If this obligation is not met, the coverage for the year in question is canceled and the costs of care received, if any, during that year will be reclaimed. Absences of 21 days or less are not included in the calculation.

CHALLENGING A DECISION

It is possible to challenge a decision of the RAMQ within six months of receipt of the decision.

- For more information or to access the application form or for details of the conditions of the social security agreement, contact the RAMQ:

Régie de l'assurance maladie du Québec

www.ramq.gouv.qc.ca/en/Pages/home.aspx

Quebec area: 418-646-4636

Montreal area: 514-864-3411

Toll-free: 1-800-561-9749

8.2 INTERIM FEDERAL HEALTH PROGRAM

The Interim Federal Health Program (IFHP) provides temporary and limited health insurance coverage for **refugees**, **protected persons** and **refugee claimants**, as well as their dependents, who are in Canada but who are not covered by a provincial or territorial health insurance plan or a private health insurance plan. This health program is administered by IRCC.

This program provides basic coverage similar to provincial health insurance programs.

This program provides **basic coverage** similar to provincial health insurance programs, including hospital services and physician services. **Supplemental coverage**, including urgent dental care, vision care, and psychology care, is similar to the coverage available for social assistance recipients. There is also **coverage for prescription drugs**. The IFHP also provides coverage for medical exams with regard to immigration purposes. Since April 2017, resettled refugees (refugees accepted prior to arrival in Canada) are entitled to pre-departure medical coverage, including the immigration medical exams and follow-up treatment of health problems that would make a person inadmissible to Canada, control and prevention of contagious diseases, such as vaccines, and necessary medical assistance during the journey to Canada.

- To access the **application forms** for the IFHP, visit IRCC: www.cic.gc.ca/english/refugees/outside/arriving-healthcare/individuals/apply-how.asp
- The **list of included** (with or without authorization) **and excluded services** is published on the Blue Cross website: https://docs.medaviebc.ca/providers/benefit_grids/IFHP-Benefit-Grid-Supplemental-new-Version-English.pdf

IFHP COVERAGE BASED ON IMMIGRATION STATUS

Asylum seekers are entitled to basic, supplemental and prescription drug coverage until they leave Canada or become eligible for a provincial or territorial health insurance plan. Eligibility to the plan is lost if the refugee claim is withdrawn, deemed to have been abandoned by the IRB, or if the beneficiary is not eligible to apply for a PRRA. Children born in Quebec to refugee claimants are covered by the RAMQ.

Protected persons are entitled to basic, supplemental and prescription drug coverage for 90 days from the date the asylum application or PRRA is accepted, or until eligibility to a provincial or territorial health insurance plan.

Resettled refugees (refugees accepted prior to arrival in Canada) include Government-Assisted Refugees, Blended Visa Office-Referred Refugees (BVORs), Joint Assistance Sponsorship Program Refugees, certain refugees sponsored by organizations in cost-sharing arrangements with IRCC, certain people who are being resettled in Canada as a result of a public policy or humanitarian and compassionate considerations on the Minister's own initiative and Privately Sponsored Refugees (PSRs). Resettled refugees receive basic coverage until they are admitted to a provincial or territorial health insurance plan. Supplemental coverage and coverage for prescription drugs is available until the end of Resettlement Assistance Program benefits or until the end of private sponsorship.

For **victims of human trafficking** holding a temporary residence permit, basic, supplemental and prescription drug coverage is valid for the duration of the permit.

Persons detained under the *Immigration and Refugee Protection Act* are eligible for basic, supplemental and prescription drug coverage for the entire period of detention by the Canada Border Services Agency.

HEALTH CARE RESOURCES

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montréalie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/
514-597-3284

Coalition Solidarité Santé

www.cssante.com/
514-442-0577

Confédération des organismes de personnes handicapées du Québec (COPHAN)

Directory of organizations working to defend the rights of persons with disabilities

www.cophan.org/
514-284-0155

Médecins du monde

www.medecinsdumonde.ca/
514-281-8998

To reach the Mobile Clinic: 514-501-3411

To reach the Clinic for Migrants, Wednesdays and Thursdays from 1 to 8 pm:
514-281-8998, extension 246

PRAIDA (Regional Program for the Settlement and Integration of Asylum Seekers)

www.csssdelamontagne.qc.ca/soins-et-services/demandeurs-d-asile-praida/
514-731-8531

Tel-Aide

Listening for: loneliness, anxiety, stress, difficult relationships, addictions, victims of violence, grieving, etc.

www.telaide.org/
514-935-1101

9 WORKPLACE RIGHTS

Access to most of the services and benefits referred to in this section requires, as a minimum, that a person work legally in Canada. **To work legally, a person who is neither a Canadian citizen, a permanent resident, nor a foreign student, must generally hold a valid work permit and a social insurance number** (see section 1.4). If this is not the case, they are considered to be working “illegally”, unless it is for a brief period while their work permit is being renewed. People who work illegally or “under the table” are generally the most exploited and vulnerable, with little or no access to services and recourses to cope with bad working conditions, unfair salaries or workplace accidents.

9.1 WORK STANDARDS

The *Act respecting labour standards* and the *Regulation respecting labour standards* determine the minimum working conditions to which non-unionized employees in Quebec are entitled. The terms and conditions of employment of unionized employees are set out in their respective collective agreements and are subject to the provisions of the *Quebec Labour Code* governing relations between employers, workers and unions. However, **not all employees have the same protection**.

The following persons are not “employees” within the meaning of the *Quebec Labour Code*: manager, superintendent, foreman or representative of the employer in its relations with employees. In addition, government and corporate employees governed by federal legislation are subject to the *Canada Labour Code* only.

The *Act respecting labour standards* and the *Regulation respecting labour standards* contain the basic rules concerning, among other things, minimum wage, duration of the normal work week, breaks, absences due to illness, holidays, parental leave and termination of employment. It provides protection to workers from prohibited practices and dismissal without just and sufficient cause. The Act also contains rules relating to psychological harassment.

An employer may not impose working conditions that are below the standards set by the *Act respecting labour standards*. If the employer fails to meet minimum standards, a worker may file a complaint with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST), labour standards department. The employer is at risk of being investigated and fined. The CNESST is the government agency responsible for the administration of the Act. The CNESST receives workers' complaints and, if necessary, conducts an investigation and may also sue an employer for the recovery of money owed to an employee. The CNESST does not charge fees for its services.

