

# Global Immigration alert

April 2026

## Canada

### Transitional open work permits for certain ineligible asylum claimants

#### Executive summary

On 26 March 2026, Bill C-12 received Royal Assent and new asylum ineligibility rules introduced by the Government of Canada came into force. These changes introduced additional grounds on which certain refugee claims may be found ineligible for referral to the Immigration and Refugee Board. Immigration, Refugees and Citizenship Canada (IRCC) also implemented a temporary public policy that can allow certain individuals with ineligible refugee claims to obtain or keep an open work permit, reducing gaps in work authorization while they await further processing.

#### Key developments

- Two new ineligibility rules are now in effect and apply to claims made on or after 3 June 2025:
  - Claims made more than one year after a person's first entry to Canada after 24 June 2020, regardless of whether the individual subsequently left Canada and returned
  - Claims made 14 days or more after irregular entry between ports of entry along the Canada-US land border
- Individuals whose claims are found ineligible may still have access to a Pre-Removal Risk Assessment. IRCC has indicated there may be longer delays between an ineligibility finding and notification that a Pre-Removal Risk Assessment may be filed, which can affect the timing of work permit eligibility under the standard process.
- Effective 26 March 2026, the temporary public policy allows officers to grant targeted exemptions under the

Immigration and Refugee Protection Regulations to eligible foreign nationals, including:

- Issuing a work permit after an ineligibility finding but before notification to apply for a Pre-Removal Risk Assessment
- Preventing cancellation of an existing work permit solely because a removal order becomes enforceable
- Eligibility is limited and fact specific. In general terms, the policy applies where a refugee claim has been found ineligible for referral under specified statutory provisions, the individual is not barred from applying for protection due to extradition-related restrictions, and the individual has applied for a work permit or already holds one. Other admissibility and regulatory requirements continue to apply.
- The public policy may be revoked at any time. Applications received while it remains in effect will be assessed under the policy.

#### Impact on employers

Employers and affected individuals may wish to consider the following actions:

- Identify employees or candidates whose status may involve a refugee claim and a possible ineligibility determination.
- Confirm current work authorization, expiry dates, and whether a work permit application has been submitted.
- Assess whether the temporary public policy may support continued work authorization during the period before Pre-Removal Risk Assessment notification.

- Seek clarification where a notice is issued indicating that a work permit may be cancelled upon a removal order becoming enforceable, as the temporary public policy may preserve work authorization in certain circumstances.
- Track IRCC documentation and plan workforce continuity accordingly.

#### Key steps

EY Law will continue to monitor IRCC guidance and operational practices as implementation details evolve. Should you have any questions, we encourage you to contact one of our immigration professionals.

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