

CBA Alberta Referendum Info Hub

Immigration

FURTHER SUBJECT-MATTER REVIEW: This summary was prepared primarily from an immigration law perspective. We recommend that related constitutional, human rights, health, education, employment, election, and social policy issues also be reviewed by appropriate subject-matter experts.

Question 1: Do you support the Government of Alberta taking increased control over immigration for the purposes of decreasing immigration to more sustainable levels, prioritizing economic migration and giving Albertans first priority on new employment opportunities?

1. In Brief

Immigration is a shared federal-provincial field under section 95 of the *Constitution Act, 1867*. Alberta can participate in immigrant selection through agreements and primarily its provincial immigrant nominee program, the Alberta Advantage Immigration Program (“AAIP”), but federal law prevails where a provincial immigration law conflicts with federal legislation.

A vote for “increased control” would not identify the legal mechanism by which this would be accomplished. It could mean a larger AAIP allocation, broader terms in the Canada-Alberta agreement, or a Canada-Quebec-style agreement. A unilateral provincial cap on immigration could face serious federal paramountcy issues. The wording is also ambiguous because Alberta has sought more AAIP nomination capacity while the question refers to decreasing immigration to more sustainable levels, without clarifying in this question whether that means temporary residents, permanent residents, or both.

The “Albertan” employment-priority part of the question raises separate Charter issues. Section 6 protects the right of Canadian citizens and permanent residents to move to and work in any province. A preference for “Albertans” could therefore affect Canadians and permanent residents arriving from other provinces, not only foreign nationals. This is notable because Alberta has recently encouraged interprovincial migration through the “Alberta is Calling” campaign, including targeted advertising and a moving bonus for skilled trades workers from other provinces. The “Albertan” employment-priority part may also potentially engage Section 15 of the Charter, and the *Alberta Human Rights Act* as to whether the rule has discriminatory effects.

2. Background and Current Law

Section 95 of the Constitution Act, 1867 gives both Parliament and provincial legislatures authority over immigration, but provincial laws operate only so long as they are not “repugnant” to federal law. Where a provincial immigration law does conflict with federal law, the governing doctrine is federal paramountcy, and the leading immigration case is *Law Society of British Columbia v. Mangat*, 2001 SCC 67. In *Mangat*, the conflict arose because one law allowed paid non-lawyers to appear before the immigration tribunal while the other prohibited it, so a person could not comply with both.

Paramountcy in this context does not mean that Alberta is excluded once Parliament has legislated. Because section 95 makes immigration a concurrent field, federal and provincial laws are expected to operate together, and a provincial law is rendered inoperative only where it genuinely conflicts with a federal one. A conflict may arise where dual compliance is impossible or where the provincial law frustrates the purpose of the federal immigration scheme. The risk will depend on how a measure is designed. A provincial rule that operates alongside the federal system is more likely to stand than a unilateral cap on immigration levels, which would be difficult to reconcile with federal admissions planning under the *Immigration and Refugee Protection Act* (IRPA).

In practice, federal and provincial immigration roles are allocated mainly through federal-provincial agreements under section 8 of IRPA. The *Agreement for Canada-Alberta Cooperation on Immigration*, signed in 2007, recognizes Alberta’s role in identifying provincial labour-market and demographic priorities. Alberta’s main selection tool is the Alberta Advantage Immigration Program (AAIP), an economic immigration program that allows Alberta to nominate workers, entrepreneurs and other candidates who align with provincial labour-market needs for permanent residence. Alberta’s AAIP allocation is set annually by the federal government. Alberta’s allocation was 6,403 for 2026. Greater AAIP capacity allows Alberta to nominate more economic immigrants, even though the referendum wording also refers to decreasing immigration to more sustainable levels.

Alberta sets stream criteria and nominates candidates, but Immigration, Refugees and Citizenship Canada (IRCC) makes the final permanent-residence decision, including conducting criminal, security, and medical admissibility checks. Practically speaking, a provincial nomination will in most cases secure permanent residence barring inadmissibility issues. Alberta also has as a role in relation to some temporary foreign workers through Annex B of the Canada–Alberta agreement.

IRPA’s objectives are not limited to economic immigration and cooperation with the provinces to facilitate immigration goals, although those are included. The objectives also include family reunification, refugee protection and the facilitation of temporary residents for certain purposes such as trade and commerce. That broader statutory framework matters when considering a proposal that emphasizes economic migration as a priority.

Alberta has also encouraged Canadians from other provinces to move to Alberta. The “Alberta is Calling” campaign promoted relocation based on affordability, wages and opportunity, and a later phase offered a \$5,000 moving bonus for eligible skilled trades workers. This complicates the

referendum framing because Alberta has promoted domestic in-migration for labour-market reasons while asking whether “Albertans” should receive first priority for new employment opportunities.

3. What the Referendum Question Asks

The question combines three legally distinct ideas: reducing immigration levels, prioritizing economic immigration, and giving employment priority to “Albertans.” Reducing immigration levels engages federal-provincial jurisdiction and federal admissions planning. Prioritizing economic immigration is broadly consistent with Alberta’s existing use of AAIP. Employment priority may raise Charter mobility issues if it disadvantages citizens or permanent residents from other provinces. It may also engage discriminatory or human rights concerns.

