

Chapter 2: Eligibility

(ii) Determining Eligibility – Non Canadians

Intent:	To clarify Income Support eligibility criteria for applicants who are non-Canadians
Act: (if applicable)	N/A
Regulations:	N/A
Overview: (if applicable)	N/A
Policy:	<ul style="list-style-type: none">• (a) <u>Permanent Residents</u><ul style="list-style-type: none">○ Permanent residents have been given permanent resident status by immigrating to Canada, but they are not Canadian citizens.○ Permanent residents are able to:<ul style="list-style-type: none">▪ receive most social benefits in Canada such as medi-care,▪ apply and be assessed for Income Support benefits and if eligible, receive benefits accordingly, and▪ live study and work anywhere in the country.• (b) <u>Refugee Protection Claimants</u><ul style="list-style-type: none">○ Refugee protection claimants also referred to as Asylum Seekers, are individuals who, following their arrival in Canada, make a formal claim to Immigration or Canadian Border Services Agency requesting protection based on fear of persecution if they return to their country of origin.○ Those eligible for determination under this process are referred to the <u>Immigration and Refugee Board of Canada (IRB)</u> for a decision on their claim for refugee status. The IRB is an independent administrative tribunal responsible for making decisions on who needs refugee protection among the thousands of claimants who come to Canada annually.○ Refugee protection claimants are allowed to remain in Canada while their application is being processed.

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While waiting, they are also entitled to apply for Income Support benefits.

- Refugee protection claimants under the age of 30 years who apply for Income Support may be considered as having barriers to employment as most may be unable to speak English and/or require time to adjust to a new culture.
- Refugee protection claimants may be eligible to receive a temporary foreign worker document (work permit) allowing them to seek employment while in Canada. A federal officer will make this determination based on:
 - whether the individual can subsist without public assistance,
 - if they are eligible to have their claim heard by the Immigration and Refugee Board of Canada, and
 - if they have filed a personal information form and completed the necessary medical examination, accompanied by their picture and fingerprints.
- Refugee protection claimants may be deemed eligible for Income Support benefits.
- Refugee protection claimants deemed eligible for Income Support benefits should be referred to Citizenship and Immigration Canada (CIC) for prescription drugs, vision care and dental coverage. CIC has an [Interim Federal Health Program](#) for claimants who do not have funds to pay for urgent and essential health care as well as the immigration medical examination. The determination of "unable to pay" is left to the discretion of the port-of-entry or immigration officer with the federal government. Individuals should be directed to contact the Interim Federal Health Program at 1-888-242-2100 with any issues surrounding medical treatment or services.
- If the applicant is not granted status as a refugee/protected person by the Immigration and Refugee Board of Canada, they can pursue other [options available for refused applicants](#), or they will be deported, likely at federal expense.
- When a refugee protection claimant's application has not been approved and they are awaiting deportation and not detained, eligibility for Income Support may still exist. In these situations, the

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applicant is not considered employable unless the removal order is unenforceable for an extended period of time. If this is the case, the individual is entitled to apply for a work permit until the issue is resolved.

- Refugee protection claimants may require financial assistance for interpretation services. Such requests must be approved as a special need by the Client Services Manager.

• **(c) Claimants with Approved Refugee Status**

- This group includes Protected Persons, Government Assisted Refugees, Blended Visa Overseas Refugees, Privately Sponsored Refugees, and Joint Assistance Program Refugees. These groups (except for Protected Persons) are sometimes referred to as Convention Refugees Abroad. Protected Persons are individuals who have been recognized as Convention Refugees by the Immigration and Refugee Board (IRB) after making a refugee claim in Canada. However, they are not classified as "Convention Refugees Abroad" as they made their claims while already in Canada. All the above-mentioned groups are approved refugees.
- This group has their claim for refugee status approved by the Immigration and Refugee Board of Canada. They are not eligible for Income Support for at least one year while federal assistance is available.
 - They either have their own financial resources, or have been accepted for assistance under the Immigrant Settlement and Adaptation Program and the [Resettlement Assistance Program](#).
 - Should Income Support be requested from a government assisted refugee or a claimant who has approved refugee status, Citizenship and Immigration Canada must be contacted immediately. Any eligibility for Income Support will depend on the response received.
- When the benefits from these programs cease, the individual may apply for Income Support and be considered in the same manner as any other resident of the Province.

