

# Skilled Refugees already in Canada

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# Process of obtaining a work permit

Under [section 206](#) of the Immigration and Refugee Protection Regulations (IRPR), work permits may be issued to foreign nationals who cannot support themselves without working **and** who are

- refugee claimants whose claim has been referred to the Refugee Protection Division of the Immigration and Refugee Board (IRB) but not been determined [R206(1)(a)] or
- subject to an unenforceable removal order [R206(1)(b)]As per R202 of IRPR, applicants who are issued a work permit under section R206 do not, by reason only of being issued a work permit, become temporary residents.

Section R206 does not include family members who are not themselves described in paragraph R206(a) or (b). Family members of refugee claimants or of persons subject to an unenforceable removal order are not entitled to an open work permit under this section. *\*Applicants with no other means of support [R206 – S61 and S62] – International Mobility Program - Canada.ca*



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# Process of obtaining a work permit

Claimants can request a work permit with their refugee claim or apply separately.

## **Request a work permit with your IRCC forms:**

- A box to check that indicates the claimant is making the request
- If left blank, a work permit will not be issued unless the claimant applies separately

## **Submitting a claim separately:**

- IRCC will ask if there is an ongoing refugee claim
- Dependent on the claimant's eligibility, their pending refugee status could expedite their work permit application



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# Processing time of work permits

Eligible refugee claimants are normally issued a work permit that is valid for two years.

## Processing time for work permits:

- 30 days once an officer completes their review &
- Medical exam results are processed.

## Faster processing times: Temporary public policy (Nov 16 2022)

- Streamlined process
- Officers can make an eligibility assessment prior to when the claimant appears for their examination
- [Temporary public policy to exempt refugee claimants, in Canada, from certain requirements for open work permit issuance - Canada.ca](#)



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# PR Pathways

Other than the ***Health-care Workers permanent residence pathway*** launched during Covid-19 (now closed) that offered refugee claimants working in the health-care sector the option to apply for permanent residence, there are no clear options for skilled refugee/failed refugee claimants.



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# PR Pathways

In-Canada refugee claimants do not have valid ***temporary residence status***, which is required to apply for economic Permanent Residency pathways – both Federal and PNPs.

## Temporary resident status

**202** A foreign national who is issued a work permit under section 206 or paragraph 207(c) or (d) does not, by reason only of being issued a work permit, become a temporary resident. \**Immigration and Refugee Protection Regulations (SOR/2002-227)*



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# Legal status - PNPs

- “If you are applying from within Canada, you must have legal status (a visitor record, study permit, or work permit) at the time you apply and should maintain that status until the time of nomination”. \*OINP – Applicant Requirements
- “The applicant must provide evidence that they had temporary resident status at the time of their application if they are in Canada”. \*Atlantic Immigration Pilot Programs (AIPP).
- “The BC PNP will not nominate you if you are in Canada and are out of status... or have an unresolved refugee claim in Canada”. \*British Columbia Provincial Nominee Program Skills Immigration Program Guide



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# Qualified work experience

Under the ***Canadian Experience Class***, the applicant must have had temporary resident status and the proper work or study authorization when gaining the Canadian work experience or educational credential being claimed.

## Work Experience - Requirements

(7) For the purposes of this section:

(c) the foreign national must have had temporary resident status during their period of work experience and any period of full-time study or training; and

- Ministerial Instructions respecting the Express Entry system

**OINP** - The work or study permit must confer legal status.



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# Enforceable Removal Orders

## Enforceable removal order

- **243.2** The following documents, held by a foreign national, are cancelled when a removal order made against that foreign national becomes enforceable:
  - (a) a work permit; and
  - (b) a study permit.
- Once the enforceable removal order is in effect, refugee claimants must leave the country immediately.
- Claimant's current work permits remain invalid until the enforceable removal order is lifted.



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# What can employers do if they want to keep a worker who is a failed refugee claimant?

- In-Canada Humanitarian and Compassionate Grounds application under s.25 IRPA; or
- Spousal/Common-law partner Sponsorship.

## LMIA + WP?

A failed refugee claimant has minimal chances of returning to Canada on temporary resident status.

Their pathways back to Canada will most likely need to involve permanent residence. Chances are higher if they have skilled work experience gained outside Canada.



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# Thank you!



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