



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# IP 2

## Processing Applications to Sponsor Members of the Family Class

## IP 2 Processing Applications to Sponsor Members of the Family Class

Updates to chapter .....	4
1. What this chapter is about .....	6
1.1. Which immigration category this chapter affects .....	6
1.2. Which CIC offices this chapter involves.....	6
1.3. Where to find other guidelines related to family sponsorship .....	6
2. Program objectives .....	6
3. Act and Regulations.....	7
4. Instruments and delegations.....	8
4.1. Delegated powers .....	8
4.2. Delegates/Designated officers .....	9
5. Departmental policy .....	9
5.1. Processing goals.....	9
5.2. Filing a family class application for permanent residence .....	9
5.3. Members of the family class.....	10
5.4. Adoptions and orphaned relatives .....	10
5.5. Applicants seeking permanent residence status on humanitarian and compassionate (H&C) grounds .....	11
5.6. Spouse or common-law partner in Canada class .....	11
5.7. Exclusion from membership in the family class .....	11
5.8. Exceptions to excluded relationships.....	13
5.9. Sponsor .....	13
5.10. Sponsors residing abroad.....	14
5.11. Adopted sponsors.....	14
5.12. Sponsorship application and minimum requirements .....	15
5.13. Minimum requirements for applications.....	15
5.14. Multiple applications .....	15
5.15. Process starts.....	15
5.16. Who may be sponsored, what is required and where to submit .....	15
5.17. Lock-in age of principal applicants or accompanying family members .....	16
5.18. Undertaking .....	16
5.19. Effective date of undertaking and permanent resident status .....	17
5.20. Effective date of undertaking for permit holders.....	17
5.21. No undertaking in effect.....	17
5.22. Duration of undertakings .....	18
5.23. Default of an undertaking .....	18
5.24. Sponsorship Agreement.....	18
5.25. Co-signers .....	19
5.26. Consequences of co-signing .....	19
5.27. Co-signers are not sponsors .....	19
5.28. Bars to sponsorship.....	19
5.29. Factors specific to bar on sponsorship default.....	21
5.30. Financial requirements .....	22
5.31. Exceptions to Canadian income rule.....	22
5.32. Minimum necessary income requirement: Low-Income Cut-Off levels (LICO) .....	22
5.33. Exception to minimum necessary income requirement.....	23
5.34. Change in circumstances .....	23
5.35. Misrepresentation .....	23
5.36. Suspension of processing .....	24
5.37. Appeal rights.....	24
5.38. No appeal rights .....	24
5.39. Discontinued undertaking/refund of permanent residence application fees .....	24
5.40. Withdrawal of undertaking/no refund of permanent residence application fee .....	25
5.41. Sponsorships in Quebec .....	26
5.42. Sponsors who move from Quebec .....	26
6. Definitions .....	26
6.1. Adoptions .....	27

## IP 2 Processing Applications to Sponsor Members of the Family Class

6.2.	Co-signers .....	27
6.3.	Case Processing Centres .....	27
6.4.	Default of an undertaking .....	27
6.5.	Family members .....	27
6.6.	Minimum necessary income .....	27
6.7.	Social assistance .....	28
6.8.	Sponsor .....	28
6.9.	Sponsorship Agreement .....	28
6.10.	Sponsorship application guide and forms .....	28
6.11.	Undischarged bankrupt .....	28
6.12.	Undertaking .....	28
7.	Roles and responsibilities .....	29
7.1.	Roles and responsibilities of the Call Centre and CPC .....	29
7.2.	Roles and responsibilities of officers at local CICs and Visa Offices .....	30
7.3.	Roles and responsibilities of sponsors – Sponsorship application .....	31
7.4.	Roles and responsibilities of sponsors – Application for permanent residence - Spouses, common-law partners, conjugal partners and dependent children .....	31
7.5.	Roles and responsibilities of sponsors – Application for permanent residence - Children to be adopted overseas or in Canada, orphaned family members and other members of the family class .....	32
7.6.	Roles and responsibilities of sponsors – Application for permanent residence - Members of the Spouse or common-law partner in Canada class .....	32
8.	Overview of CPC activities related to sponsorship applications .....	32
8.1.	Spouses, common-law partners, conjugal partners and dependent children overseas .....	32
8.2.	Other members of the family class .....	33
8.3.	Adoptions, children to be adopted and orphaned relatives .....	33
8.4.	Spouse or common-law partner in Canada class .....	33
9.	Reviewing sponsorship and permanent residence applications: Spouses, common-law partners, conjugal partners and dependent children .....	34
9.1.	If sponsorship requirements are met .....	34
9.2.	If sponsorship requirements are not met .....	35
10.	Reviewing sponsorship applications - Other members of the family class .....	35
10.1.	If sponsorship requirements are met for other members of the family class .....	35
10.2.	If sponsorship requirements are not met for other members of the family class .....	36
11.	Processing of sponsorship applications by CPC-V - Spouses or common-law partners in Canada .....	36
11.1.	Review of application for completeness .....	36
11.2.	If the application is not complete .....	36
11.3.	If the application is complete .....	37
11.4.	If sponsorship requirements are met .....	37
11.5.	If sponsorship requirements are not met .....	37
11.6.	Sponsorship of other family members in Canada .....	37
12.	Handling a discontinued or withdrawn undertaking .....	37
12.1.	Discontinued .....	37
12.2.	Withdrawal .....	38
12.3.	Ineligible sponsor chooses to continue with the application .....	39
12.4.	Handling withdrawal of co-signers .....	40
13.	Assessing a sponsor's eligibility .....	40
13.1.	Requirements in R130 to assess sponsor's eligibility .....	40
13.2.	Residency requirements for sponsors .....	40
13.3.	Sponsorship by Canadian citizens living abroad .....	41
14.	Assessing bars to sponsorship .....	42
15.	Undertaking .....	45
15.1.	Sponsor under guardianship or power of attorney .....	46
16.	Sponsorship Agreement .....	46
16.1.	Who signs the Sponsorship Agreement? .....	47

## IP 2 Processing Applications to Sponsor Members of the Family Class

16.2.	Who does not need to sign the agreement? .....	47
16.3.	Amending the sponsorship agreement.....	47
17.	Applying the financial test.....	47
17.1.	Co-signers included in the financial test.....	48
17.2.	Calculating required income .....	49
17.3.	Exemption.....	49
17.4.	No discretion in calculating minimum necessary income (LICO) .....	50
17.5.	Sponsor cannot request reassessment.....	50
17.6.	Determining if the income test is <i>Not Met</i> .....	50
18.	Processing sponsorships involving adoptions .....	50
18.1.	Steps that occur after sponsorship is recommended.....	50
18.2.	Changing a child's name on the IMM 1344AE .....	51
18.3.	Quebec sponsors .....	51
19.	Referring sponsorship applications to CIC for investigation.....	51
20.	Procedures when the applicant is not a member of the family class.....	51
21.	Assessing additional family members .....	52
22.	Change in circumstances .....	52
22.1.	Reassessment of income after giving an undertaking .....	52
22.2.	When to reassess income .....	52
22.3.	Responsibility for assessment and reassessment of sponsor's income .....	53
22.4.	How to calculate the income test.....	53
22.5.	Refusal after calculation .....	53
23.	Suspension of processing.....	53
23.1.	Citizenship in process of being revoked.....	54
23.2.	Permanent resident subject to an A44(1) report .....	54
23.3.	Criminal charges.....	55
24.	Applications from sponsors in Quebec .....	55
24.2.	Federal requirements that apply to Quebec sponsors .....	56
24.3.	Federal requirements that do not apply to Quebec sponsors .....	57
24.4.	Quebec requirements .....	57
24.5.	Applications from sponsors in Quebec - FC Redesign (Spouse, common-law partner, conjugal partner and dependent children) .....	57
Appendix	A Eligibility check .....	59
Appendix	B Sample letter to provincial/territorial adoption authority to request issuance of the no-objection/no involvement letter or notification of agreement.....	62
Appendix	C Sample of sponsorship approval letter for adoption cases from CPC-M to the sponsor .....	64
Appendix	D List of federal, provincial and territorial contacts for international adoption information .....	66
Appendix	E List of offences under the <i>Criminal Code</i> which could equate to offences of a sexual nature and offences concerning violence against a family member .....	67
Appendix	F Low Income Cut-Off and Quebec Income Scale—2005 .....	69