- (d) **Temporary Residents/Visitors to Canada**
 - Individuals come to Canada for many reasons including as tourists, to work temporarily, to visit family or to study. All visitors must meet specific entry requirements including:
 - having valid travel documents
 - being in good health
 - having ties to a home country such as a job, or friends/family who reside there
 - having adequate money for their stay in Canada and return home
 - plans to leave Canada at the end of their visit
 - posing no security, health or criminal risks to Canadians and
 - for those who come to study, work or stay for an extended time, depending on their home country and circumstance; a study, work or temporary resident visa.
 - There are occasions when temporary residents/visitors apply for Income Support benefits. These requests may occur as a result of quitting school, job loss, or a dispute with a family member. However, Section 39 of the Immigration and Refugee Protection Act denotes "A foreign national is inadmissible for financial reasons if they are or will be unable or unwilling to support themselves or any other person who is dependent on them, and have not satisfied an officer that adequate arrangements for care and support, other than those that involve social assistance, have been made." Given this clause, temporary residents or visitors to Canada are not eligible for Income Support benefits.
- (e) **CUAET Visa Holders**
 - People from Ukraine may be granted the Canada-Ukraine Authorization for Emergency Travel (CUAET) Visa legally allowing them to live and work in Canada for up to three years.
 - CUAET visa holders in Newfoundland and Labrador can apply and may be eligible to receive Income Support in this province.
 - The Government of Canada is providing one-time transitional payments of \$3000/adult and \$1500/child to

CUAET visa holders. These benefits are considered exempt income when determining eligibility for Income Support.

Procedure:

- When **permanent residents** apply for Income Support benefits, the Client Service Office (CSO) must:
 - verify their permanent resident status by obtaining a copy of their "[Permanent Resident Card](#)"
 - refer to policy on Determining Eligibility for Income Support and,
 - provide clients who are financially eligible for Income Support benefits and approval for Newfoundland and Labrador Prescription Drug Plan coverage.
- When **refugee protection claimants** apply for Income Support benefits, the CSO must:
 - Contact Citizenship and Immigration Canada at 1-888-242-2100 or 709-772-5055 to determine the applicant's status within Canada. When their status as a refugee protection claimant has been verified by Citizenship and Immigration Canada:
 - refer to policy on [Determining Eligibility for Income Support](#) and
 - **note refugee protection claimants have medical coverage through the [Interim Federal Health Program](#) therefore no drug card is to be issued to these applicants/clients.**
- When **temporary residents/visitors** apply for Income Support benefits, the CSO must:
 - Contact Citizenship and Immigration Canada at 1-888-242-2100 or 709-772-5055 to report the application for Income Support to federal officials. Citizenship and Immigration Canada and Canadian Border Services agency will complete an assessment of the situation. This can, in some cases, result in the temporary resident/visitor (and dependents) being removed from Canada.

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- Given that temporary residents/visitors to Canada must be able to financially support themselves and their dependents, Income Support benefits should not be provided. This includes non-residents who are spouses of residents in receipt of Income Support benefits. In these cases, the non-resident should not be added to the case.
- Should the CSO believe that, due to extenuating circumstances, benefits should be provided to the individual; they should consult with the Client Services Manager and contact should be made with the Division.
- When applicants with **approved refugee status** apply for Income Support benefits, the CSO must:
 - contact Citizenship and Immigration Canada at 1-888-242-2100 or 709-772-5055 to confirm their status, and ensure that their benefits under the Immigrant Settlement and Adaptation Program and the Resettlement Assistance Program have **ended**
 - refer to policy on [Determining Eligibility for Income Support](#) and,
 - if determined to meet the eligibility criteria, provide Income Support benefits and a NLPDP drug card.
- When CUAET visa holders apply for Income Support, the CSO must:
 - Receive confirmation from the applicant of their CUAET visa holder status,
 - Exempt the GOC transitional payments provided of \$3000/adult and \$1500/child,
 - refer to policy on [Determining Eligibility for Income Support](#) and,
 - if determined to meet the eligibility criteria, provide Income Support benefits and a NLPDP drug card.
- When an applicant/recipient requires the services of a translator, the CSO should:
 - contact the Association for New Canadians who maintains a database of translators and interpreters and
 - request approval for special needs funding to cover the cost of the interpreter in CAPS and forward to the Client Services Manager for approval

- For further information on the Interim Federal Health Program/health benefits available through Citizenship and Immigration Canada, staff can refer to the following website:
<http://www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp>.

Authority Level:

Client Services Officer:

- Approval of benefits for refugee protection claimants
- Approval of Income Support for applicants with approved refugee status whose benefits under the Immigrant Settlement and Adaptation Program and Resettlement Assistance Program have ended (these federal programs are available for at least one year).

Client Services Manager

- Approval of translation fees

Provincial Director of Income Support

- Approval of benefits for temporary visitors due to extenuating circumstances

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