BASIC PROTECTIONS

The information below provides an overview of the basic protections available to most workers under the Act. There are, however, certain exclusions or features that are not explained in detail. For any specific situation, it is necessary to consult a lawyer or an organization specialized in workplace rights (see Section II.9.2 for a list of resources).

MINIMUM WAGE

The Quebec government sets the minimum wage rate. Since May 1, 2017, the general minimum wage rate is \$ 11.25 per hour and \$ 9.45 per hour for employees receiving tips.

→ To view up to date minimum wage rates, visit the CNESST:
www.cnt.gouv.qc.ca/en/wages-pay-and-work/wages/index.html

When a worker is hired and begins to work, the employer must provide the first pay within one month. Then the salary must be paid at regular intervals not exceeding 16 days.

If an employee receives benefits from the employer that has a monetary value, such as car use, accommodation or transportation, this does not allow to be paid less than the minimum wage.

In addition, an employee must be paid when they are available for work at the workplace and are forced to wait for work, during breaks granted by the employer and during required travel or training.

Certain workers are excluded from the minimum wage rates, particularly workers who exclusively and manually harvest raspberries or strawberries (which are paid by the weight of the harvest), as well as students employed in non-profit organizations, such as recreational organizations or summer camps.

SPECIAL ATTIRE

When the employer requires that special clothing be worn, such as a uniform (without logo), it must be provided free of charge to a worker paid at the minimum wage. If an amount is required from the employee (for purchase, use or upkeep), it is not allowed to cause the worker to receive less than the minimum wage.

However, when the employer requires that workers wear clothing that identifies them as employees of a particular business (shirt with logo), it must be provided free of charge in all cases. Furthermore, an employer cannot make it compulsory for their employees to purchase clothing or accessories that are in the employer's trade.

THE STANDARD WORK WEEK AND OVERTIME

The standard work week is 40 hours, although there are some exceptions where the work week is permitted to be longer (e.g. for forestry workers the work week is 47 hours). After 40 hours, the hours worked are considered overtime hours. They must either be paid with a 50% premium (time and a half) or at the request of the employee the employer can replace the payment of overtime by a leave. This length of this leave must be equivalent to the hours of overtime worked, increased by 50%. It must be taken in the 12 months following the day when the hours of overtime were worked and at a date agreed upon by the employer and the employee.

The following workers are excluded from overtime pay:

- Students employed in a vacation camp or by a recreational organization (if non-profit);
- Employees assigned to canning, packing and freezing fruit and vegetables during the harvesting period;
- Employees in the fishing industry;
- Farm workers;
- Caregivers.

PERIODS FOR MEALS AND REST

After a work period of five consecutive hours, the employee is entitled to a 30-minute rest period (without pay) for meals. This period must be paid if the employee is not authorized to leave their work. Each week the employee is entitled to a rest period of at least 32 consecutive hours. A coffee break is not obligatory. When it is granted by the employer, it must be paid and is included in the computation of the hours worked.

PAID STATUTORY HOLIDAYS

In order for an employee to be entitled to the following paid statutory holiday, they must not have been absent from work, without their employer's authorization or without valid reason, on the working day preceding or the working day following that holiday:

- January 1st (New Year's Day)
- Good Friday or Easter Monday at the employer's choice
- The Monday preceding May 25th (National Patriots' Day)
- June 24th (National Holiday)
- July 1st (or if it falls on a Sunday, July 2nd)
- The first Monday of September (Labour Day)
- The second Monday of October (Thanksgiving)
- December 25th (Christmas Day)

Employees of the clothing industry are also entitled to:

- January 2nd
- Good Friday and Easter Monday

An employee who works on a statutory holiday must obtain, in addition to regular wages, an indemnity or a compensatory holiday equivalent to one day. The compensatory holiday must be taken in the three weeks preceding or following this statutory holiday.

ANNUAL LEAVE/VACATION

The length of the annual leave and the amount of the indemnity vary according to how long the employee has worked for the employer (called “uninterrupted service” under the Act). If the employee has **less than one year of uninterrupted service**, they are entitled to one day of leave per month of uninterrupted service and are paid a 4% indemnity (vacation pay) on wages paid during that time. For an employee with **one year to four years of uninterrupted service**, they are given two consecutive weeks of vacation annually and are paid a 4% indemnity. Employees with **five or more years of uninterrupted service** receive three consecutive weeks of vacation annually and are paid a 6% indemnity. In certain circumstances the employee may defer their annual leave to another year, but if they do not and do not take the leave, they must be paid the indemnity.

The employee has the right to know the date of their annual leave at least four weeks ahead of time, but the employer is responsible for setting the date of the annual leave, unless the parties agree otherwise.

ABSENCES

The Act provides the employee with a certain number of paid and unpaid leaves, as the case may be, for events related to their family, including:

- The day of their marriage;
- At the death or for the funeral of certain members of their family;
- To benefit from a maternity leave or a paternity leave, a parental leave;
- At the birth of their child;
- To meet certain family or parental obligations.

The employee must advise the employer of their absence.

NOTICE OF TERMINATION

The employer must give an employee notice before terminating their contract of employment or laying them off for six months or more. However, the employee must be credited with at least three months of uninterrupted service to be entitled to this notice. In the case of an employment contract with a set duration, the employer is not required to give this notice.

The duration of the notice varies according to the length of uninterrupted service:

Uninterrupted service	Duration of notice
3 months to 1 year	1 week
1 to 5 years	2 weeks
5 to 10 years	4 weeks
10 years or more	8 weeks

Source: CNESST, www.cnt.gouv.qc.ca/en/end-of-employment/notice-of-termination-of-employment/index.html

An employer who does not give notice of termination of employment must pay the employee a compensatory indemnity. This indemnity must be equivalent to the employee's regular wages for a period equal to that of the notice to which they were entitled.

RECOURSES

The *Act respecting Labour Standards* allows the employee to defend their rights by filing complaints to the CNESST, which in turn can exercise, on behalf of the employee and free of charge, civil recourses following a monetary complaint.

The Act also allows the CNESST to represent the employee before the *Tribunal administratif du travail*, which is the administrative tribunal that hears complaints related to a prohibited practice, to a dismissal without good and sufficient cause and to psychological harassment.

MONETARY COMPLAINTS

An employee who believes that their employer is not respecting their rights pertaining to wages, annual leave indemnity, statutory holidays, etc., has one year to file a complaint.