The phrase “economic migration” is also undefined and could refer to permanent immigration pathways, temporary work pathways, or both. Alberta has direct influence over some pathways through AAIP, but only indirect or limited influence over others.

The table below summarizes possible ways Alberta could seek greater influence over immigration and the main legal or practical constraints associated with each route.

Possible route	What Alberta could do	Legal/practical constraint
Within existing agreement	Negotiate a larger AAIP allocation, new streams, or broader terms in the Canada-Alberta agreement.	Requires federal agreement; final admission remains federal.
Canada-Quebec-style agreement	Seek broader authority to select certain immigrants destined to Alberta.	Would require a re-negotiated federal-provincial agreement; Quebec still does not control all admissions, and Canada still performs admissibility functions.
Unilateral provincial legislation	Attempt to set Alberta-specific immigration caps or limits.	Vulnerable where inconsistent with IRPA, federal levels planning, or federal admissions decisions.
Employment preference	Prefer “Albertans” for new jobs or provincially funded employment-related programs.	Depends on how “Albertan” is defined; may engage Charter section 6 for citizens and permanent residents from other provinces, Charter section 15 and Alberta human rights legislation.

4. Key Legal Issues and Considerations

- The referendum wording bundles several distinct issues, so a voter may support one part of the proposal while opposing another.

- The question does not identify the legal mechanism or specific policy measures voters are being asked to approve.
- Immigration is an area of concurrent federal-provincial jurisdiction under section 95, but federal legislation prevails in a conflict.
- Alberta's practical authority depends largely on agreements with Canada, including the Canada-Alberta immigration agreement and AAIP.
- Nomination is not admission: a provincial nomination supports an application but does not replace federal decision-making.
- Economic prioritization is already part of Alberta's current role through AAIP, which is designed to nominate candidates aligned with Alberta's labour-market and economic development priorities.
- Economic immigration is one important IRPA objective, but not the only one: federal immigration law also recognizes family reunification, refugee protection and the facilitation of temporary residents for certain purposes such as trade and commerce.
- "Economic migration" is not defined and may include permanent and temporary pathways, some of which Alberta has direct influence over, influences indirectly, or not at all.
- "Sustainable levels" is also undefined and could refer to labour-market needs, housing, health care, education, infrastructure, settlement services, fiscal capacity, or some combination of these factors.
- There is a possible internal tension between seeking more AAIP nominations, which increases Alberta-selected economic immigration, and referendum wording that also refers to lowering immigration levels.
- Recent interprovincial attraction efforts may complicate the "Albertans first" wording because Alberta has actively encouraged workers from other provinces to move to Alberta.
- An "Albertans first" employment preference could also raise concerns under s. 15 of the Charter and/or the *Alberta Human Rights Act* employment-practices protections, depending on how "Albertan" is defined.
- Employment priority is not only an immigration issue: Canadian citizens and permanent residents have constitutional mobility rights to move to and pursue a livelihood in any province as per s.6 of the Charter.

5. Areas of Legal Uncertainty or Competing Views

Supporters may argue that Alberta needs a durable mechanism to align immigration with labour-market, infrastructure and service capacity. Critics may respond that federal policy is already reducing temporary resident numbers and increasing the economic share of permanent immigration, and that Alberta already selects economic immigrants through AAIP. The referendum wording also creates tension because Alberta has sought greater AAIP nomination capacity while also referring to lower immigration levels.

The main uncertainty is mechanism. "Increased control" could mean modest administrative changes or a major new agreement with Canada. The question does not say which. "Albertans first" is also undefined; a residency-based preference would raise different Charter and potentially human rights issues than a skills, licensing or local-labour-market measure that applies generally.

6. Relevant Cases, Legislation, and Statistics

- *Constitution Act, 1867*, s. 95: concurrent immigration jurisdiction with federal paramountcy where provincial law is repugnant to federal law.
- *Law Society of British Columbia v. Mangat*, 2001 SCC 67 (CanLII), [2001] 3 SCR 113: confirms that valid provincial immigration laws give way where they conflict with federal immigration law.
- *Immigration and Refugee Protection Act*, ss. 3, 8 and 94: federal objectives, federal-provincial agreements and annual immigration planning.
- Canada-Alberta immigration agreement and AAIP processing information: Alberta immigration role and annual allocation.
- Alberta government correspondence: Alberta requesting larger PNP allocations; Alberta is calling campaign.
- Canada-Quebec Accord: example of broader provincial selection authority, but not full provincial control over immigration admissions.
- *Alberta Human Rights Act*, s. 7: employment-practices protections against discrimination on protected grounds, relevant if an “Albertans first” preference has discriminatory effects in hiring or employment-related programs.
- *Canadian Charter of Rights and Freedoms* s. 6, 15: “Albertans first” rule: potential mobility and equality concerns.