## IP 2 Processing Applications to Sponsor Members of the Family Class

### Updates to chapter

#### Listing by date:

**Date: 2006-07-20**

Changes include the following:

- Section 5.7, table 7, has been amended to include updated sponsorship exclusion Regulations for pre-IRPA cases.
- Section 5.17 has been updated to clarify the “lock-in age” if age is the determining factor.
- Section 5.27 has been updated to clarify instructions regarding sponsorship co-signers who wish to continue after the sponsor has withdrawn.
- Section 5.28, table 15, sponsors and co-signers cannot sponsor if they are in receipt of social assistance other than for reasons of disability—the issue of the officer’s use of discretion under humanitarian and compassionate grounds in these cases is discussed in more detail.
- Section 5.40 has been amended to include additional guidance for inland officers on determining the point at which a sponsorship can be withdrawn where the sponsor has requested the withdrawal of the sponsorship undertaking.
- Section 14, table 23, under the heading “If the sponsor is in default of a previous sponsorship undertaking” has been updated to outline additional procedures and discuss the sponsor’s obligations in cases where there is documented abuse between the sponsor and the sponsored person.
- Section 15.1 has been updated to include additional information on whether sponsors who have cognitive disabilities or impairment remain eligible to meet the requirements of a sponsorship.
- Section 17.2 has been enhanced to ensure that an event which might affect the sponsor’s financial eligibility to sponsor is properly recorded and relayed to the visa office and reassessed as required.
- Appendix F has been updated to reflect the 2005 Low Income Cut-off figures for Canada and the Quebec Income Scale figures.

**Date: 2005-09-13**

Changes were made regarding the Transition Advisory Committee (TAC) exercise which preceded the development of the MOU between CIC and the CBSA. These changes bring IP2 up to date concerning responsibilities administered by CIC and the CBSA.

**Date: 2005-02-21**

Changes relate to the addition of Appendix F: Added to provide Low Income Cut-Off (LICO) and Quebec income scale figures for 2005.

**Date: 2004-12-03**

## IP 2 Processing Applications to Sponsor Members of the Family Class

Changes include the following:

R4.1: Added to clarify that a relationship between two persons that has been dissolved for the primary purpose of acquiring status or privilege under the Act and then resumed, is an excluded relationship.

R117 (10) and (11) and R125(2) and (3): Added to outline very limited exceptions to the general rule of exclusion for non-examination under R117(9)(d) and R125(1). (See sections 5.7 and 5.8 for more details.)

Other updates:

- Throughout the chapter, reference to the “Option C Printout” has been added as an alternative to the “Notice of Assessment.”
- Section 5.17: Clarification concerning age of dependants and lock-in dates.
- Section 5.21: Added to provide additional information on overseas and in-Canada H&C cases.
- Section 5.23: Additional wording to indicate that in a default situation, CIC will not take action against an estate if a sponsor dies. However, if a co-signer exists, CIC may still take action against that person.
- Section 5.28 and Table 14: Clarification of what a “sentence” includes.
- Section 5.29: Additional information with respect to:
  - ◆ the death of a sponsored applicant;
  - ◆ social assistance payments made to an applicant for reasons of disability; and
  - ◆ default in situations of abuse.
- Section 5.30: Wording no longer indicates that income earned during a period of bankruptcy cannot be used for the income assessment.
- Section 5.34: Additional wording to explain that sponsors must prove that they have sufficient income from the day they make their application until a decision is made on that application.
- Sections 5.40, 12.2, and 12.4: Wording has been clarified to indicate that sponsorships cannot be withdrawn after a decision has been made and a letter or permanent resident visa issued.
- Section 11.6: Revised to indicate that when H&C consideration is sought, the submission of an undertaking is not mandatory.
- Section 15.1: Additional section on how to handle cases where there is a guardianship or tutorship in place in a sponsorship situation.
- In Appendix D, the hyperlink for international adoption contacts has been updated.
- In Appendix E, a more comprehensive list of offences that could equate to family violence and offences of a sexual nature has been included.

## IP 2 Processing Applications to Sponsor Members of the Family Class

---

### 1. What this chapter is about

This chapter provides policy and procedural guidance for processing sponsorship applications whether submitted in support of applications for permanent residence visas outside Canada or in support of applications for permanent resident status inside Canada. It explains:

- requirements that must be met by sponsors;
- how to process applications to sponsor members of the family class;
- how to calculate whether a sponsor meets the financial requirement.

---

#### 1.1. Which immigration category this chapter affects

The policies and guidelines in this chapter apply to sponsorship applications in support of all members of the family class listed in section 5.3 below, as well as, sponsorships in support of:

- members of the spouse or common-law partner in Canada class; and
- applicants seeking permanent resident status under humanitarian or compassionate grounds (H&C).

---

#### 1.2. Which CIC offices this chapter involves

The policies and guidelines in this chapter may be used by all CIC offices however the Case Processing Centres (CPCs) in Mississauga (CPC-M) and Vegreville (CPC-V) have primary responsibility for processing sponsorship applications.

---

#### 1.3. Where to find other guidelines related to family sponsorship

**Table 1: For other guidelines related to family sponsorship, see chapters identified below**

Related procedures	Manual Chapter
Applications by members of the family class	See OP 2
Adoptions, intents to adopt in Canada, and orphaned relatives	See OP 3
Applications by members of the spouse or common-law partner in Canada class	See IP 8
Applications made under humanitarian and compassionate grounds (H&C)	See IP 5/OP 4
Authorized Representatives	See IP 9

---

## 2. Program objectives

The intent of the family class immigration program is to reunite Canadian citizens and permanent residents with close members of the family class. By undertaking to support sponsored members of the family class, the sponsor promises that their family member will not be a burden on Canadian society for the duration of the undertaking.

**Table 2: Objectives that apply to family class sponsorship**

## IP 2 Processing Applications to Sponsor Members of the Family Class

Objectives	Act
Family reunification	A3(1)(d)
Integration involving mutual obligation	A3(1)(e)
Admissibility	A3(1)(h)

### 3. Act and Regulations

*The Immigration and Refugee Protection Act (IRPA)*, which was passed on November 1, 2001, and its accompanying Regulations took effect June 28, 2002. They replace the *Immigration Act, 1976* and the *Immigration Regulations, 1978*.