PROHIBITED PRACTICES

An employee may file a complaint if they believe they were dismissed, suspended, transferred, the victim of discriminatory measures, reprisals or sanctions for reasons such as the following:

- Because they exercised a right ensuing from the *Act respecting Labour Standards* or one of its regulations;
- Because an inquiry has been made by the CNESST in an establishment of this employer;
- Because they have provided the CNESST with information concerning the application of labour standards;
- Because the employee is pregnant;
- Because the employer wants to avoid the application of the *Act respecting Labour Standards* or its regulations;
- Because the employee refused to work beyond usual work hours to meet family or parental obligations, even though all reasonable means at their disposal were taken to assume these obligations otherwise.

The time period to file a complaint is 45 days from the date of dismissal or of the measure taken against the employee.

DISMISSAL WITHOUT GOOD AND SUFFICIENT CAUSE

An employee credited with two years of uninterrupted service and who believes that they were dismissed without good and sufficient cause can file a complaint within 45 days of the date of their dismissal.

PSYCHOLOGICAL HARASSMENT

Psychological harassment is vexatious behaviour which may take the form of conduct, verbal comments, actions or gestures characterized by the following four criteria:

- They are repeated or serious in nature;
- They are hostile or unwanted;
- They affect the person's dignity or psychological integrity;
- They result in a harmful work environment.

Sexual harassment at work is also included in this definition. A complaint concerning psychological harassment must be filed within 90 days of the last incidence of harassment.

WHAT HAPPENS WHEN A COMPLAINT IS FILED?

The CNESST will study the complaint to ensure that it is admissible. If it is not, the complainant will be informed in writing of the refusal of their claim and

the underlying reasons. One has 30 days to request, in writing, a review of this decision, by the review department of the CNESST.

If the complaint is admissible, the CNESST will inform the complainant in writing and will notify the employer who may respond in writing to the complaint.

If both parties agree, a mediation session will be scheduled. If mediation is unsuccessful, the CNESST will send the complaint to the *Tribunal administratif du travail* and a hearing will be held. Decisions from the *Tribunal administratif du travail* are final. The only recourse after that is to apply for judicial review to the Superior Court of Quebec. Monetary complaints are referred to the Court of Quebec and not to the *Tribunal administratif du travail*.

WORKERS EXCLUDED BY THE ACT

Regardless of immigration status, the Act excludes certain categories of workers, some of which affect immigrant and migrant workers disproportionately. The Act states that it applies to employees, defined as a person who works for an employer and who has the right to a salary.

However, the Act explicitly states that the following workers are completely **excluded** from its application:

- A self-employed worker;
- A health care professional (s. 19 of the *Health Insurance Act*);
- An inmate;
- A person who performs compensatory work;
- An employee who works both in Quebec and outside Quebec, or an employee who works solely outside Quebec but who normally resides in Quebec;
- A person who works for an employer who does not have a residence, domicile, enterprise, head office or office in Quebec;
- An employee of an embassy or consulate located in Quebec;
- An employee working in a business governed by federal laws. This is the case for federal government employees, banks (except *caisses populaires*), radio stations, television stations, inter-provincial transport businesses, ports, telecommunication businesses, etc. These federal workers are covered by the *Canada Labour Code*;
- A person who works within the context of an employment assistance measure or program.

The following workers are also excluded from coverage except with respect to provisions pertaining to retirement, family obligations, and psychological harassment:

- Upper management employees;
- An employee subject to the Construction Decree.

The following workers are also excluded from coverage except with respect to provisions pertaining to retirement and psychological harassment:

- A person who cares for others and who performs their work:
 - In the dwelling of the person cared for;
 - On an occasional basis; or
 - Whose employment is based on a relationship of assistance to the family or community help;
 - And for whom the employer is not seeking to make a profit.
- A student who works during the school year in an enterprise chosen by the educational institution under a work induction program approved by the Ministère de l'Éducation;
- A worker who is a party of a contract, whose remuneration is set by regulation of the Government of Quebec.

PROVISIONS AFFECTING CAREGIVERS AND “DOMESTIC” WORKERS

The Act describes a “**domestic**” as a paid employee, either live-in or live-out, who performs household work for the family and may take care of a child or an elderly or disabled person. Domestic workers are covered by the Act.

A live-in or live-out **babysitter or care provider** whose exclusive duties involve care for another person, whether a child, an elderly person or disabled person, and who only performs household duties that are directly related to the immediate needs of that person, is not considered a “domestic”. These workers are covered by the Act if the work is done on a full-time and not occasional basis. However, under the Act, they are not eligible for paid overtime at the same rate as other workers. Regardless of the number of hours worked, the care provider is entitled to the regular wage only.

Specifically, as regards the minimum wage, the employer cannot require a sum of money for the room and meals of a “domestic” who lives or has meals at the residence of their employer. Working hours are all hours when an employee is not free to leave their employers’ home or to stay in their room. Specifically, the following are considered working hours under the Act:

- Each hour that a “domestic” is in the home of their employer, available upon their request;
- The travelling time at the employer’s request (picking up the kids at the kindergarten for example);
- The time for training (for example, a first aid course) if required by the employer.

SPECIFIC RULES FOR SEASONAL WORKERS

Although they are covered by the *Act respecting Labour Standards*, there are specific rules that apply to **seasonal workers**. Farm workers, forest workers, small

fruit pickers, students employed at a vacation camp, and fishermen are subject to exceptions or modifications of some of the provisions of the Act.

Agricultural workers are not entitled to a higher hourly rate for overtime work. Strawberry or raspberry pickers that are assigned exclusively during a pay period for manual picking (non-mechanical operations) are paid on the basis of their performance instead of the minimum wage rate unless the field conditions are detrimental to the worker's performance to the point that they cannot reach the minimum wage. A minimum rate per kilogram is provided for in the *Regulation respecting labour standards*.

→ Detailed information on labour standards specific to **agricultural workers** (only in French) is available at:
www.cnesst.gouv.qc.ca/publications/200/Documents/DC200-1582web.pdf

LABOUR STANDARDS BASED ON IMMIGRATION STATUS

Neither the *Act respecting Labour Standards* nor the *Regulation respecting Labour Standards* contain any provisions relating to the immigration status of a worker. A worker who does not have a work permit, while required by the type of employment and particular immigration status, has the same rights under the Act and can therefore file a complaint with the CNESST against the employer in case of labour standards violations. It should however be noted that workers without legal immigration status will be reluctant to file a complaint against their employer for fear of being denounced to the federal authorities by their employer. People in this situation are encouraged to seek help from an immigration rights advocacy group or lawyer.

