

URGENT: IMMIGRATION LAW CHANGES

- 1. CHANGES TO HUMANITARIAN AND COMPASSIONATE APPLICATIONS**
- 2. CHANGES TO THE INTERIM FEDERAL HEALTH PROGRAM (IFHP)**
- 3. HALCO PRESENTATIONS ON BILL C-31 IMPACT**

1. CHANGES TO HUMANITARIAN AND COMPASSIONATE APPLICATIONS

Bill C-31 is currently before Parliament and will pass by the end of June 2012. Bill C-31 will, among other things, greatly restrict applications for Permanent Residence on Humanitarian and Compassionate (H&C) grounds. This will have major and immediate consequences for people living with HIV (PHAs).

Currently, an H&C application is the most common way that a PHA who is unsuccessful in a refugee claim is able to stay permanently in Canada. Most H&C applications are made very soon after a negative decision in a refugee claim. H&C applications can succeed if a person can show that he or she will face a very serious hardship in their country (like inadequate health care for HIV) or if there is some other very sympathetic reason why they should be permitted to remain in Canada.

Under the current system, refugee claimants are permitted to make H&C applications while their refugee claim is still in process, or soon after they receive their negative decision. **Under Bill C-31, this will no longer be the case.**

When Bill C-31 is passed, which we expect to occur by **June 20, 2012**, people will not be permitted to make an H&C application while their refugee claim is pending or during the 12 months after receiving a final negative refugee decision.

There are no exceptions to the rule that disallows the filing of concurrent refugee claims and H&C applications. However, refused refugee claimants do not have to wait 12 months to file an H&C application as long as they are from a country where their life is at risk because of inadequate health care, or they have children who will be negatively impacted if their H&C were not accepted.

If you are currently a refugee claimant, or if your refugee claim was recently refused, you should get legal advice as soon as possible. If you are living with HIV in Ontario, call HALCO right away for free legal advice at 416-340-7790 or toll-free telephone 1-888-705-8889. When you call HALCO, please say that you are calling for advice about an H&C application.

If you have already received legal advice about filing an H&C application, you should send your application to Citizenship and Immigration Canada no later than **June 15, 2012** to ensure it is received in time. If you send your application by courier or registered mail, you can prove when you sent it and you can ask for proof of delivery.

2. CHANGES TO THE INTERIM FEDERAL HEALTH PROGRAM

The Interim Federal Health Program (IFHP) provides health care coverage to refugee claimants and some refused refugees.

Effective **June 30, 2012**, the government will implement a number of significant changes. **HIV medications, doctor's visits for HIV follow-up and blood work will continue to be covered under the new IFHP system.** However, some important non-HIV related health care benefits currently covered by the IFHP will be eliminated.

There will be two categories of IFPH coverage:

Full IFHP coverage (referred to as "health care coverage"):

- i. Refugee claimants waiting for a hearing or decision (unless they are from a "Designated Country of Origin," see below).
- ii. Successful refugee claimants who are not yet eligible for OHIP.

Reduced IFHP coverage (referred to as "public health or public safety health care coverage"):

- i. Refused refugee claimants whose deportation order is not yet enforceable.
- ii. Refugee claimants waiting for a hearing or decision and who are from a "Designated Country of Origin" (DCO). A DCO is a country that the Minister of Immigration has decided is generally a safe place to live. The DCO list has not yet been issued, but it will likely include most European countries, the USA, Australia and New Zealand. We will provide an update as soon as the DCO list is published.

While HIV medications and treatment are covered under both categories, some other significant benefits have been eliminated.

Refugee claimants or refused refugee claimants who receive a drug card through the Ontario Disability Support Program (ODSP) or Ontario Works (OW) will still be able to access prescription medications using their ODSP or OW drug card. It is the doctor's visits and hospital visits for issues other than HIV treatment that may be affected.

For more information about the changes to IFHP, please contact us or go to HALCO's website at:
www.halco.org/areas-of-law/immigration-law

3. HALCO PRESENTATIONS ON BILL C-31 IMPACT

HALCO will be providing the community with additional information about Bill C-31 in the coming months. We are in the midst of preparing written materials, and will also be doing a number of in-person workshops across the province.

Please contact us with any questions or concerns about the effects of Canada's immigration law changes for people living with HIV in Ontario: telephone 416-340-7790 or toll-free telephone 1-888-705-8889.