**Table 3: Provisions that apply to sponsorship in the Act and Regulations**

Provision	Act or Regulations
Sponsor does not meet requirements	A11(2)
Provision for selection of members of family class	A12(1)
Right to sponsor a family member	A13(1)
Obligation of sponsorship	A13(3)
Provision to prescribe any matter, including criteria, sponsorships, undertakings and penalties for non-compliance	A14(2)
Right to appeal family class refusal	A63(1)
Definition of family member	R1(3)
Minimum necessary income	R2
Social assistance	R2
Bad faith (relationship of convenience, dissolutions of convenience)	R4, R4.1
Excluded relationships	R5, R117(9), R117(10), R117(11) and R125
Requirements of applications	R10
Sponsorship application	R10(4)
Multiple applications	R10(5)
Invalid sponsorship application	R10(6)
Place of application	R11(5)
Return of application	R12
Definition of a member of the family class	R117(1)
Withdrawal of sponsorship application	R119
Approved sponsorship application	R120
Spouse or common-law partner in Canada class	R123
Members of the spouse or common-law partner in Canada class	R124
Withdrawal of sponsorship application for in-Canada class	R126
Approved sponsorship application for in-Canada class	R127
Who may sponsor	R130



## IP 2 Processing Applications to Sponsor Members of the Family Class

Undertaking	R131 and R132
Duration of undertaking	R132(1), (2) and (3)
Sponsorship Agreement	R132(4)
Co-signature of undertaking	R132(5)
Sponsorship criteria and bars	R133
Exception to minimum necessary income	R133(4)
Adopted sponsor where adoption revoked	R133(5)
Income calculation rules	R134
Default of a sponsorship undertaking	R135
Suspension of a sponsorship application	R136
Undertaking in the province of Quebec	R137

The forms required are shown in the following table

**Table 4: Forms**

Form title	Form number
Financial Evaluation	IMM 1283
Sponsorship Evaluation	IMM 5481
Applications to Sponsor and Undertaking	IMM 1344A
Sponsorship Agreement	IMM 1344B
Document Checklist - Sponsorship of spouse, common-law partner, conjugal partner or dependent child living outside Canada	IMM 5491
Sponsor's Guide – Parents, Grandparents, Adopted Children and Other Relatives	IMM 5196
Statutory Declaration of a Common-law Union	IMM 5409
Use of a Representative/Release of Information	IMM 5476
Document Checklist – Sponsor of Parents, Grandparents, Adopted Children and Other Relatives	IMM 5287
Sponsor Questionnaire	IMM 5540
Medical Report Section A – EDE/EFE	IMM 1017 - SCL

### 4. Instruments and delegations

Section 6 of the Act authorizes the Minister to designate officers to carry out specific duties and powers, and to delegate authorities. It also states those ministerial authorities, which may not be delegated, specifically those relating to security certificates or national interest.

Pursuant to subsection 6(2) of the *Immigration and Refugee Protection Act*, the Minister of Citizenship and Immigration has delegated powers and has designated those officials authorized to carry out any purpose of any provisions legislative or regulatory in instrument IL 3, Delegation and Designation.

For delegated/designated authorities with respect to applications for permanent residence, see OP 2, section 4.

#### 4.1. Delegated powers

IL 3 organizes delegated powers by modules. Each module is divided into columns. Column 1 provides an item number for the described powers, Column 2 provides a

## IP 2 Processing Applications to Sponsor Members of the Family Class

reference to the sections or subsections of the Act and Regulations covered by the described powers and Column 3 provides a description of the delegated powers. The duties and powers specific to this chapter are found in the modules listed below:

- Module 1 - Permanent residence and the sponsorship of foreign nationals
- Module 11 - Bond, Fees, Loans and debt collection

---

### 4.2. Delegates/Designated officers

The delegates or designated officers, specified in Column 4 of Annexes A to H, (contained in IL 3) are authorized to carry out the powers described in Column 3 of each module. Annexes are organized by region and by module. Officers should verify the list below for the annex specific to their region.

**Table 5: Annexes from IL3**

Annex A	Atlantic Region
Annex B	Quebec Region
Annex C	Ontario Region
Annex D	Prairies/N.W.T. Region
Annex E	B.C. Region
Annex F	International Region
Annex G	Departmental Delivery Network
Annex H	NHQ

---

## 5. Departmental policy

---

### 5.1. Processing goals

See table below for details.

**Table 6: Processing time for members of the family class**

<b>Member of the family class</b>	<b>Processing goals</b>
Spouses, common-law partners, conjugal partners and dependent children outside Canada	<b>Highest priority</b> is given to sponsorship applications involving spouses, common-law or conjugal partners and dependent children. These are operational, not regulatory priorities.
Adopted children, children to be adopted	<b>Priority</b> is given to these cases as they often involve minors who have been abandoned and placed with child welfare authorities and, as a result, are without parental care. See OP 3 for further information
Other members of the family class, including orphaned relatives	There are no processing priorities for either the sponsorship or applications for permanent residence. However, individual visa office web sites provide current processing information on applications for permanent residence, see: <a href="http://www.cic.gc.ca/english/offices/index.html">http://www.cic.gc.ca/english/offices/index.html</a>
Spouse or common-law partner in Canada Class	For processing goals related to the spouse or common-law partner in Canada class see IP 8.

---

### 5.2. Filing a family class application for permanent residence

Spouses, common-law partners, conjugal partners and dependent children, including children who are being adopted outside Canada and children who are to be adopted

## IP 2 Processing Applications to Sponsor Members of the Family Class

in Canada, forward their application for permanent residence to their sponsor who submits it with the sponsorship application to CPC-M.

Other family class members are given 12 months (1 year) within which to submit an application for permanent residence to the appropriate visa office. The one-year period begins on the date of CPC-M's sponsorship recommendation letter to the sponsor. This is the same date that the sponsorship file is downloaded to the respective visa office. Orphaned relatives also have 12 months to submit their application for permanent residence.

For further information on filing applications see: Who may be sponsored, what is required and where to submit, section 5.16 below.

---

### 5.3. Members of the family class

Members of the family class include:

- spouse, common-law or conjugal partner;
- dependent child (no matter which parent is supporting the child, and also including children adopted overseas);
- father or mother;
- grandfather or grandmother;
- orphan under 18, if sibling, niece or nephew, or grandchild of sponsor;
- child under age 18 to be adopted in Canada;
- one relative, if there is no member of family class who is Canadian citizen, Indian or permanent resident or who could be sponsored.

See OP 2 for legislative references, definitions, assessment of relationships and processing of applications for a permanent resident visa.

---

### 5.4. Adoptions and orphaned relatives

Adoptions include adoptions completed abroad and intentions to adopt in Canada. Sponsors must state which situation applies and whether the child is: 1) already adopted, 2) to be adopted abroad or 3) to be adopted in Canada. Sponsors must also state the country where the child is living, which may not always be the same as the child's country of citizenship. If the child is not yet identified, sponsors must state on the sponsorship application from which country they intend to adopt and provide the name to the visa office and provincial adoption authorities as soon the child is identified.

#### Orphaned relatives

Canadian citizens and permanent residents may sponsor an application for permanent residence from their orphaned relative who is less than 18 years of age.