A worker who does not have a work permit has the same rights under the Act and can therefore file a complaint with the CNESST against the employer.

→ To file a complaint:
Commission des normes, de l'équité, de la santé et sécurité du travail
www.cnt.gouv.qc.ca/en/on-line-services/on-line-complaints/index.html?no_cache=1 (online complaint)
1-844-838-0808

9.2 WORKPLACE ACCIDENTS

The *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) is the government organization that oversees the application of the following two laws:

- The *Act respecting Occupational Health and Safety*, the purpose of which is to eliminate dangers to the health, safety and physical well-being of workers at the source;
- The *Act respecting Industrial Accidents and Occupational Diseases*, the purpose of which is to compensate for work-related injuries and their consequences for workers, as well as the collection, from employers of the sums necessary to fund the plan.

To be eligible for the CNESST benefits and programs, a person must have suffered one of the following:

- Employment injury: an injury or disease arising out of or in the course of an industrial accident or an occupational disease, including a recurrence, relapse, or aggravation;
- Industrial accident: a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of their work and resulting in an employment injury to them;
- Occupational disease: contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work.

Workers who have suffered a work-related injury or disease and cannot continue working because of this condition must see a doctor and provide their employer with a medical certificate. Workers absent from work for more than 14 days, or who have incurred medical expenses for which they would like a reimbursement, need to complete a Worker's Claim form. Such forms normally require that a health insurance card number and Social Insurance Number be provided.

→ To view the **Worker's Claim** form for industrial accidents or occupational diseases: www.csst.qc.ca/en/formulaires/Documents/1939Aweb.pdf

BASIC RIGHTS

A general overview of the basic rights under these laws is offered below. Once again, there are exclusions or particularities regarding these rights that are not covered here. For specific cases, it is best to consult a lawyer or organizations specialized in the area of workplace rights, industrial accidents and occupational diseases.

THE RIGHT TO RETURN TO WORK

A worker who is injured at work or a victim of a work-related disease retains a priority as regards their position at the workplace. Upon returning to work, if this position no longer exists the worker may resume working for their employer in an equivalent position, with no loss of salary. If a worker is no longer able to perform the tasks related to their position because of permanent injury resulting from an accident or illness, the employer can modify their tasks or adapt their workstation accordingly. If this is not possible, the worker must be offered the first available suitable position.

THE RIGHT TO REHABILITATION

The right to rehabilitation applies to any worker who is injured or develops a work-related disease and who retains physical or mental injuries subsequent to the accident or disease in question.

THE RIGHT TO REFUSE WORK

A worker has a right to refuse to perform work that would expose them or another person to danger to their health, safety or physical well-being. The worker may not exercise this right, however, if their refusal to perform the work puts the life, health, safety or physical well-being of another person in immediate danger. The worker must immediately notify their superior and remain on the work premises to perform other tasks. The employer and the worker's representative (prevention representative, union representative or designated employee) are obligated to assess the situation, with the aim of proposing solutions and taking any necessary corrective measures. In the event of a disagreement between the employer and the worker's representative, they can ask that a CSST inspector intervene.

A worker may not be dismissed because they exercise their right to refuse to work. The worker will continue to be paid, and may in no way be penalized or punished. If an employer feels that a worker is abusing this right, the employer is responsible for proving that this is the case.

INCOME REPLACEMENT BENEFIT

If a worker can no longer hold their job because of an employment injury, they are entitled to financial support until they can again hold their job, an equivalent job, or a suitable job.

COMPENSATION FOR BODILY INJURIES

If a worker's physical or psychological integrity is permanently injured following an employment accident or occupational disease, the person is then entitled to a lump sum payment for bodily injuries.

PREGNANCY, REASSIGNMENT AND PREVENTIVE LEAVE

The prevention program for a “danger-free pregnancy” aims to ensure that workers who are pregnant or are breastfeeding can continue to work in a danger-free work environment. Hence, a pregnant or breastfeeding woman has the right to be reassigned to other tasks if her usual duties represent a danger to her own health or to the health of her foetus or breastfeeding baby. If such a reassignment is not possible, the worker then has the right to stop working temporarily and receive CNESST compensation.

→ To view the guide *Pour une maternité sans danger*, (in French only):
www.cnesst.gouv.qc.ca/Publications/200/Documents/DC200_1024_1web.pdf

The following people are excluded from this prevention program:

- Self-employed individuals of a non-incorporated company;
- Domestic workers working at a private employer’s residence;
- Students completing internships;
- Volunteers;
- Workers of businesses under federal jurisdiction.

WORKPLACE HEALTH AND SAFETY BASED ON IMMIGRATION STATUS

The *Act respecting Industrial Accidents and Occupational Diseases* does not directly restrict workplace health and safety benefits according to immigration status. However, the definition in section 2 of the Act defines the worker as a ‘natural person who does work for an employer for remuneration under a contract’. Thus, the CNESST policy is to deny claims of foreign workers who do not have a **work permit** and who are required to have one according to the job in question (see section I for jobs that do not require work permits). The CNESST considers that a worker in this situation is not able to contract and that consequently there would be no valid employment contract.

The CNESST policy is to deny claims of foreign workers who do not have a work permit.

Canadian citizens, permanent residents, asylum seekers and temporary workers who hold a valid work permit, **international students** with valid study permits are eligible for workplace health and safety benefits if the other conditions of the Act are respected. In addition, the CNESST could exercise its discretion and accept a benefits application if proof that a work permit is in the process of being renewed is provided, especially if the renewal application was made before the work permit

expiry date or if the immigration situation is regularized. Indeed, case law shows a somewhat broad and liberal interpretation of the Act, by granting benefits even if the work permit has expired, in situations where the worker acted in good faith. Non-status workers are much more vulnerable given their reluctance to apply for fear of being reported to federal authorities by the employer. These individuals are encouraged to seek legal advice or contact an advocacy group. It should be noted that the CNESST accepts information regarding employers who do not declare employees and thus do not pay the premiums required by the CNESST for the workplace accident compensation program. The CNESST could then initiate an investigation and file a complaint with *Revenu Québec*.