7. Key Takeaways

- The question combines several distinct concepts but does not define key terms or explain how they would be put into effect.
- The question contains a possible internal tension: greater AAIP control or allocation could increase Alberta-selected economic immigration, while the wording also refers to lowering immigration to “sustainable levels.”
- Alberta influences economic immigration through AAIP, but final admission decisions remain federal.
- Any major increase in Alberta’s immigration role would likely require federal agreement.
- A unilateral Alberta immigration cap would be especially vulnerable if it conflicts with IRPA, federal admissions planning, or federal decision-making.
- The “Albertans first” language raises issues beyond immigration law, including mobility rights and discrimination and human-rights issues.

Question 2: Do you support the Government of Alberta introducing a law mandating that only Canadian citizens, permanent residents and individuals with an Alberta-approved immigration status will be eligible for provincially funded programs, such as health care, education and other social services?

1. In Brief

Many provincial programs already use immigration status and/or Alberta residence as eligibility criteria. The phrase “Alberta-approved immigration status” is undefined and is a key legal

uncertainty. If it means Alberta would recognize some federally lawful temporary or refugee-related statuses but not others, the proposal could create new exclusions and may invite Charter scrutiny under section 15, in severe circumstances section 12, as well as under Alberta human rights legislation. If it is broad and tracks current eligibility rules, the practical change could be limited.

2. Background and Current Law

Publicly funded health care, K-12 education and social supports do not use one single eligibility test. Alberta Health Care Insurance Plan (AHCIP) eligibility is based on residence and lawful entitlement to be in Canada, with special rules for temporary residents. Eligibility must also comply with the *Canada Health Act*, which requires reasonable access to insured health services for insured residents on uniform terms and conditions. The Act's definition of "resident" excludes tourists, transients and visitors to the province.

K-12 schooling is governed by provincial education legislation and school authority policies, with federal immigration law also authorizing many minor children in Canada to study at the pre-school, primary and secondary level.

Income and disability supports use narrower program-specific rules.

The current system is therefore not open access to all newcomers. Some temporary residents qualify for selected services; visitors, short-term temporary residents and out-of-status adults are often excluded. Refugee claimants, protected persons and children may be treated differently depending on the program.

Andrews v. Law Society of British Columbia recognized that non-citizenship can be an analogous ground under s. 15 of the Charter, but it involved a citizenship requirement that excluded otherwise qualified permanent residents. As such it should not be broadly read as deciding how s. 15 applies to every immigration status. In *Quebec (Attorney General) v. Kanyinda*, the majority found that excluding refugee claimants from subsidized childcare discriminated against women refugee claimants on the basis of sex. Chief Justice Wagner, concurring, would also have recognized refugee claimant status as an analogous ground, but the majority did not decide that issue.

In *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, the Federal Court rejected the s. 7 Charter argument because the case was framed as seeking a positive right to state-funded health care. However, the Court found that severe reductions to refugee health coverage breached ss. 12 and 15 in the circumstances before it, underscoring that exclusions from essential health-related benefits for refugee claimants and other vulnerable non-citizens may still attract Charter scrutiny.

Section 7 arguments may be raised where exclusions or fees have serious effects on life, liberty or security of the person, but they should be treated cautiously. Courts have generally been reluctant to recognize a positive Charter right to publicly funded health care or social benefits, and in *Canadian Doctors for Refugee Care* the s. 7 claim failed while the ss. 12 and 15 claims succeeded.

Depending on how “Alberta-approved immigration status” is ultimately defined, it could also engage federal paramountcy issues if any provincial law frustrates the purpose of the federal immigration scheme.

3. What the Referendum Question Asks

The question asks whether eligibility should be limited to citizens, permanent residents and people with an “Alberta-approved immigration status”. The legal effect depends entirely on how Alberta defines that status and whether the law preserves existing access for temporary workers, international students, refugee claimants, protected persons and children.

4. Key Legal Issues and Considerations

- The immigration law issue is how Alberta would define “Alberta-approved immigration status” when the underlying immigration statuses are created under federal law.
- The analysis should distinguish between citizens, permanent residents, different classes of temporary residents (workers, students, visitors), refugee claimants, protected persons (including refugees who have received positive decisions on their claims), and persons without status. These groups should not be collapsed into broad categories.
- A provincial eligibility rule may be less legally significant if it mirrors existing program-specific eligibility rules, but more legally and practically significant if it newly excludes people whom federal law authorizes to work, study, reside temporarily or seek refugee protection in Canada.
- For children, IRPA s. 30(2) may authorize study at the preschool, primary or secondary level, but immigration law authorization does not decide Alberta school funding or fee status.
- For medically necessary insured health services, Alberta must also account for the *Canada Health Act*, including its residence-based definition of insured persons and other required terms.
- Exclusions from essential public services may raise section 15 equality concerns and, in severe cases, section 12 concerns, especially where they affect vulnerable groups or children.
- Alberta human rights legislation may also be relevant where an eligibility rule for a public service has discriminatory effects connected to protected grounds, even if immigration status itself is not an expressly listed ground.

