



**LE PROTECTEUR DU CITOYEN**

Assemblée nationale  
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## **Report by the Québec Ombudsman (summary)**

Give children born in Québec whose parents have  
a precarious migratory status access to the Québec Health Insurance Plan

Québec city, May 30, 2018

## Summary

Even though they are born in Québec and are therefore Canadian citizens, the children of parents with a precarious migratory status are not eligible for the public health insurance plan. And yet, they are residents of Québec within the meaning of the Health Insurance Act and the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (the Regulation).

The Québec Ombudsman's investigation into this issue showed that the Régie de l'assurance maladie du Québec (RAMQ) uses a restrictive, if not a faulty, interpretation of the Act and the Regulation.

These children born in Québec do not have a right to coverage under the public plan because RAMQ correlates their eligibility with their parents' migratory status. This means that these children could be deprived of the health services and social services they need if their parents cannot afford the cost thereof. The consequences can be physical as well as psychological and can hinder the children's integration within school and the community.

In the Québec Ombudsman's opinion, because these children are Canadian citizens, the Health Insurance Act and the Regulation enable them to be considered eligible from birth when their regular place of residence is Québec.

Apart from the applicable legislative and regulatory provisions, the Québec Ombudsman invokes the Convention on the Rights of the Child, of which Canada is a signatory and which Québec endorsed by order in council. The right of access to healthcare for all children is enshrined in the Convention. Furthermore, the Convention recognizes the autonomy of children as the holders of their rights as being integral to their best interests.

The Québec Ombudsman understands that RAMQ exercises all due caution to ensure that free healthcare is reserved for the people who qualify. The Health Insurance Act and the Regulation provide RAMQ with the instruments needed to counter abuse. For instance, every insured person is subject to the Regulation, notably regarding the maximum allowable time spent outside Québec.

The Québec Ombudsman considers that the solution lies in applying the Act as written. It presumes an interpretation of the notion of a child born in Québec and settled in Québec that respects the legislator's intention to **distinguish children's status from their parents' migratory status for public health plan eligibility purposes.**

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