Other hurdles may prevent the access of vulnerable workers to CNESST benefits, such as filing the claim past the allotted six month period from the date of the injury, having been deported and thus not being available for a medical assessment or to attend the hearing.

The law specifically excludes **domestic workers** and **caregivers** as they are not considered workers under the *Act respecting industrial accidents and occupational diseases*.

Section 2 of the Act defines a “domestic” as someone who is hired by an individual for remuneration, whose main duty is, in the dwelling of the individual:

- To do housework; **or**
- To care for a child or a sick, handicapped or aged person and who lives in the dwelling.

Section 2 also states that a “worker” is someone who does work for an employer for remuneration under a contract of employment or of apprenticeship, except:

- A **domestic**;
- A natural person hired by an individual to **care for a child** or a **sick, handicapped or aged person** and who does not live in the dwelling of the individual;
- A person who plays sports as their main sources of income.

‘Domestic workers’ and self-employed workers must therefore submit a coverage request to the CNESST and pay their own premiums to be covered.

APPLICATION FOR REVIEW

A person may apply in writing for a review of a decision rendered by the CNESST within 30 days. The review department of the CNESST will then issue a new decision, which may also be contested in writing within 45 days before the *Tribunal administratif du travail*.

WORKPLACE RIGHTS RESOURCES

Commission des normes, de l'équité, de la santé et sécurité du travail

www.cnesst.gouv.qc.ca/

1-844-838-0808

Tribunal administratif du travail

www.tat.gouv.qc.ca/

1-800-361-9593 (Montreal office)

Association des aides familiales du Québec (AAFQ)

[www.arrondissement.com/montreal/](http://www.arrondissement.com/montreal/associationdesaidesfamilialesduquebecaafq)

associationdesaidesfamilialesduquebecaafq

514-272-2670

Au bas de l'échelle

www.aubasdelechelle.ca/

514-270-7878

Immigrant Workers Center

www.iwc-cti.ca/

514-342-2111

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montérégie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

[www.santemontreal.qc.ca/en/](http://www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/)

professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

Union des travailleurs et travailleuses accidenté-e-s de Montréal (UTTAM)

www.uttam.quebec/

514-527-3661

9.3 EMPLOYMENT INSURANCE

Administered by Service Canada, the federal Employment Insurance (EI) program is regulated by the *Employment Insurance Act* and the *Employment Insurance Regulations*. EI includes premium payments (obligatory contributions deducted from each paycheque), a deductible (a 1-week unpaid waiting period before benefits can be paid). Benefits can be denied or cancelled if the worker is found “at fault” for their unemployment. While a person’s immigration status is a factor that can determine eligibility for benefits, there are numerous other rules regarding eligibility. To evaluate a particular situation, one should consult a lawyer or organization specialized in the area of employment insurance.

There are five main programs of Employment Insurance (EI):

1. **Regular** benefits;
2. **Maternity** or **parental** benefits;
3. **Sickness** benefits;
4. Benefits for **parents of critically ill children**;
5. **Compassionate care** benefits if a person must be away from work temporarily to provide care or support to a family member who is “gravely ill with a significant risk of death”.

These will be discussed in greater detail below. To receive all but compassionate care benefits the person must be in Canada during the period when the benefits are paid.

Self-employed workers have access to EI special benefits such as maternity and parental (in Quebec, QPIP benefits), sickness, parents of seriously ill children and compassionate care. To qualify for these benefits, the self-employed workers must register and contribute to the EI program. Self-employed fishers are entitled to regular benefits under a specific program. Other self-employed workers such as barbers, hairdressers, taxi drivers and drivers of other passenger vehicles who are not hired as employees but whose employment is insurable under the *Employment Insurance Regulations* are entitled to regular benefits. Undeclared or “under the table” work is not considered “insurable employment”.

REGULAR BENEFITS

Most beneficiaries can receive 55% of their gross average weekly income (before deductions). A member of a household whose income is \$ 25,921 net and less may receive a higher benefit rate, up to 80% of their average weekly income. However, benefits cannot exceed \$ 543 per week.

In a nutshell, in order to be eligible to receive regular benefits a person must show that:

- They have been without work and without pay for at least seven consecutive days;
- In the last 52 weeks or since their last claim for employment insurance (called the “qualifying period”) they have worked for the required number of insurable hours.

The employment in question must also have been “insurable employment” and the person must have either lost their job through no fault of their own or had “just cause” to quit their job.

The employment in question must also have been “insurable employment” and the person must have either lost their job through no fault of their own or had “just cause” to quit their job, such as due to discrimination or an excessive amount of forced overtime. In addition, a person will have to show that they are available for and able to work but cannot find a job.

BEING OUT OF WORK

As stated, a person must have stopped working for an employer and have not received any pay for at least seven consecutive days in the 52 weeks preceding the application for EI or since their last application for EI, which is usually the reference period for calculating benefits. This reference period can be extended up to 104 weeks in certain cases, such as when a person was not able to hold insurable employment for a number of weeks due to illness, injury, preventative leave, or imprisonment, amongst other reasons. The reasons for having been without work can, for example, be due to shortage of work or seasonal or mass lay-off and in certain circumstances being fired from a job and “voluntarily leaving” or quitting a job.

If a person is dismissed for misconduct, it is up to the employer to initially prove that the misconduct occurred. If a person voluntarily leaves their job they have to show they had “just cause” for leaving, meaning that quitting a job was the only reasonable alternative considering all the circumstances.

- For more information on **dismissal due to misconduct**, see: www.canada.ca/en/employment-social-development/programs/ei-list/ei/fired-misconduct.html
- For more information on **just causes for voluntarily leaving a job**, see: www.canada.ca/en/employment-social-development/programs/ei-list/ei/quit-job.html

INSURABLE EMPLOYMENT

The employment in question must be considered “insurable employment”. As a general rule, people who pay premiums (deducted from their paycheques), are under the supervision of an employer or supervisor and do not determine their own working hours or salary have insurable employment.

INSURABLE HOURS

These hours, which are between 420 and 700, differ based on where a person lives and the unemployment rate in their region at the time their claim for benefits is filed. In some instances, a person will need a minimum of 1,400 hours to qualify for EI. This is the case when the claimant has violated requirements during past EI benefit periods.

MATERNITY AND PARENTAL BENEFITS

The Quebec government is responsible for providing maternity, paternity, parental and adoption benefits to residents of Quebec through a program called the Quebec Parental Insurance Plan (QPIP) (see Section II.4.3 for more information).