#### Guardianships

Regulations governing guardianships did not come into force on June 28, 2002, as per R365(2).

## IP 2 Processing Applications to Sponsor Members of the Family Class

### Financial test

Sponsors of adopted children are exempt from the financial test. However, sponsors of orphaned relatives must meet the financial test.

### Province

CPC-M requests provincial concurrence to arrangements for the reception and care of the child. The province where the child will live must issue one of the following: 1) a "notice of agreement" or 2) a "no objection letter" and may sometimes issue a "no involvement letter" in lieu of the "no objection letter" depending upon the particulars of the situation. A letter from the province is not required in the case of orphaned relatives.

OP 3 covers the assessment of adoption situations at visa offices, including relationships of convenience, determining medical inadmissibility, determining whether children can or cannot be adopted in their country of origin, the role of provincial authorities, assessing against other immigration requirements and processing the application for permanent residence.

For information on where to obtain a list of federal, provincial and territorial contacts for international adoptions, see Appendix D.

---

### 5.5. Applicants seeking permanent residence status on humanitarian and compassionate (H&C) grounds

An H&C application based on a family class relationship is normally supported by a sponsorship from a Canadian citizen or permanent resident. This is a practical way for relatives in Canada to demonstrate their commitment to support their family member in Canada. Sponsors of these applicants are assessed against eligibility and admissibility requirements, as well as all sponsorship bars. Like sponsors in the family class categories, they must sign an undertaking and an agreement promising to provide for the basic needs of the sponsored applicant. Failure to live up to these obligations *could* result in the sponsor being in default.

The existence of a sponsorship or lack thereof and the sponsor's ability to meet or not meet sponsorship requirements and its comparative importance may be considered in the H&C decision.

---

### 5.6. Spouse or common-law partner in Canada class

The Regulations create a class for spouses or common-law partners in Canada and their dependent children if the spouse or common-law partner has legal temporary status in Canada and has submitted an application to be sponsored as a member of this class. CPC-V processes the sponsorship and permanent residence applications submitted by sponsors and members of this class. See IP 8 for processing of applications for permanent residence by members of this class.

---

### 5.7. Exclusion from membership in the family class

The Regulations prescribe relationships that exclude an applicant from membership in the family class.

Under both the previous legislation and under *IRPA*, both the applicant and the applicant's family members, whether accompanying or not, must meet the requirements of the legislation. There are no exceptions to the requirement that family members must be declared. With few exceptions, this also means that all family members must be examined as part of the application for permanent residence.

## IP 2 Processing Applications to Sponsor Members of the Family Class

R125(1)(d) and the overseas equivalent R117(9)(d) exclude persons from membership in the family class by virtue of their relation to the sponsor if they were not examined as part of the sponsor's application for permanent residence. The intent of the regulation was to ensure that where, by decision of the applicant, a family member was not examined, that the applicant cannot benefit later by sponsoring this person as a member of the family class.

In order to preserve the right to sponsor, the non-accompanying family member must be examined and the applicant should be so advised. If this advice is declined, it should be noted on the record.

### Consequences of no examination:

Where CIC made the decision not to require examination of family members

As per R125(2) the exclusion of R125(1)(d) does not apply to an applicant where it is established that an officer determined, during the course of the sponsor's own application for permanent residence, that this applicant (then a family member of the sponsor) was not required to be examined, as applicable, under IRPA or the former Act. The key notion operating here is whether it was the decision of the officer who, being fully advised of the existence of the family member through the truthful declaration of the sponsor, determined that it was not required that that family member be examined, and did not allow the family member to be examined or did not advise the applicant of the consequences of not having the family member examined. If the decision for non-examination was made by the officer, then R125(1)(d) does not apply in respect of that family member and that family member is not excluded.

Where CIC determines that the applicant could have been examined but was not

As per R125(3) (a), R125(1)(d) **does** apply, regarding an applicant, if an officer determines that this applicant **could** have been examined during the sponsor's own application for permanent residence, but that the sponsor chose not to make the applicant available for examination or that the applicant did not appear for examination. The choice in this situation rests with either the sponsor or the applicant (not with an officer of the Department) and, considering this, the applicant is excluded as per R125(1)(d) for not having the family members examined as part of the sponsor's own application for permanent residence.

R125(3)(b) provides further precision about excluded family members noting that spouses that were living separate and apart from the sponsor and were not examined, are excluded from the family class as per R125(1)(d).

For further information on determination and assessment of relationships, see OP 2.

NB the following overseas versus inland equivalents when consulting OP2:

Overseas versus inland provisions

R117(9)(d) → R125(1)(d)

R117(10) → R125(2)

R117 (11) → R125(3)

The following table gives details of relationships that are excluded for the purpose of sponsorship.

**Table 7: Situations which exclude a foreign national from the family classes**

Regulation	Relationship	Comment
R117(9)(a), R125(1) (a)	Spouse, common-law partner or conjugal partner under the age of 16	Consistent with exclusion as family member for all classes in R5

## IP 2 Processing Applications to Sponsor Members of the Family Class

R117(9)(b), R125(1) (b) R132(1)	Sponsor of spouse, common-law partner or conjugal partner has existing undertaking not yet ended for another spouse, common-law partner or conjugal partner	Sponsors of spouses or partners under the previous Act, who signed 10-year undertakings must wait 3 years before being eligible to sponsor again. Their 10-year undertakings are nevertheless valid for the full 10 years; only the exclusion is shortened to 3 years.
R117(9)(c), R125(1)(c)	Bigamous or polygamous relationships	Mutual commitment, exclusivity and interdependence are key elements of conjugal relationships, including marriage, common-law relationships and conjugal partnerships.
R117(9)(d), R117(10), R117(11), R125(1)(d), R125(2), R125(3), R4.1	Separated or former spouse or common-law partner or other non-accompanying family members who were not examined at the time of the sponsor's application for permanent Residence	Excludes family members that the sponsor did not list or have examined when applying for permanent residence. If CIC knew about the family members, but chose not to have them examined, depending on the circumstances, they might not be excluded from the family class (eg., family members of refugees who could not be located to be examined at the time of the initial application and who did not apply within the one-year window). See OP2 for more details.

### 5.8. Exceptions to excluded relationships

#### Family members “created” by IRPA

The definition of family members includes family members such as common-law partners and 19 to 22 year old dependent children. These family members created by IRPA **did not** have to be added to an application submitted before IRPA implementation. Transition regulations gave the sponsor the choice of adding them or not adding them without being penalized. Therefore family members "newly created" under IRPA and not included in an application submitted prior to IRPA implementation are not excluded from the family class and may be sponsored by the same sponsor or by another sponsor later.

See also Transition Instructions for Family Issues and Temporary Resident Permits under IRPA, Operations Memoranda OP 02-46 and IP 02-09 (<http://www.ci.gc.ca/cicexplore/1976archive/english/guides/om-nso/2002/op/op02-46.htm>).

#### Other exceptional circumstances

There are specific and limited exceptions to the requirement that all family members must be examined. R125(1)(d) and R117(9)(d) were not intended to apply where family members were declared to CIC and, by decision of CIC, these family members were not examined.

See section 5.7 above, IP 8, section 5.26 and OP 2, section 5.12 for more details.