The table below illustrates how current program rules may treat different immigration-status groups:

Program service /	Status quo: examples of current eligibility	Status quo: common exclusions or limits	Potential effect if only citizens, PRs and “Alberta-approved” statuses qualify
AHCIP / medically necessary health care	Canadian citizens, permanent residents, protected persons, work permit and study permit	Visitors and short-term temporary residents are generally not covered by AHCIP.	Could narrow AHCIP access for some temporary residents unless “Alberta-approved” includes them.

Program / service	Status quo: examples of current eligibility	Status quo: common exclusions or limits	Potential effect if only citizens, PRs and “Alberta-approved” statuses qualify
	holders, and certain other permit holders who are Alberta residents. Refugee claimants do not rely on provincial care, instead federal Interim Federal Health Program coverage for certain services.	Eligibility turns on residence and status documents, not simply presence in Alberta.	Any narrowing of insured-service access must be assessed against the <i>Canada Health Act</i> and Charter constraints.
K-12 public education	Resident students, including children of citizens, permanent residents and certain temporary residents. IRPA law authorizes most minor children in Canada to study at pre-school, primary and secondary levels.	International fees may apply depending on status and school authority policy. Visitors and some temporary categories may face different requirements.	Could exclude or delay children who currently attend as resident students unless “Alberta-approved” includes their family status. This would raise access to education, statutory and equality concerns.
Income Support / Alberta Works	Income Support helps with basic needs such as food, clothing and shelter. Eligibility includes Canadian citizens, permanent residents, protected persons and refugee claimants, subject to financial and other criteria.	Temporary residents, visitors and people without recognized status are generally excluded.	Could remove or restrict support for protected persons or refugee claimants unless approved. This is a major practical change for people with no income and no settled support network.

A central issue is whether “Alberta-approved immigration status” would create a new provincial category or merely refer to statuses already recognized in federal law and existing program rules. A narrower definition is more likely to change current access for temporary workers, students, refugee claimants, protected persons and their children; a broader definition may largely restate current program-specific eligibility rules.

5. Areas of Legal Uncertainty or Competing Views

The main uncertainty is whether Alberta would create a new “Alberta-approved immigration status” category or simply restate statuses already recognized in federal law and existing program rules. Alberta can set eligibility rules for programs within provincial jurisdiction, but federal paramountcy issues may arise if provincial exclusions undermine federally authorized presence, work, study, refugee protection processes or settlement objectives.

For children, the analysis should distinguish federal authorization to study from provincial funding and fee status. IRPA s. 30(2) may authorize many minor children in Canada to study at the preschool, primary or secondary level, but it does not itself decide whether Alberta funds the child as a resident student or whether a school authority may treat the child as fee-paying. The legal risk is greatest where a provincial rule interrupts schooling or creates a practical barrier for children already living in Alberta.

Supporters may argue that Alberta should be able to reserve provincially funded health care, education and social services for people with a recognized connection to the province, especially given pressure on public services. Critics may respond that many programs already use immigration status, residency and program-specific eligibility rules; that the proposal does not define “Alberta-approved immigration status”; and that new exclusions could affect temporary residents, refugee claimants, protected persons and children in ways that raise Charter, human-rights and federal paramountcy concerns.

6. Relevant Cases, Legislation, and Statistics

- *Andrews v. Law Society of British Columbia*, 1989 CanLII 2 (SCC), [1989] 1 SCR 143: non-citizenship can be an analogous ground under section 15.
- *Singh v. Minister of Employment and Immigration*, 1985 CanLII 65 (SCC), [1985] 1 SCR 177: Charter protections using “everyone” can apply to non-citizens physically present in Canada and subject to Canadian law.
- *Quebec (Attorney General) v. Kanyinda*, 2026 SCC 7 (CanLII): childcare eligibility criteria discriminated against women refugee claimants based on sex and was not justified; the Chief Justice would also have recognized refugee claimant status as an analogous ground but the majority did not decide that issue.
- *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2014 FC 651, [2015] 2 FCR 267: reductions to federal refugee health coverage breached sections 12 and 15 in the circumstances considered.
- *Canada Health Act*, RSC 1985, c. C-6: relevant to insured health services; definition of “resident”.
- *Education Act*, SA 2012, c. E-0.3: relevant to school access, resident-student rules, funding and fee status.
- *IRPA*, s. 30(2): minor-child federal study authorization.
- *Charter*, ss. 12 and 15: exclusions from essential public services may raise cruel and unusual treatment or punishment concerns in severe circumstances, as well as equality concerns, especially where they affect vulnerable groups or children.