SICKNESS BENEFITS

This is a benefit that may be paid for up to 15 weeks to a person who is unable to work due to sickness or injury. In most cases, a person must have worked for 600 hours in the 52 weeks prior to making their claim or since their last EI claim, although these hours may be less if a person was already receiving regular benefits and became ill while on that claim. A medical certificate is required in order to confirm the duration of the person’s inability to work.

All the other general conditions of admissibility to EI apply for these benefits. Therefore a person who makes a claim for sickness benefits is not only required to prove they are unable to work but that they would otherwise (were it not for the illness) be available for work.

BENEFITS FOR PARENTS OF CRITICALLY ILL CHILDREN

Special EI benefits for parents of critically ill children can be paid for up to 35 weeks. These benefits are for parents who care for their child that is dealing with a life-threatening illness or injury. This does not include a child with a chronic illness or condition that constitutes their normal health. There must be a significant change in the child’s normal health at the time a physician conducts the assessment. To qualify, a parent must be absent from work completely or earning less than 40% of their normal weekly earnings. The parent must have accumulated 600 hours of insurable employment in the last 52 weeks or since the beginning of the last benefit period, whichever is shorter. The child must be under the age of 18 at the beginning of the 52-week period during which benefits may be paid.

COMPASSIONATE CARE BENEFITS

“Compassionate care” benefits are temporarily paid to people who have to be away from work, or whose regular weekly earnings from work have decreased by more than 40%, to provide care or support to a family member who is gravely ill with a significant risk of death within the following six months. To be eligible for these benefits, a person must have over 600 hours of insurable work in the 52-week reference period and present a medical certificate indicating that a member of their family is ill and at risk of death in the next 26 weeks. These benefits are payable for 26 weeks.

→ To apply for Compassionate Care Benefits, 2 forms must be completed:

- Authorization to Release a Medical Certificate:
<https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=INS5216A>
- Medical Certificate for Employment Insurance Compassionate Care Benefits:
<https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=INS5216B>

ELIGIBILITY TO EI BENEFITS BASED ON IMMIGRATION STATUS

Canadian citizens and **permanent residents** are eligible for the EI program if they meet the other requirements. Others applying for EI must supply proof of their immigration status and **work permit**.

If the work permit of a foreign worker has **expired** at the time of the EI application or during the benefit payment period, the applicant may still be eligible for EI if it is demonstrated that the work permit renewal application was submitted before the expiry date. Otherwise, the benefits can only be granted once the new work permit is obtained. The fact that a claimant no longer has a valid work permit does not necessarily imply that they are not available to work. The claimant can argue that once a job is found, they will be able to obtain a work permit, depending on the type of job and the skills of the worker.

Seasonal agricultural workers who hold a non-renewable work permit cannot renew their permit at the expiration date. In this case, EI will be denied even if willingness to work is demonstrated.

Holders of **closed work permits**, that is, an authorization to work for only the employer specified in the permit, may be eligible for EI benefits if the applicant demonstrates their availability to find another job and their intention to ask IRCC for an open permit.

In addition, **students** who would qualify for EI benefits should also demonstrate that they are available and willing to work despite their fulltime course load.

Non-status persons cannot apply for Employment Insurance benefits because they are not eligible for a work permit and therefore cannot demonstrate their availability to work.

It is strongly suggested to apply for Employment Insurance benefits, as there are several subtleties and exceptions to the general rules for determining eligibility. Persons without status are encouraged to consult with an advocacy organization or lawyer before proceeding.

REVIEW AND APPEAL OF AN EMPLOYMENT INSURANCE DECISION

The Canada Employment Insurance Commission is responsible for processing applications for EI benefits. If an applicant or the employer disagrees with a decision, it is possible to request a review within 30 days of the date of receipt of the decision, at no cost. The review decision may be appealed with permission to the General Division of the Social Security Tribunal of Canada within 30 days of the date of receipt of the decision. As mentioned in section 1.7.1, this tribunal, established in 2014, also deals with appeals to do with the Canada Pension Plan and Old Age Security. The judge may proceed on file, summon the appellant to a hearing in person, by telephone or videoconference, or simply dismiss the file. The appellant will then have the opportunity to seek permission to appeal this decision made by the General Division, to the Appeal Division of that same tribunal within 30 days.

RESOURCES FOR UNEMPLOYMENT

Social Security Tribunal of Canada

www1.canada.ca/en/sst/

1-877-227-8577

Service Canada

www.canada.ca/fr/services/prestations/ae.html

1-800-808-6352

Immigrant Workers Center

www.iwc-cti.ca/

514-342-2111

Conseil national des chômeurs et chômeuses

Directory of organizations advocating for the rights of people dealing with unemployment

www.lecnc.com

514-933-5915

Mouvement Autonome et Solidaire des Sans-Emploi (MASSE)

Directory of organizations advocating for the rights of people dealing with unemployment

www.lemasse.org/

514-524-2226



RESOURCES CITED IN THE GUIDE

JUSTICE

TO FIND A LAWYER OR NOTARY

Legal Aid: Commission des services juridiques (CSJ)

www.csj.qc.ca

Phone: 514-873-3562

Association québécoise des avocats et avocates en droit de l'immigration (AQAADI)

www.aqaadi.com/

1-800-361-8495, ext. 3471

Barreau du Québec, referral service

www.barreau.qc.ca/fr/public/trouver/avocat/

Montreal Bar, referral service

reference@barreaudemontreal.qc.ca

www.barreaudemontreal.qc.ca/public/service-reference

514-866-2490

Longueuil Bar, referral service

www.barreaudelongueuil.qc.ca/trouver-un-avocat

450-468-2609

Quebec Bar, Beauce and Montmagny, referral service

418-529-0301

www.barreaudequebec.ca/population/service-de-reference/

Other areas of Quebec, referral service

www.avocatsdeprovince.qc.ca/service-de-reference.html

1-866-954-3528

Chambre des notaires, referral service

www.cnq.org/en/find-a-notary.html

1-800-668-2473

JurisReference

Online reference tool

www.jurisreference.ca/fr/

FOR LEGAL INFORMATION:**Votre boussole juridique**

Directory of free or low cost legal resources in Quebec

www.votreboussolejuridique.ca/

Éducaloi

www.educaloi.qc.ca/

Centre d'accès à l'information juridique (CAIJ)

www.caij.qc.ca/

Canadian Legal Information Institute (CANLII)