### 5.9. Sponsor

A sponsor is a Canadian citizen, permanent resident or Registered Indian (see Note below) at least 18 years old, who resides in Canada and has filed an application to sponsor a member of the family class, a member of the spouse or common-law

## IP 2 Processing Applications to Sponsor Members of the Family Class

partner in Canada class or an applicant seeking permanent residence status in Canada under H&C grounds [R130(1)]. Sponsors must meet these requirements on the day the sponsorship is filed and from that day until the day a decision is made with respect to the application (to sponsor) [R133(1)]

**Note:** Registered Indians were unintentionally omitted from A13 (who may sponsor), but are nevertheless administratively included.

Sponsors must meet the requirements in Table 8.

**Table 8: Sponsorship requirements and related references**

Requirements	References related to requirements
<b>Meet the requirements described above</b>	
Submit a sponsorship application with the minimum requirements	Sponsorship application and minimum requirements, section 5.12;
Sign an Undertaking with the Minister of CIC	Undertaking, section 5.18;
Sign a Sponsorship Agreement with the sponsored person	Sponsorship Agreement, section 5.24;
Not be subject to sponsorship bars	Bars to sponsorship, section 5.28;
Have the minimum necessary income (LICO) required to support themselves and their family members, as well as all sponsored persons and their family members, including any already sponsored under undertakings still in effect	Financial requirements, section 5.30 for policy and section 5.31 for Exceptions to Canadian income rule.

### 5.10. Sponsors residing abroad

Sponsors residing abroad must meet the requirements in the following table:

**Table 9: Sponsors living outside Canada**

Canadian citizens residing outside Canada	<ul style="list-style-type: none"> <li>may sponsor their spouse, common-law partner, conjugal partner or dependent children without dependent children of their own</li> <li>must satisfy immigration officials that they will reside in Canada once their spouse, common-law or conjugal partner and dependent children become permanent residents in Canada</li> <li>must forward their applications directly to CPC-M, where their plan to return to Canada will be assessed based on documentary evidence and/or interview assistance from the visa office where necessary</li> </ul>
Permanent resident residing abroad	<ul style="list-style-type: none"> <li>may not sponsor from outside Canada</li> </ul>
Spouse or common-law partner in Canada Class See also IP 8	Should CPC-V receive an application from abroad; <ul style="list-style-type: none"> <li>CPC advises sponsor that applicant is not a member of the family class if they are not cohabiting with the sponsor in Canada</li> <li>CPC explains how to sponsor spouse/common-law partner from outside Canada</li> </ul>

### 5.11. Adopted sponsors

Sponsors who were previously adopted cannot sponsor members of their biological family. Similarly, sponsors who have their adoptions subsequently revoked cannot

## IP 2 Processing Applications to Sponsor Members of the Family Class

sponsor members of their biological family (i.e., their biological parents or grandparents), if the revocation was obtained for the purpose of immigration to Canada [R133(5)]. See OP 3.

### 5.12. Sponsorship application and minimum requirements

R10 describes an application including the minimum requirements for information and documents required to accept an application, with specific reference to sponsorship applications in R10(4), (5) and (6).

#### Table 10: Minimum requirements for a sponsorship application

A sponsorship application must include the following:

IMM 1344AE completed with all information requested and signed by the sponsor
A signed undertaking (part of the IMM 1344AE)
Information prescribed in R10(1) and (2)
If a representative is retained, a completed "Use of a Representative" form (IMM 5476)
Evidence of payment of applicable fees

### 5.13. Minimum requirements for applications

R10 describes an application including minimum information and documents required to accept an application.

#### Table 11: Minimum requirements for an application for permanent residence

IMM 0008EGEN signed by the applicant
Must be preceded or accompanied by a sponsorship application as prescribed in R10(4)
Information prescribed in R10(1) and (2) of the Regulations
If a representative is retained, a completed "Use of a Representative" form (IMM 5476)
Evidence of payment of applicable fees

### 5.14. Multiple applications

R10(5) prevents a sponsor who has filed a sponsorship application on behalf of a foreign national from filing another sponsorship application on behalf of the same person if a final decision (including a final decision on an appeal to the IAD if the case has progressed this far) has not been made on the first application.

### 5.15. Process starts

For the family class and the spouse or common-law partner in Canada class an application does not exist if any of the requirements, in section 5.12 Sponsorship application and minimum requirements and section 5.13 Minimum requirements for a family class applications are missing. The application, supporting documents, and HPM receipt will be returned to the sponsor or applicant as required.

### 5.16. Who may be sponsored, what is required and where to submit

#### Table 12: Who, What and Where

WHO MAY BE SPONSORED	WHAT IS REQUIRED	WHERE TO SUBMIT
Spouses, common-law partners, conjugal partners and dependent	Joint sponsorship/permanent residence application including:	CPC-M



## IP 2 Processing Applications to Sponsor Members of the Family Class

children overseas	<ul style="list-style-type: none"> <li>items in section 5.10 Table 9;</li> <li>items in section 5.12: Table 10; and</li> <li>supporting documents identified in the sponsorship and/or permanent residence application package.</li> </ul>	
Children to be adopted overseas or in Canada and orphaned family members	Sponsorship application including: <ul style="list-style-type: none"> <li>items in section 5.10: Table 9 and</li> <li>supporting documents identified in the sponsorship application guide.</li> </ul>	CPC-M
	Application for permanent residence including: <ul style="list-style-type: none"> <li>items in section 5.12: Table 10 and</li> <li>supporting documents identified in the permanent residence application package.</li> </ul>	Visa Office
Other prescribed family members	Sponsorship application including: <ul style="list-style-type: none"> <li>items in section 5.10: Table 9 and</li> <li>supporting documents identified in the sponsorship application guide</li> </ul>	CPC-M
	Application for permanent residence including: <ul style="list-style-type: none"> <li>items in section 5.12: Table 10 and</li> <li>supporting documents identified in the permanent residence application package.</li> </ul>	Visa office
Spouse or common-law partner in Canada	Joint sponsorship/permanent residence application including: <ul style="list-style-type: none"> <li>items in section 5.10: Table 9;</li> <li>items in section 5.12: Table 10; and</li> <li>supporting documents identified in the sponsorship and/or permanent residence application packages.</li> </ul>	CPC-V

### 5.17. Lock-in age of principal applicants or accompanying family members

For dependent children, only the age is locked in, not dependency. If the applicant is under the age of 22 at the time of “age lock-in,” then the fact that they surpass that age by the time a decision is made on their application does not affect their eligibility. The age of less than 22 years for dependent children is locked in on the day CPC-M or CPC-V receives a complete sponsorship application and minimum requirement.

For more information, see Sponsorship application and minimum requirements, section 5.12.

### 5.18. Undertaking

The undertaking is a binding contract between sponsors (and co-signers, see section 5.25) and the Minister of Citizenship and Immigration. Sponsors (and co-signers) promise to provide the sponsored person with basic requirements from the day they enter Canada until the end of the specified period of the undertaking R132. They also accept the obligation to repay the government concerned any social assistance payments made to or on behalf of the sponsored person during this period.

A change in circumstances (e.g., marital breakdown, separation, divorce, family rifts, unemployment, change in financial circumstances or death of the principal applicant

## IP 2 Processing Applications to Sponsor Members of the Family Class

in cases in which there are accompanying family members) does not nullify the undertaking; sponsors (and co-signers) remain obligated to provide basic requirements for the period of the undertaking.

