

# The intersection Immigration Law and Health Care

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# Disclaimer

The information you obtain at this presentation is not, nor is it intended to be, legal advice. You should consult a lawyer for advice regarding your individual situation.





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# My name is Karen Kwan Anderson, B.A, LL.B.



- B.A., UofT, 1994
- LL.B., University of Windsor, 1999
- Articled at Pace Law Firm
- Called to Ontario Bar, 2001
- 3 years personal injury practice
- Over 10 years of Immigration law experience

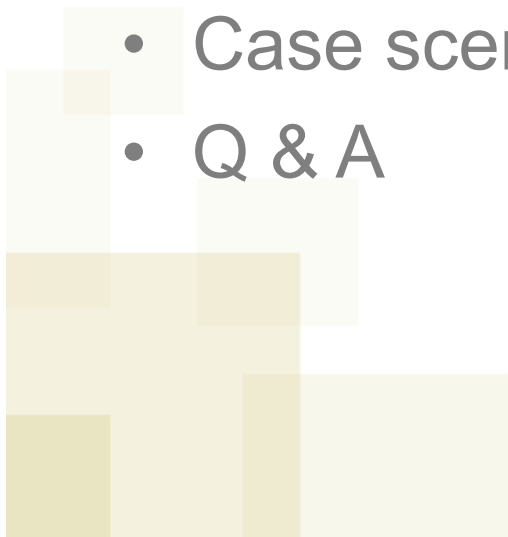
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# Subtopics Today

- Basic immigration definitions
- Who is not covered by OHIP
- Who is covered by OHIP
- Case scenario
- Q & A



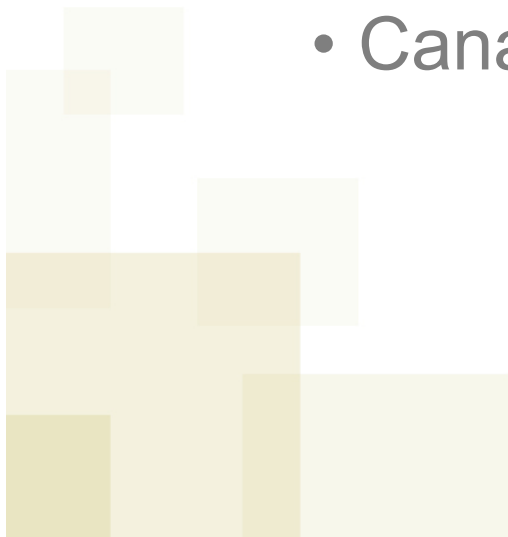


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# Basic Immigration definitions

Definitions:

- Foreign National
- Permanent Resident
- Canadian Citizen





# Current Immigration Categories

## **In Canada there are four categories of immigrants:**

1. FAMILY CLASS (immediate relatives permanent residents or Canadian citizens)
2. ECONOMIC IMMIGRANTS (skilled workers and business people)
3. REFUGEES (people who are escaping persecution, torture or cruel and unusual punishment)
4. OTHER (on humanitarian or compassionate reasons)
  - Study permits and work permits are sub types of a TRV



# Immigration Definitions

- Citizenship and Immigration Canada: CIC
- Canada Border Services Agency: CBSA
- Immigration and Refugee Protection Act: IRPA
- Immigration and Refugee Board of Canada: IRB
- Temporary Resident Visa: TRV commonly known as a “visitor visa”



# Immigration Definitions

- Temporary Resident Permit: TRP – special permission to be in Canada due to inadmissibility
- Interim Federal Health Program (IFHP): limited, temporary health coverage for specific categories
- Categories: business immigrants; skilled workers; family class; students; refugees; visitors





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**Who is and is not covered by**

**OHIP**





# Who is...

- Permanent residents and Canadian citizens who have resided at least 153 out of 183 days in Ontario as their principal residence and must wait 90 days for OHIP to start
- Persons who have received a positive decision from the Refugee Protection Division
- Foreign nationals in Canada who have received Approval in Principle of an application for permanent residence
- Foreign nationals have varying levels of eligibility – see handout on Interim Federal Health Program
- Refugee claimants and detained foreign nationals have varying levels of eligibility – see handout on Interim Federal Health Program (IFHP)
- Live-in caregivers and seasonal agricultural workers with valid work permits
- Children adopted internationally by Canadian citizens
- Foreign nationals with a valid work permit for at least 6 months
- Foreign clergy member providing services for at least 6 months and their spouse or child



## Who is not...

- A foreign national who has access to any other medical insurance coverage
- Permanent residents and Canadian citizens who have not resided 90 days in Ontario



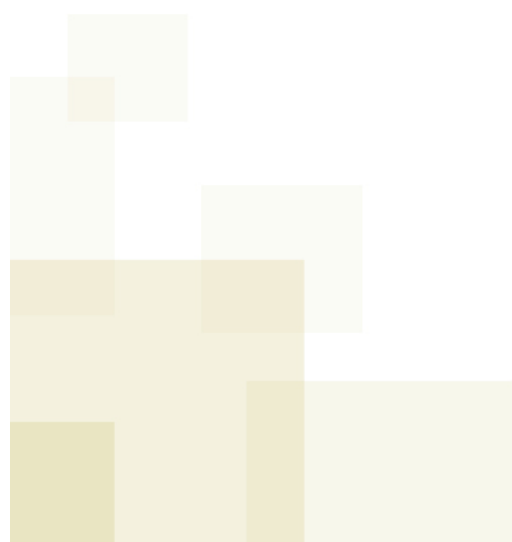
# Case scenario

- Failed refugee claimant now has Stage 4 cancer
- Due to a policy change, her health care expenses are no longer covered by the Interim Federal Health Program
- Her social worker has asked the treating hospital to defer payment of expenses
- The patient's bill has been sent to a collections agency
- The patient has filed an application for permanent residence on humanitarian and compassionate ("h&c") grounds
- Options: patient borrows to pay the expenses or hospital agrees to wait for payment pending the result of the h&c application and cancels the collection agency
- Legal affecting the Ethical: Who should be responsible for the bill?



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# Questions & Answers





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# Thank you