Legislation and jurisprudence of Quebec and Canada

www.canlii.org

IMMIGRATION**Immigration and Refugee Board of Canada (IRB)**

www.irb-cisr.gc.ca/Eng/Pages/index.aspx

Immigration, diversité et inclusion Québec (Immigration-Quebec)

www.immigration-quebec.gouv.qc.ca/en/home.html

514-864-9191

Immigration, Refugees and Citizenship Canada (IRCC)

www.cic.gc.ca/english/index.asp

Directeur de l'état civil du Québec

www.etatcivil.gouv.qc.ca/en/default.html

1-877-644-4545

Association québécoise des avocats et avocates en droit de l'immigration (AQAADI)

www.aqaadi.com/

1-800-361-8495, extension 3471

Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI)

Directory of organizations supporting refugees and immigrants

www.tcric.qc.ca

514-272-6060

Canadian Council for Refugees (CCR)

www.ccrweb.ca/en

514-277-7223

Ready for my refugee hearing

Refugee hearing preparation guides in several languages

+ guided tours inside IRB courtrooms

www.refugeeclaim.ca/

Montréal, a new beginning

Resources for newcomers to Montreal

www.ville.montreal.qc.ca/nouveaudepart/en

Action Réfugiés Montréal

www.actionr.org/

514-935-7799

Carrefour d'aide aux nouveaux arrivants (CANA)

www.cana-montreal.com/en/

514-382-0735

CEDA - Support for Immigrants

www.cedast-henri.blogspot.ca/

514-596-4422

Ligue des droits et libertés, Montreal section

www.liguedesdroits.ca

514-849-7717

Ligue des droits et libertés, Quebec section

www.liguedesdroitsqc.org/

418-522-4506

Saguenéens et Jeannois pour les droits de la personne

www.sjdp.ca/

418-542-2777

Médecins du monde

Healthcare for non-status individuals in Montreal.

www.medecinsdumonde.ca/

514-281-8998

To join the mobile clinic: 514 - 501-3411

To join the migrant clinic, Wednesday and Thursday from 1 pm to 8 pm:

514-281-8998, ext. 246

PINAY – Filipino women’s organization

www.pinayquebec.org/

514-364-9833

Regional Program for the Settlement and Integration of Asylum Seekers (PRAIDA)

www.csssdelamontagne.qc.ca/en/care-and-services/asylum-seekers/

514-731-8531

Solidarity Across Borders

www.solidarityacrossborders.org

438-933-7654

Just Solutions

www.montrealcitymission.org/en/programs/just-solutions

514-844-9128 ext. 204

LEGAL AID**Commission des services juridiques (CSJ)**

List of Legal Aid offices in the province of Quebec

www.csj.qc.ca

514-873-3562

Centre communautaire juridique de Montréal (CCJM)

List of Legal Aid offices in Montreal and Laval

www.ccjm.qc.ca

514-864-2111

Community Legal Services of Point St-Charles and Little-Burgundy

www.servicesjuridiques.org

514-933-8432

Coalition pour l'accès à l'aide juridique

www.coalitionaidejuridique.org/

WELFARE

Ministère du Travail, de l'Emploi et de la Solidarité sociale

www.mess.gouv.qc.ca/thematiques/aide-financiere/

Front commun des personnes assistées sociales du Québec (FCPASQ)

Directory of organizations supporting social assistance recipients

www.fcpasq.qc.ca

514-987-1989

EDUCATION

Ministère de l'Éducation et de l'Enseignement supérieur

www.education.gouv.qc.ca/

Quebec Ombudsman

Reception of complaints against government agencies

www.protecteurducitoyen.qc.ca/en

To file a complaint: 1-800-463-5070

To access the online complaint form: www.protecteurducitoyen.qc.ca/en/make-a-complaint/complaint-forms/online-complaint-form

Collectif éducation sans frontières

Information on the access for children with precarious status to free schools

www.collectifeducation.org/en/

438-933-7654

Banque interrégionale d'interprètes (BII), du CIUSSS du Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters for Montreal, Laval and Montérégie. Other areas can be served upon request. The service is available for health and social services appointments, meetings with schools, the CNESST and the SAAQ. Fees applicable.

www.santemontreal.qc.ca/professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

Fédération des commissions scolaires du Québec

www.fcsq.qc.ca/

1-800-463-3311

FAMILY

Canada Revenue Agency

Canada Child Benefit and GST/HST Credit

www.cra-arc.gc.ca

1-800-387-1194 (Benefits inquiry)

Revenu Québec – Solidarity Tax Credit and Slip 31

Quebec area: 418-266-1016

Montreal area: 514-940-1481

Toll-free: 1-855-291-6467

From Monday to Friday: 8:30 am to 4:30 pm

Quebec Parental Insurance Plan

www.rqap.gouv.qc.ca

1-888-610-7727

Retraite Québec – Child Assistance Payments

www.retraitequebec.gouv.qc.ca

Quebec area: 418-653-3381

Montreal area: 514-864-3873

Toll-free: 1-800-667-9625

Fédération des associations de familles monoparentales et recomposées du Québec (FAFMRQ)

Directory of organizations that provide services to families (e.g. information on child support)

www.fafmrq.org/

514-729-MONO (6666)

HOUSING

Régie du logement

www.rdl.gouv.qc.ca

Montreal: 514-873-BAIL (2245)

Toll-free: 1-800-683-BAIL (2245)

Commission des droits de la personne et des droits de la jeunesse (CDPDJ)

www.cdpcj.qc.ca

1-800-361-6477

Human Rights Tribunal

www.tribunaux.qc.ca/TDP/index-tdp.html

514-393-6651

Revenu Québec – Shelter allowance

Quebec area: 418-266-1016

Montreal area: 514-940-1481

Toll-free: 1-855-291-6467

Société d'habitation du Québec

Directory of OMH's of Quebec

www.habitation.gouv.qc.ca/english.html

1-800-463-4315

Regroupement des offices d'habitation du Québec

www.rohq.qc.ca/

1-800-463-6257

Fédération des locataires d'habitations à loyer modique du Québec

www.flhlmq.com/flhlmq/fr/index.html

514-521-1485

Front d'action populaire en réaménagement urbain (FRAPRU)

Directory of housing committees

www.frapru.qc.ca/

514-522-1010

Regroupements des comités logements et associations de locataires du Québec RCLALQ

