



Date: November 30, 1993

To: District Directors
Income Security

From: Gerry Schmidt
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Operations

Telephone:

Subject: **Applications from Sponsored Immigrants**

The following directive introduces guidelines to be followed when sponsored immigrants apply for social allowances benefits as a result of a change in the sponsor's ability or willingness to provide for the immigrant. Please refer to the Policy Manual section ~~(D6-31-04 to 05)~~ for further information on the policy related to clients with immigrant status.

I. The Sponsorship Process:

Canadian citizens or legal permanent residents of Canada may undertake to sponsor a family member under the family class of immigration. Canada Immigration (former Employment and Immigration Canada) determines whether the sponsor qualifies to give shelter and care to relatives based on the Financial Evaluation Form (IMM 1283) submitted by the sponsor. This form specifies the sponsor's sources of income and debts prior to approval of the sponsorship agreement may be in effect for up to 10 years and obligates the sponsor to:

- Provide or assist in providing (as required) adequate lodging, care and maintenance for family members named in the Undertaking; and
- Provide financial assistance to the family member(s) so that they will not require financial assistance from any federal or provincial assistance program.

II. Application for Social Allowances Benefits from Sponsored Immigrants:

When a sponsored immigrant applies for social allowances benefits and an active undertaking exists, the immigrant should be referred to the sponsor to determine what amount of assistance, if any, is available. Since an active undertaking is considered to be a financial resource, the applicant must provide verification acceptable to the Director that the applicant has made a reasonable effort to have the sponsor abide by the sponsorship agreement.

Social allowances benefits should be extended to the applicant when the applicant and/or sponsor is able to demonstrate to the Director that the sponsor is unable or unwilling to provide adequate or sufficient support and that the applicant is otherwise eligible under *The Social Allowances Act* and Regulations.

The following are some examples of situations where the sponsor is unable or unwilling to provide adequate or sufficient support. Each case must be examined on its own merits:

A: Sponsor unable to provide support

1. the sponsor is enrolled on social allowances;
2. there has been a significant change in financial circumstances of the sponsor (e.g. unemployment, underemployed) since the sponsorship undertaking was approved;
3. the sponsor has significant health problems preventing the sponsor from earning an income sufficient to support himself or herself and the immigrant;
4. after arrival in Canada, the immigrant becomes disabled or his/her care needs increase significantly creating an increase in the cost of the basic necessities beyond the sponsor's capacity to provide for the immigrant.

B: Sponsor able but unwilling to provide support

5. family violence making it unsafe for the immigrant to maintain contact with the sponsor. This may be evidenced by the immigrant's contact with social service or law enforcement agencies;
6. outright refusal of the sponsor to provide for the immigrant.

III. Review of the Application:

As part of the application process, the sponsored immigrant must provide the following information:

1. Provide the original or certified copy of the immigrant landing record (i.e. immigrant visa) as verification of the status in Canada. The landing record indicates a sponsorship undertaking is in effect and may contain remarks as to the duration of the undertaking;
2. Provide a copy of the sponsorship undertaking. The undertaking indicates the length of time that the sponsorship is in effect. The sponsor should have a copy of the undertaking or the sponsor may obtain a copy from Canada Immigration;

NOTE: If the immigrant cannot obtain a copy from the sponsor, staff may obtain the relevant information from Canada Immigration (as indicated below). Canada Immigration will not provide a copy of the sponsorship undertaking to the immigrant because it does not have the legal authority to do so.

3. Provide documentation of the whereabouts of the sponsor, the sponsor's income and resources if this information can be obtained;
4. Report in writing the sponsor's breach of the Undertaking to Canada Immigration in order to prevent further sponsorship undertakings.

The sponsored immigrant should be advised that failure to provide the required information will affect the application process and review. As well, the sponsored immigrant should be advised that the Department of Family Services may pursue legal action against the sponsor to recover social allowances benefits issued as a result of the breach of the Undertaking.

In situations where the sponsor is unwilling to provide support to the immigrant, the Director shall advise the immigrant and the sponsor in writing that the Department of Family Services may pursue legal action against the sponsor. To advise the immigrant and sponsor in writing, the following items have been prepared.

- A release form, which must be signed by the immigrant and witnessed by the Income Security Counsellor, authorizing the Department of Family Services to contact the sponsor for information pertaining to the sponsorship undertaking. The original must be kept on file and a copy provided to the sponsored immigrant;
- A shelf stock letter, to be sent to the sponsor and a copy provided to the immigrant (n.b., insert immigrant's name in space provided), advising the sponsor that the Department of Family Services may seek legal action to recover social allowances benefits issued. Copies will also be provided to the Investigative Unit at Central Directorate, Civil Legal Services of Manitoba Justice, and Canada Immigration.

Note: At the Director's discretion, obtaining the immigrant's consent and forwarding the letter to the sponsor may be waived in situations involving family violence.

Procedures will be distributed at a later date regarding the pursuit of the sponsor for recovery of social allowances benefits issued as a result of the sponsor's breach of the Undertaking.

The decision to deny social allowances benefits to grant full or partial benefits will take into account the information provided by the applicant and the resources available from the sponsor. In order to verify information provided by the applicant, staff should:

1. contact or interview the sponsor to verify the information provided by the immigrant regarding the sponsor's income, resources and relation with the immigrant; and
2. contact Canada Immigration to verify that the Undertaking is in effect and that the applicant reported the sponsorship breakdown.

General information on Immigration matters may be obtained by contacting Canada Immigration at 983-2043. Specific case information may be obtained from Immigration Enforcement section at 984-3681. Canada Immigration is located on the Fourth Floor, 25 Forks Market Road, Johnston Terminal, Winnipeg.

~~If you have any questions regarding application for assistance from sponsored immigrants, please contact the Directors of Field Operations.~~

Original signed by Gerry Schmidt
Director of Field Operations