For further details on undertakings, see reference table below:

**Table 13: Undertakings**

<b>Subject reference:</b>	<b>Section reference:</b>
Effective date of undertaking and permanent resident status	section 5.19
Effective date of undertaking for permit holders	section 5.20
Duration of undertakings	section 5.22
Default of an undertaking	section 5.23
Bars to sponsorship	section 5.28
Factors specific to bar on sponsorship default	section 5.29

### **5.19. Effective date of undertaking and permanent resident status**

The undertaking takes effect on the day the sponsored person becomes a permanent resident.

### **5.20. Effective date of undertaking for permit holders**

For sponsored foreign nationals, who were issued a temporary resident permit under A24 following an application for a permanent resident visa, the undertaking takes effect on the day they enter Canada or, if they are already in Canada, on the day on which they obtain the TRP following their application to remain in Canada as a permanent resident [R132(1)(a)(ii)]. Sponsors (and co-signers) remain responsible for the sponsored person throughout the period of temporary resident status and continue their sponsorship responsibility throughout the specified period of the undertaking.

### **5.21. No undertaking in effect**

For cases where a family class application is refused and a temporary resident permit is subsequently issued, there is no obligation on the part of the sponsor to provide support. Because the application was not approved, there is no undertaking in effect. Therefore, any social assistance received during the period the sponsored person is in Canada on a temporary resident permit, is not subject to default or collection.

#### **Undertaking in effect**

For **overseas** family class applications where humanitarian and compassionate considerations are applied, and the application is therefore approved, the applicant is exempt from the excessive demand provisions and the undertaking will be in effect and the case will be coded FCH. Should the application be rejected, the sponsor has appeal rights.

For sponsors or applicants who do not meet the requirements to sponsor or be sponsored in the spouse or common-law partner in Canada class, the foreign national may apply to remain in Canada based on humanitarian and compassionate grounds with or without the support of a sponsorship application depending on the circumstances of the case. HC2 will be used where a sponsorship has been submitted in support of the H&C application.

Please see IP 5 for more details.

## IP 2 Processing Applications to Sponsor Members of the Family Class

### 5.22. Duration of undertakings

The following table indicates how long sponsors are responsible for different members of the family class.

**Table 14: Duration of undertakings**

Person sponsored	Term of undertaking	Comments	
Spouse, common-law partner, conjugal partner	3 years from date of becoming a permanent resident		
Dependent child of sponsor, or of sponsor's spouse, common-law partner or conjugal partner <ul style="list-style-type: none"> <li>If under 22 years of age at date of becoming a permanent resident</li> </ul>	10 years or age 25, whichever comes first (from date of becoming a permanent resident)	Years of Age: Infant to 15: 16 years: 17 years: 18 years: 19 years: 20 years: 21 years:	Max duration: 10 years 9 years 8 years 7 years 6 years 5 years 4 years
<ul style="list-style-type: none"> <li>If 22 years of age or over at date of becoming a permanent resident</li> </ul>	3 years (from date of becoming a permanent resident)	Years of Age: 22 years: 23 years: 24 years:	Duration: 3 years 3 years 3 years
Any other person (i.e., parents, grandparents, dependent children of sponsor's parents)	10 years from date of becoming a permanent resident		

The duration of undertakings differ in Quebec (see section 5.41).

### 5.23. Default of an undertaking

Sponsors (and co-signers) are in default of the undertaking if the sponsored person receives social assistance during the validity period of the undertaking. Unless the sponsor (and/or co-signer) or the sponsored person repays the government concerned, sponsors (and co-signers) are not eligible to sponsor any other member of the family class. The death of a sponsored applicant does not nullify default of an undertaking.

If the sponsor dies, CIC or the provinces will not seek compensation from the sponsor's estate, but the co-signer, if applicable, must assume the deceased sponsor's obligations or be in default.

For further details, see Factors specific to bar on sponsorship default, section 5.29.

### 5.24. Sponsorship Agreement

Sponsors (and co-signers, section 5.25) of all ages and sponsored persons of at least 22 years of age must sign an agreement that confirms their understanding of their mutual obligations and responsibilities. Spouses, common-law partners and conjugal partners of all ages must sign the agreement. The sponsor (and co-signer) agrees to support the sponsored persons and their family members during the period of the undertaking while the sponsored person agrees to make reasonable efforts to provide for their basic requirements and those of their family members.

Through the Sponsorship Agreement sponsors focus on their obligations, not only to the Minister of Citizenship and Immigration (through the undertaking), but also to the sponsored members of the family class.

## IP 2 Processing Applications to Sponsor Members of the Family Class

---

### 5.25. Co-signers

The spouse or common-law partner of the sponsor may co-sign an undertaking to help meet income requirements by pooling resources; however, common-law relationships must have met common-law requirements prior to co-signing . Other family members may not co-sign. Co-signers should not co-sign when financial requirements are not applicable or if the sponsor meets the income test. For further details see: Consequences of co-signing, section 5.26.

Co-signers:

- must sign the undertaking and the Sponsorship Agreement to have their income considered;
- must meet the same requirements and are subject to the same bars as the sponsor ;
- assume the same obligations as the sponsor and become jointly and severally or solidarily liable if there is default;
- cannot co-sign when sponsorship involves a spouse, common-law or conjugal partner;
- should not co-sign for a child;
- are not permitted for sponsorship in the spouse or common-law partner in Canada class.

---

### 5.26. Consequences of co-signing

- requirement to support the sponsored members of the family class if the sponsor defaults.
- repayment of social assistance given to the sponsored person and/or family members.
- bar on future sponsorship or support for another undertaking unless the sponsor or co-signer repays the social assistance paid to the sponsored persons and/or family members.

---

### 5.27. Co-signers are not sponsors

Co-signers may not continue with a sponsorship after the sponsor has withdrawn. If co-signers wish to continue the application in their own right, they must reapply and be assessed individually.

Co-signers do not have a right of appeal against a refused permanent resident visa.

<p><b>Example:</b> A spouse who co-signs her husband's sponsorship of his parents cannot appeal a refusal of the permanent resident visa.</p>
---

---

### 5.28. Bars to sponsorship

Sponsors are not eligible to sponsor if they are subject to any of the bars shown in Table 15. Similarly, co-signers who are subject to any of these bars are not eligible to co-sign and their income cannot be used to help a sponsor meet the minimum

## IP 2 Processing Applications to Sponsor Members of the Family Class

necessary income requirement. See R133 for regulatory reference and section 14 for procedures to follow in assessing these bars.