- *Constitution Act, 1867*, s. 95: concurrent immigration jurisdiction with federal paramountcy where provincial law is repugnant to federal law.
- *Law Society of British Columbia v. Mangat*, 2001 SCC 67 (CanLII), [2001] 3 SCR 113: confirms that valid provincial immigration laws give way where they conflict with federal immigration law.
- *Interim Federal Health Program*: refugee claimants and certain other protected or vulnerable foreign nationals may receive federal coverage for specified health services, so AHCIP eligibility and IFHP coverage should be distinguished.
- *Alberta Human Rights Act*, RSA 2000, c. A-25.5, s. 4: may be relevant to provincially funded services, accommodation, facilities or goods customarily available to the public if an immigration-status-based rule has adverse effects connected to protected grounds. Section 5 may also be relevant for housing-related programs; section 7 for employment-related programs.
- Government of Alberta Social services websites: [AHCIP eligibility](#) ; [Alberta Income Support](#)

7. Key Takeaways

- There is no single services eligibility rule in Alberta; each program must be assessed separately. Existing rules already restrict access based on immigration status and/or Alberta residence.
- The practical effect depends on how Alberta defines “Alberta-approved immigration status,” especially whether it includes federally authorized temporary residents, refugee claimants, protected persons and their children.
- Immigration status categories should not be collapsed: temporary residents, refugee claimants, protected persons and persons without status raise different legal and practical issues.
- For children, federal study authorization under IRPA s. 30(2) does not decide Alberta school funding or fee status.
- For health care, any change to eligibility for medically necessary insured services must be assessed against the *Canada Health Act*, including its residence-based coverage framework and other terms.
- Exclusions from essential public services may raise section 15 equality concerns and, in severe cases, section 12 concerns, especially where they affect vulnerable groups or children.
- Alberta human rights legislation may also be relevant where a public-service, housing or employment-related rule has discriminatory effects connected to protected grounds, even though immigration status itself is not an expressly listed ground.

Question 3: Assuming that all Canadian citizens and permanent residents continue to qualify for social support programs as they do now, do you support the Government of Alberta introducing a law requiring all individuals with a non-permanent legal immigration status to reside in Alberta for at least 12 months before qualifying for any provincially funded social support programs?

1. In Brief

The Alberta referendum website frames Question 3 as applying to “social support programs” offered to temporary residents, such as child care subsidies, student aid, other benefits and income supports, and not to standard health care and education. That clarification may narrow the question, but important uncertainty remains because the ballot wording says “any provincially funded social support programs” and does not define the covered programs.

At a high level, such a policy may invite Charter scrutiny under section 15, and in severe circumstances section 12, as well as Alberta human rights review if it creates adverse effects connected to protected or analogous grounds. *Andrews* recognized that non-citizenship can be an analogous ground under s. 15, but it involved a citizenship requirement affecting otherwise qualified permanent residents and cannot be read as deciding every immigration status category. In *Kanyinda*, the majority found that excluding refugee claimants from subsidized childcare discriminated against women refugee claimants on the basis of sex; the Chief Justice would also have recognized refugee claimant status as an analogous ground, but the majority did not decide that issue.

A 12-month waiting period would have very different effects depending on the program. For some temporary residents, AHCIP already uses a 12-month intended-residence concept as part of eligibility. That is different from requiring a person to have already lived in Alberta for 12 months before access begins. If legislation were drafted broadly enough to affect medically necessary insured services, any true 12-month waiting period for otherwise eligible residents would need to be assessed against the *Canada Health Act*, including its residence-based coverage framework and three-month maximum waiting-period rule. For child care subsidies, student aid, other benefits and income supports, a 12-month waiting period could remove access during the period when newcomers may be least able to support themselves, leading to increased instability and weaker integration into their communities.

The primary immigration law focus is which temporary or refugee-related status groups would be subject to the 12-month Alberta residence requirement.

2. Background and Current Law

The question applies to individuals with “non-permanent legal immigration status,” which is not defined, but would likely include foreign workers, students and visitors, and perhaps refugee claimants. Protected persons should be addressed expressly. They are not permanent residents until permanent residence is granted, but their protection status is not simply temporary in the same way as a work permit, study permit or visitor record.

3. What the Referendum Question Asks

The proposal would add a 12-month Alberta residence condition before individuals with non-permanent legal immigration status can access “provincially funded social support programs.” The Alberta referendum website describes this as referring to programs such as “child care subsidies, student aid, other benefits and income supports”, and not standard health care and education. The wording still requires caution because the ballot phrase “any provincially funded social support programs” could be read broadly unless subsequent legislation clearly defines the covered programs and any exemptions.

4. Key Legal Issues and Considerations

- The definition of “non-permanent legal immigration status” is a threshold issue. It would likely include foreign workers, students and visitors, and perhaps refugee claimants. Protected persons should be addressed expressly because they may not fit neatly within that label.
- A 12 month elapsed residence rule is different from a current intended residence requirement used to assess whether a temporary resident is making Alberta their home.
- The rule could affect federally authorized workers, students, visitors, refugee claimants and protected persons during the period when they are lawfully present but have not yet lived in Alberta for 12 months.
- Because the government website says Question 3 is not directed at standard health care and education, those issues should be treated mainly as boundary issues: they matter if the legislation is drafted broadly, if supplementary health or education-related benefits are included, or if a waiting period indirectly affects children’s access to schooling.
- Alberta human rights legislation may also be relevant if a 12 month residence rule for a social support program has adverse effects connected to protected grounds, even though immigration status itself is not an expressly listed ground. Section 4 is most likely relevant for public services; section 5 may matter for housing-related supports, and section 7 for employment-related supports.
- The consequences of delaying income supports, child care subsidies, student aid, housing supports or other benefits could cause consequences such as increased instability and decreased ability to integrate at a critical period for newcomers.