Directory of housing committees and tenant associations in Quebec

www.rclalq.qc.ca/

Toll-free: 1-866-521-7114

COMPENSATION PROGRAMS

RESOURCES FOR VICTIMS OF CRIME

Direction de l'indemnisation des victimes d'actes criminels (IVAC)

www.ivac.qc.ca

Toll-free: 1-800-561-4822

Montreal area: 514-906-3019

Association québécoise Plaidoyer-Victimes

Directory of organizations that provide services of assistance to victims

www.aqpv.ca/

514-526-9037

Centre d'aide aux victimes d'actes criminels (CAVAC)

Directory of CAVACs in Quebec

www.cavac.qc.ca/

1-866-532-2822

Mouvement contre le viol et l'inceste

www.mcvicontreleviol.org/

514-278-9383

Regroupement des maisons pour femmes victimes de violence conjugale

Directory of shelters for women victim of spousal violence

www.maisons-femmes.qc.ca/

514-878-9134

Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS)

Directory of support agencies for victims of sexual assault

www.rqcalacs.qc.ca/

1-877-717-5252

Programme côté Cour

A service for victims of spousal and family violence that have to appear in court

Montreal Courthouse: 514-868-9577

Municipal Court: 514-861-0141

Ligne Aide Abus Aînés

Free help hotline related to senior abuse

www.aideabusaines.ca/

514-489-2287

Toll-free: 1-888-489-2287

From 8 am to 8 pm, 7 days a week

Sexual assault helpline

www.agressionssexuelles.gouv.qc.ca/en/resources/toll-free.php

514-933-9007

Toll-free: 1-800-363-9010

24 hours a day, 7 days a week

SOS Violence conjugale

www.sosviolenceconjugale.ca/

1-800-363-9010

24 hours a day, 7 days a week

ROAD ACCIDENTS

Société de l'assurance automobile du Québec (SAAQ)

www.saaq.gouv.qc.ca/accident-route/

If the accident took place in Quebec: 1-888-810-2525

If the accident took place outside of Quebec: 1-800-463-6898

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montérégie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

RETIREMENT

Canada Pension Plan

www.canada.ca/en/services/benefits/publicpensions.html

1-800-277-9915

Retraite Québec: Quebec Pension Plan

www.rrq.gouv.qc.ca/en/planification/sources_revenu_retraite/Pages/regime_rentes_quebec.aspx

Quebec area: 418-643-5185

Montreal area: 514-873-2433

Toll-free: 1-800-463-5185

Association québécoise pour la défense des droits des personnes retraitées et préretraitées (AQDR)

Quebec association for the defense of the rights of retired and pre-retired persons. For \$ 15 to \$ 20 membership fee: access to information on the rights of people 50 years of age and older, and access to discounts on health products (e.g. glasses)

www.aqdr.org/

514-935-1551

Ligne Aide Abus Aînés

Free help hotline related to senior abuse

www.aideabusaines.ca/en/

1-888-489-2287

Réseau FADOQ

An organization that advocates for the rights of seniors and offers recreational and sporting activities and group savings for their members

www.fadoq.ca/en/

1-800-544-9058

HEALTH

Ministry of Health and Social Services (Quebec)

www.msss.gouv.qc.ca/

Régie de l'assurance maladie du Québec

www.ramq.gouv.qc.ca/en

Quebec area: 418-646-4636

Montreal area: 514-864-3411

Elsewhere in Quebec: 1-800-561-9749

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montérégie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

Coalition Solidarité Santé

www.cssante.com/

514-442-0577

Confédération des organismes de personnes handicapées du Québec (COPHAN)

Directory of organizations working to defend the rights of persons with disabilities

www.cophan.org/

514-284-0155

Médecins du monde

www.medecinsdumonde.ca/

514-281-8998

To reach the Mobile Clinic: 514-501-3411

To reach the Clinic for Migrants, Wednesdays and Thursdays from 1 pm to 8 pm:
514-281-8998, extension 246

PRAIDA (Regional Program for the Settlement and Integration of Asylum Seekers)

www.csssdelamontagne.qc.ca/soins-et-services/demandeurs-d-asile-praida/

514-731-8531

Tel-Aide

Listening for: loneliness, anxiety, stress, difficult relationships, addictions, victims of violence, grieving, etc.

www.telaide.org/

514-935-1101

WORKPLACE RIGHTS

LABOUR STANDARDS, OCCUPATIONAL HEALTH AND SAFETY

Commission des normes, de l'équité, de la santé et sécurité du travail

www.cnesst.gouv.qc.ca/

1-844-838-0808

Tribunal administratif du travail

www.tat.gouv.qc.ca/

1-800-361-9593 (Montreal office)

Banque interrégionale d'interprètes (BII), of the CIUSSS of the Centre-Sud-de-l'Île-de-Montréal

Directory of interpreters serving Montreal, Laval and Montérégie. Other areas upon request. The service is available for appointments in health and social services, as well as meetings with schools, CNESST and the SAAQ. Fees apply.

www.santemontreal.qc.ca/en/professionnels/services-et-outils/banque-regionale-dinterpretes/

514-597-3284

Association des aides familiales du Québec (AAFQ)

www.arrondissement.com/montreal/associationdesaidesfamilialesduquebecaafq

514-272-2670

Au bas de l'échelle

www.aubasdelechelle.ca/

514-270-7878

Immigrant Workers Center

www.iwc-cti.ca/

514-342-2111

Union des travailleurs et travailleuses accidenté-e-s de Montréal (UTTAM)

www.uttam.quebec/

514-527-3661

RESOURCES FOR UNEMPLOYMENT

Social Security Tribunal of Canada

www1.canada.ca/en/sst/

1-877-227-8577

From Monday to Friday: 7 am to 7 pm

Service Canada

www.canada.ca/fr/services/prestations/ae.html

1-800-808-6352

Immigrant Workers Center

www.iwc-cti.ca/

514-342-2111

Conseil national des chômeurs et chômeuses

Directory of organizations advocating for the rights of people dealing with unemployment

www.lecnc.com

514-933-5915

Mouvement Autonome et Solidaire des Sans-Emploi (MASSE)

Directory of organizations advocating for the rights of people dealing with unemployment

www.lemasse.org/

514-524-2226

Immigrant Workers Center

www.iwc-cti.ca/

514-342-2111