**Table 15: Ineligibility for sponsorship**

Sponsors and co-signers cannot sponsor if:	these conditions occur
They are permanent residents subject to a removal order	This includes stayed orders, departure orders, exclusion orders and deportation orders. <b>Exception:</b> People who were granted permanent residence despite an unexecuted removal order.
They are detained in any penitentiary, jail, reformatory or prison	Sponsors being held in correctional or pre-trial holding facilities are unlikely to be able to support their relatives. <b>Exception:</b> Persons on parole, on probation or serving a suspended sentence. Persons held in immigration detention centres may be ineligible because of other bars. (For example, charged with an offence).
They are convicted of a sexual offence under the Criminal Code [against anyone]; or an offence [against the person] under the Criminal Code against a family member	Sponsors or co-signers convicted of either of these offences where five years have not passed since the completion of the sentence imposed, cannot sponsor unless: <ul style="list-style-type: none"> <li>• for convictions in Canada, they have been pardoned or finally acquitted;</li> <li>• for convictions outside Canada, they have shown, at least five years after the expiry of the sentence, that they have been rehabilitated, or there has been a final acquittal.</li> </ul> For the purposes of calculating the five-year period above, a sentence includes probation, suspended sentences and intermittent sentences. However, conditional discharges and absolute discharges should not be considered for the purposes of these provisions of IRPA. See Assessing bars to sponsorship, section 14.
They are in default of spousal or child support payments ordered by a court. This includes payments ordered by a court outside of Canada.	Persons in default of a court-ordered or court-registered support obligation to pay support are not eligible to sponsor. This includes persons who are and who are not registered with the responsible federal, provincial or territorial authority as being in default of family support obligations are not eligible to sponsor. A person who is unable or unwilling to live up to current family-related legal financial obligations is likely a poor risk for honouring a future family related financial commitment. Sponsors must demonstrate that they have resolved the matter to the satisfaction of the responsible provincial or territorial authorities before they can be eligible to sponsor.
They are in default of a debt owed under the <i>Immigration and Refugee Protection Act</i>	An immigration debt includes: <ul style="list-style-type: none"> <li>• a transportation, adjustment assistance, admissibility or Right of Permanent Residence Fee (formerly ROLF) loan;</li> <li>• a deposit or guarantee of performance of an obligation;</li> <li>• costs incurred to remove a foreign national.</li> </ul>
They are an undischarged bankrupt under the <i>Bankruptcy and Insolvency Act</i>	The property of the bankrupt is placed in the hands of a trustee, who works out an arrangement with creditors. <ul style="list-style-type: none"> <li>• for first-time bankrupts, a discharge is automatically 9</li> </ul>

## IP 2 Processing Applications to Sponsor Members of the Family Class

	<p>months from the date of bankruptcy, unless a stakeholder objects to this discharge for reasons such as the bankrupt failed to live up to their obligations;</p> <ul style="list-style-type: none"> <li>• in other cases, a bankrupt can apply for a discharge by a court, after 9 months (or earlier, in limited circumstances). Courts can decide not to discharge, but public policy is to discharge as quickly as possible within the limits of the law;</li> <li>• except for incorrigible bankrupts, the practice is to discharge without imposing conditions.</li> </ul> <p>A discharge on conditions or a suspended or delayed discharge is not an absolute discharge under R133(1)(i). Courts may also apply a combination of delay and conditions. At this time, a bankruptcy discharge will also discharge a previous sponsorship debt.</p>
They are in receipt of social assistance other than for reasons of disability	<p>Since receipt of social assistance demonstrates an inability to provide for one's own basic requirements, the recipient would be unable to support other family members, including spouses, common-law or conjugal partners and dependent children. The sponsor may be eligible once social assistance is discontinued. This bar to sponsorship may, upon request by the foreign national, be waived for humanitarian and compassionate reasons or public policy provided the sponsor requests that the application continue despite their ineligibility.</p>
They are in default of a previous sponsorship undertaking	<p>Sponsors and co-signers are in default if:</p> <ul style="list-style-type: none"> <li>• they have not honoured a previous sponsorship undertaking;</li> <li>• an applicant they previously sponsored receives or received social assistance during the validity period of the undertaking and the sponsor has not repaid this.</li> </ul> <p>For further details see Factors specific to bar on sponsorship default, section 5.29</p>

### 5.29. Factors specific to bar on sponsorship default

**Table 16: Factors related to sponsorship default**

<b>Factors related to sponsorship default</b>
<ol style="list-style-type: none"> <li>1. Social assistance payments made directly or indirectly to a sponsored member of the family class or their family members may be recovered from the sponsor and/or co-signer. This includes social assistance for reasons of disability;</li> <li>2. Default continues even if the validity of the undertaking expires or sponsors resume their responsibilities without making arrangements for repayment;</li> <li>3. Sponsors are eligible to sponsor again only if social assistance authorities state that sponsors have resumed their obligations and have repaid the debt to the satisfaction of the government concerned;</li> <li>4. Provincial social assistance authorities provide information to CIC on sponsored members of the family class receiving social assistance. These reports help identify sponsors who have defaulted on undertakings. Social assistance programs as described in R2 will be designated in Memoranda of Understanding with the provinces and</li> </ol>

## IP 2 Processing Applications to Sponsor Members of the Family Class

territories;

5. If the sponsor dies, neither CIC nor the provinces will seek compensation from the estate, but the co-signer, if applicable, must assume the deceased sponsor's obligations or be in default. The death of a sponsored applicant does not remove or cancel a default of an undertaking;
6. 5

---

### 5.30. Financial requirements

The financial test is needed to prove that sponsors can support sponsored persons for the period of the undertaking. For more details, see Minimum Necessary Income Requirement: Low-Income Cut-Off levels (LICO), section 5.32, Exception to Minimum Necessary Income Requirement, section 5.33 and Low Income Cut-Off and Quebec Income Scale, Appendix F.

Financial resources:

- may include the resources of the sponsor's spouse or common-law partner if the sponsor's financial resources are inadequate and the sponsor's spouse or common-law partner declares their resources as income on their Canadian tax return and they co-sign the undertaking.

- cannot include pooled resources from other relatives to meet the income test.

Financial resources must originate from Canadian sources for the following reasons:

- employment income abroad is not a reliable indicator of future or stable employment in Canada.
- CPC staff cannot easily verify if foreign income can be transferred to Canada.
- converting foreign income into Canadian dollars is resource-intensive.
- in cases of default, collection and litigation, it is easier to recover income from Canadian sources.

For more information, see: Exceptions to the Canadian income rule, section 5.31.

---

### 5.31. Exceptions to Canadian income rule

The exceptions to the Canadian income rule are as follows:

- sponsors who commute from Canada to work in the U.S.A. can use their U.S. employment income provided it is declared as income on their Canadian income tax return;
- sponsors living in Canada who declare income from foreign sources on their Canadian tax returns, can use this foreign income to meet the financial requirements for sponsorship.

Discretionary approval of financial requirements is not possible.

---

### 5.32. Minimum necessary income requirement: Low-Income Cut-Off levels (LICO)

The sponsor's income must meet the minimum necessary income requirement, as identified annually by Statistics Canada in LICO levels, to support all members of a

## IP 2 Processing Applications to Sponsor Members of the Family Class

sponsor's own family and all sponsored persons and their family members, including family members listed as non-accompanying. The applicable LICO level is based on urban areas of 500,000 inhabitants or more, regardless of where the sponsor lives. For current LICO figures, see Appendix F.

Sponsors should provide their latest Notice of Assessment from their Income Tax Return provided by Canada Revenue Agency or equivalent document (The "Option C printout" plus the DD.3 Printout which will provide copies of the T4's, T5s, etc.). "Total income" as referred to in R133(1)(j)(i) is the total income shown on line 150 of the Notice of Assessment. The "Option C printout" is provided free of charge by calling 1-800-959-8281. If sponsors cannot provide a Notice of Assessment/"Option C printout" or their income on the Notice of Assessment is insufficient, they must provide evidence that they meet the applicable minimum necessary income for the 12-month period immediately preceding the sponsorship application [R134]. Refer to section 22 if a change of circumstance occurs before the initial calculation.