5. Areas of Legal Uncertainty or Competing Views

The main uncertainty is the scope of “social support programs.” The government website indicates that Question 3 is aimed at child care subsidies, student aid, other benefits and income supports, not standard health care and education. If legislation follows that narrower scope, the analysis is primarily about supplementary social-benefits access for temporary and refugee-related status groups. If legislation is drafted more broadly, additional issues may arise for supplementary health benefits, education-related supports, emergency shelter or other essential services.

Supporters may argue that a residence period ensures a real connection to Alberta before temporary residents access benefits such as child care subsidies, student aid and income supports. Critics may respond that the first year is precisely when people with lawful temporary or refugee-related status may need limited supports to stabilize employment, housing, child care or education. Withholding those supports during that period could create longer-term harms or costs, and affect vulnerable groups and children most acutely.

Standard K-12 schooling appears to be outside the government's stated scope for Question 3. However, further review may still be needed if student aid, education-related benefits, or supports for minor children are included or education services are withheld or delayed if the legislation is drafted broadly.

6. Relevant Cases, Legislation, and Statistics

- *Canada Health Act*, s. 11(1)(a): provincial waiting periods for insured health services must not exceed three months for residents covered by a provincial plan.
- *Education Act*, SA 2012, c. E-0.3: Alberta provides a right of access to education for school-aged students and requires children under 16 to attend school, subject to statutory exceptions.
- *IRPA*, s. 30(2): minor-child federal study authorization.
- *Singh v. Minister of Employment and Immigration*, 1985 CanLII 65 (SCC), [1985] 1 SCR 177: non-citizens physically present in Canada may rely on Charter protections framed as applying to “everyone.”
- *Quebec (Attorney General) v. Kanyinda*, 2026 SCC 7 (CanLII): exclusion from subsidized childcare discriminated against women refugee claimants on the basis of sex; the Chief Justice would also have recognized refugee claimant status as an analogous ground, but the majority did not decide that issue.
- *Alberta Human Rights Act*, RSA 2000, c. A-25.5, s. 4: may be relevant to social support programs offered as services, accommodation, facilities or goods customarily available to the public if a residence or immigration-status rule has adverse effects connected to protected grounds. Sections 5 and 7 may also be relevant for housing- or employment-related supports.
- *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2014 FC 651, [2015] 2 FCR 267: the Federal Court rejected the s. 7 claim but found that severe reductions to federal refugee health coverage breached ss. 12 and 15 in the circumstances considered.
- [Government of Alberta Referendum website](#)
- Reports: newcomers integration and settlement support: [Community Support for Newcomer Families](#); [Syrian refugee integration – One year after arrival](#), [A Community-Based Needs Assessment of Resettled Syrian Refugee Children and Families in Canada](#); [Rapid Impact Evaluation of the Syrian Refugee Initiative](#); [Amnesty International- Planned cuts to the Interim Federal Health Program](#).

7. Key Takeaways

- The government website says Question 3 is about social supports such as child care subsidies, student aid, other benefits and income supports and not standard health care and education, however the question is drafted broadly.
- The practical effect depends on how legislation defines “social support programs” and whether it includes supplementary health, education-related, housing, emergency or child-focused supports.
- The immigration law issue is which federally authorized temporary or refugee-related status groups would be subject to the 12-month Alberta residence requirement.
- Protected persons, refugee claimants, workers, students and visitors should not be treated as a single group.
- Delays in basic supports may have the greatest impact on vulnerable groups, including children and refugee-related groups.

Question 4: Assuming that all Canadian citizens and permanent residents continue to qualify for public health care and education as they do now, do you support the Government of Alberta charging a reasonable fee or premium to individuals with a non-permanent immigration status living in Alberta for their and their family’s use of the health care and education systems?

1. In Brief

Question 4 is primarily about cost barriers, not eligibility. A fee or premium for health care could raise *Canada Health Act* concerns if it applies to medically necessary insured services for people who qualify as insured residents under the provincial plan. A fee for education depends on whether the child is a resident student or an international-fee student under current law and school authority policy, notwithstanding federal study authorization for many minor children under IRPA s. 30(2). At a high level, fees may also invite Charter scrutiny under section 15, and in severe circumstances section 12, as well as Alberta human-rights review if they create adverse effects connected to protected or analogous grounds or undermine meaningful access for children, refugee-related groups or low-income temporary residents.

Notably, unlike Question 3, Question 4 refers to “non-permanent immigration status” and does not include the word “legal.” This creates an ambiguity about whether the proposal is aimed only at people with federally recognized temporary or refugee-related status, or whether Alberta would define the affected groups differently.

2. Background and Current Law

The phrase “non-permanent immigration status” is not defined. Unlike Question 3, the wording does not say “legal” non-permanent immigration status. If read broadly, it could include temporary residents, refugee claimants, protected persons who are not yet permanent residents, people without valid status, and even other groups. Legislation would need to define the affected groups clearly.

For health care, the starting point is whether the person is an insured resident under AHCIP and whether the service is a medically necessary insured service. The *Canada Health Act* requires insured residents to have reasonable access to insured health services on uniform terms and conditions and without patient charges. A fee charged to someone already outside AHCIP is legally different from a fee imposed on an insured resident because of immigration status.

In education, the starting point is whether the child is a resident student, a non-resident student or a fee-paying international student under Alberta education law and school authority policy. Federal immigration law may authorize many minor children in Canada to study at the preschool, primary or secondary level, but it does not itself determine Alberta school funding or fee status.

3. What the Referendum Question Asks

The question asks whether Alberta should charge individuals with “non-permanent immigration status,” and their families, a fee or premium for using health care and education. The scope is unclear because the phrase is undefined and, unlike Question 3, does not expressly say “legal” non-permanent immigration status. It assumes citizens and permanent residents continue under the status quo. It also does not specify whether any fee would apply only to future arrivals, adults, people who are not already covered as insured residents or resident students, or children and other family members.

4. Key Legal Issues and Considerations

- The definition of “non-permanent immigration status” is a threshold issue. It likely includes foreign workers and students, visitors and refugee claimants, but legislation would need to clarify whether it also includes protected persons who are not yet permanent residents, and other groups.
- A fee imposed on a person who is otherwise eligible for provincial health coverage or funded resident-student education is legally different from a fee that applies to someone already outside those programs.
- Family-based fees require separate attention because dependents may have different immigration documents and different access rules than the principal worker or student.
- Immigration status categories should not be collapsed: different classes of temporary residents (workers, students, visitors), refugee claimants, protected persons (including refugees who have received positive decisions on their claims), and persons without status raise different legal and practical issues.
- For children, federal study authorization under IRPA s. 30(2) does not decide Alberta school funding or fee status.
- Charter and Alberta human-rights issues may arise if a fee rule has adverse effects connected to protected or analogous grounds, even though immigration status itself is not expressly listed under Alberta human rights legislation. Section 4 of the Alberta Human Rights Act may be

relevant for public services, with sections 5 and 7 potentially relevant for housing- or employment-related supports if those are affected.

5. Areas of Legal Uncertainty or Competing Views

The main uncertainty is whether the fee would apply to insured services for eligible residents or only to people who are not currently eligible for those services. A charge for someone outside AHCIP is different from a charge imposed on an AHCIP-eligible resident because of immigration status. Similarly, tuition for an international student is different from a new fee imposed on a resident student in K-12.

The term “non-permanent immigration status” may be broader than “non-permanent legal immigration status” in Question 3.

Supporters may characterize fees as a way to recover costs from people whose connection to Alberta is temporary. Opponents may characterize them as a barrier to essential services, especially for children, refugee claimants, protected persons, lower-income workers, students or other vulnerable groups. As with Question 3, the legal and practical significance depends on which federally authorized groups are affected, whether exemptions are available, and whether fees create instability or impede integration during a critical period for newcomers.

6. Relevant Cases, Legislation, and Statistics

- *Canada Health Act*: insured residents must receive medically necessary services on uniform terms and conditions and without patient charges.
- *Alberta Human Rights Act*, RSA 2000, c. A-25.5, s. 4: may be relevant if a fee or premium for public services has adverse effects connected to protected grounds. Sections 5 and 7 may also be relevant for housing- or employment-related supports if those are affected.
- *Eldridge v. British Columbia (Attorney General)*, 1997 CanLII 327 (SCC), [1997] 3 SCR 624: governments must provide public benefits in a non-discriminatory way and meaningful access can matter, not only formal availability.
- *Auton (Guardian ad litem of) v. British Columbia (Attorney General)*, 2004 SCC 78 (CanLII), [2004] 3 SCR 657: the Charter does not require governments to create or fund every benefit, but once a benefit is provided it must not be delivered discriminatorily.
- *Quebec (Attorney General) v. Kanyinda*, 2026 SCC 7 (CanLII): underinclusive access to a social benefit can be unconstitutional where it denies a benefit in a way that reinforces disadvantage.
- *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2014 FC 651, [2015] 2 FCR 267: the Federal Court rejected the s. 7 claim but found that severe reductions to federal refugee health coverage breached ss. 12 and 15 in the circumstances considered.
- Reports: newcomers integration and settlement support: Community Support for Newcomer Families; Syrian refugee integration – One year after arrival, A Community-Based Needs

Assessment of Resettled Syrian Refugee Children and Families in Canada; Rapid Impact Evaluation of the Syrian Refugee Initiative;

7. Key Takeaways

- Fees for medically necessary insured health services are legally different from fees for uninsured or supplementary services.
- K-12 fees must distinguish fee-paying international students from resident students who currently attend publicly funded schools.
- The threshold issue is how “non-permanent immigration status” is defined and whether that is different than “non-permanent legal immigration status”.
- Temporary residents, refugee claimants, protected persons, and persons without status raise different legal and practical issues; the impact of fees depends on each group’s federal status, family circumstances and existing program access.
- The legality of “reasonable” fees may depend on the amount, exemptions, affected groups, evidence of impact and available alternatives.
- Fees may raise Charter or Alberta human-rights issues if they create adverse effects connected to protected or analogous grounds or undermine meaningful access to essential services.
- Children and refugee-related groups require particular attention because fees may create practical barriers to essential services.

Question 5: *Do you support the Government of Alberta introducing a law requiring individuals to provide proof of citizenship, such as a passport, birth certificate, or citizenship card, to vote in an Alberta provincial election?*

1. In Brief

This is not primarily an immigration status question. It concerns how Alberta verifies citizenship for voting and whether proof requirements burden eligible citizens.

Only Canadian citizens who are at least 18 and ordinarily resident in Alberta may vote in a provincial election. The proposed change concerns proof, not the underlying citizenship requirement. At present, citizenship is declared when a person registers, while polling-place identification focuses on identity and address. Alberta’s July 2026 driver’s licence and identification card redesign adds a citizenship marker where a person has provided acceptable proof of citizenship, which may reduce but not eliminate access concerns.

2. Background and Current Law

The available enforcement data suggests the issue the question attempts to address may be very limited in scale. Elections Alberta published enforcement decisions from 2014-2025 record only two instances of fraudulent voting involving a non-citizen, against approximately 5 million votes cast in the same time period. However, it is possible given the current system that there are incidences that are undetected.

The citizenship requirement is already part of voter eligibility; the proposed change concerns how citizenship would be verified. Current polling place rules focus on identity and current address, while citizenship is generally addressed through registration and declaration. A new proof requirement would therefore shift the issue from eligibility to documentary verification.

The documents listed in the question do not all serve the same function. A passport may prove citizenship and identity but not current Alberta address; a birth certificate may prove Canadian birth but not current name or address; and a citizenship certificate or card may prove citizenship but not residence. Any new rule would need to specify whether citizenship proof is required at registration, at the polling place, or both, and how voters would also satisfy identity and address requirements.

Because the right to vote is protected by s. 3 of the Charter and cannot be overridden by s. 33, the legal significance depends on whether eligible citizens can still vote through practical alternatives. The new Alberta citizenship marker may assist some voters, but it will not help everyone immediately, including people with older cards, missing documents, name discrepancies, or delays obtaining replacement documents. As of July 2026, IRCC listed a 19-month processing time for a new or replacement citizenship certificate. This is significantly longer than obtaining a Canadian birth certificate from a provincial registry- processing time as of July 2026 to obtain an Alberta birth certificate is three business days.

3. What the Referendum Question Asks

The question asks whether a voter should have to produce proof of citizenship before voting. It does not say whether a marked Alberta licence or identification card would be enough, whether proof would be required at registration, at the polling place, or both, or whether attestation or another alternative would remain available.

4. Key Legal Issues and Considerations

- Provincial jurisdiction: Alberta can legislate provincial election rules, subject to the Charter.
- Charter section 3: eligible citizens have a constitutionally protected right to vote. Any proof-of-citizenship rule should preserve practical ways for eligible voters to confirm citizenship without being unfairly excluded.
- Charter section 15: groups disproportionately unable to obtain documents could raise equality arguments.
- Practical access: documentary proof may create different burdens for naturalized citizens, citizens born outside Canada, elderly voters, low-income voters, Indigenous voters relying on other ID, voters whose names have changed, and people in shelters or institutions.

5. Areas of Legal Uncertainty or Competing Views

Supporters may argue that documentary citizenship proof protects electoral integrity and that the new Alberta citizenship marker makes compliance simple for many voters. Critics may respond that incidences of voter fraud appear low, existing declaration and enforcement systems already address

eligibility and that documentary requirements can disenfranchise eligible citizens who lack documents at the relevant time.

At a high level, any Charter analysis would likely consider whether less rights impairing alternatives are available. If the legislation allows flexible ways to prove citizenship — such as a marked Alberta card, a range of documentary options, attestation or a later cure process — it may be easier to justify. A rigid rule requiring a narrow list of documents at the polling place, with no practical alternative for eligible citizens who lack those documents, would likely create greater section 3 risk.

6. Relevant Cases, Legislation, and Statistics

- Alberta Election Act: sets eligibility, register and voting procedures; fraudulent voting is an offence.
- Elections Alberta - Voters: explains voter eligibility, registration, identification requirements and voting options for Alberta provincial elections.
- Elections Alberta - Investigations: publishes investigation findings and enforcement decisions, including decisions relating to election offences such as improper or fraudulent voting.
- Elections Alberta- Historical General Election Results- total number of votes received.
- Government of Alberta, New driver's licence and identification cards: describes Alberta's redesigned driver's licences and identification cards, including the citizenship marker available where acceptable citizenship proof has been provided.
- IRCC, proof of citizenship processing information: provides current processing-time information for citizenship certificates.

7. Key Takeaways

- The citizenship qualification already exists; the proposed change is proof of citizenship.
- The new Alberta citizenship marker reduces administrative burden for some voters but not all.
- The strongest legal issue is whether eligible citizens would be prevented from voting because they cannot obtain or present documents in time.
- Any legislation should preserve workable alternatives if it is to withstand rigorous Charter scrutiny.
- Available enforcement data suggests any voter fraud based on citizenship is very small in scale.