---

### 5.33. Exception to minimum necessary income requirement

The ability to meet the minimum income requirement is mandatory, unless the sponsor is sponsoring a spouse, common-law partner, conjugal partner or a dependent child where the child has no dependent children of their own. This exception also applies to persons under the age of 18 whom the sponsor intends to adopt in Canada and to cases where the sponsor is a guardian of the child. (The Regulations with respect to guardianship will come into force on April 1, 2005).

---

### 5.34. Change in circumstances

R134(2) allows for a calculation or recalculation of the sponsor's income if it no longer appears to meet the requirement of R133(1)(j) for minimum necessary income. The calculation is based on the 12-month period that precedes the day the officer receives the information indicating that the sponsor may no longer meet the minimum necessary income requirement. Income may only be reassessed downward. R134(2) is linked to R133(1) in that a sponsorship shall only be approved by an officer if, on the day on which the application was filed and from that date until the day a decision is made with respect to an application, there is evidence that the sponsor has total income equal to the minimum necessary income.

A calculation or recalculation may occur before the initial recommendation has been rendered. This could include cases where there are indicators that the Notice of Assessment provided initially may not reflect the current situation because the income reported appears not to be sustainable.

For procedures see section 22.

---

### 5.35. Misrepresentation

#### Permanent resident sponsor

If a permanent resident sponsor misrepresents a material fact on their application to sponsor, they can be found to have misrepresented pursuant to A40(a). This could result in the sponsored relative being found inadmissible pursuant to A40(b) and the permanent resident sponsor could be removed from Canada and be found inadmissible for a period of 2 years from the date of removal.

#### Canadian citizen sponsor

If a Canadian citizen sponsor misrepresents a material fact on their application to sponsor they can be found to have misrepresented pursuant to A127(a). This could result in penalties as described in A128.



## IP 2 Processing Applications to Sponsor Members of the Family Class

For further information on misrepresentation see ENF 2, section 9.

---

### 5.36. Suspension of processing

Processing of a sponsorship application may be suspended if a sponsor or co-signer becomes subject to:

- citizenship revocation proceedings;
- an inadmissibility report under A44(1);
- serious criminal charges (i.e. involving an offence punishable by a maximum term of imprisonment of at least 10 years);
- suspension under A63(4) - appeal to IAD on permanent residency obligations is outstanding.

Immigration officers will assess sponsorship requirements only when the matter has been dealt with conclusively and will use the LICO in effect on that date. Income requirements may no longer be met because of the amount of time that has passed since submission of the undertaking.

---

### 5.37. Appeal rights

Sponsors have appeal rights if a foreign national is refused a permanent resident visa. See A63. However, a sponsor has no right of appeal if:

- an applicant is inadmissible on grounds of security, violating human or international rights, serious criminality or organized criminality A64(1);
- an applicant is refused on the ground of misrepresentation unless the applicant is the spouse, common-law partner or child of the sponsor A64(3);
- The sponsor discontinued or withdrew their application.

---

### 5.38. No appeal rights

Sponsors of applicants seeking to remain in Canada do not have a right of appeal to the IAD. This includes:

- Members of the Spouse or common-law partner in Canada class; and
- Applicants seeking permanent resident status on humanitarian and compassionate grounds.

---

### 5.39. Discontinued undertaking/refund of permanent residence application fees

The sponsor has the option to discontinue the sponsorship undertaking and receive a repayment of fees for the application for permanent residence if processing on the sponsored person's application has not begun. Processing begins when an initial evaluation has been made on an application (see note below). Thus the sponsor saves the cost of processing an application for permanent residence, which may ultimately be refused but has no right of appeal, since no decision is taken on the permanent residence application. The scenarios below provide clarification:

- The sponsor is found ineligible and their choice on the sponsorship application was not to proceed (discontinue) with the sponsored relative's or family

## IP 2 Processing Applications to Sponsor Members of the Family Class

member's application for permanent residence. The application for permanent residence will be returned to the sponsor. In addition, the sponsor receives repayment of processing fees minus the sponsorship cost recovery fee.

- The sponsor is found eligible but contacts CIC in writing seeking to withdraw the undertaking before processing has begun on the application for permanent residence. If processing has not begun, the application for permanent residence may be returned, if applicable. The processing fees, minus the sponsorship cost recovery fee will be refunded.

See procedures in Handling a discontinued or withdrawn undertaking, section 12.

---

**Note:** An initial evaluation indicates review by an officer (or person with decision making authority) and may include among other decisions: review of documentation, decision to issue medical instructions, determination with respect to need for an interview, etc.

---

### 5.40. Withdrawal of undertaking/no refund of permanent residence application fee

The sponsor may request the withdrawal of the sponsorship undertaking after the processing of the sponsored relative's or family member's application for permanent residence has begun. There is no repayment of processing fees for the application for permanent residence or right to an appeal. An undertaking is not automatically withdrawn upon the request of the sponsor; the CPC must agree to the withdrawal.

Where a sponsor requests to withdraw their undertaking, and where the CPC approves the withdrawal, this may ultimately have the effect of a refused application for permanent residence pursuant to R120. This section prohibits the granting of permanent residence to foreign nationals applying as members of the family class and their dependants where a valid sponsorship undertaking is not in effect.

R120 states the following:

...

- (a) a permanent resident visa shall not be issued to a foreign national who makes an application as a member of the family class or to their accompanying family members unless a sponsorship undertaking in respect of the foreign national and those family members is in effect; and
- (b) a foreign national who makes an application as a member of the family class and their accompanying family members shall not become permanent residents unless a sponsorship undertaking in respect of the foreign national and those family members is in effect and the sponsor who gave that undertaking still meets the requirements of section 133 and, if applicable, section 137.

A withdrawal can only occur before a final decision is taken, meaning:

- with respect to sponsorships of overseas cases, if a permanent resident visa has not been issued.
- with respect to the spouse or common law-partner in Canada class, up to and prior to the moment the Confirmation of Permanent Residence status document is entered into FOSS;

Inland officers have the same discretion as port-of-entry officers in considering the fact that a sponsor has requested to withdraw a sponsorship undertaking, and that this may indicate that the sponsor does not intend to fulfil the terms of their undertaking on behalf of the sponsored applicant.

## IP 2 Processing Applications to Sponsor Members of the Family Class

For inland cases, an approval in principle of the sponsorship undertaking is not a “final decision “ and does not preclude the successful request to withdraw an undertaking.

The scenarios below provide clarification:

- The sponsor requests withdrawal of the undertaking after processing has begun but a final decision has not been made. Once the CPC (CPC-M or CPC-V) is satisfied that no decision has been taken or that a visa has not been issued, they may agree to the sponsor’s withdrawal of their undertaking. In this scenario there is no repayment of any cost recovery fees and no decision will be made on the application for permanent residence.
- The sponsor requests to withdraw their undertaking after the final decision has been made (either a Confirmation of Permanent Residence issuance has been entered into FOSS or a visa issued) . The CPC cannot agree to the withdrawal and the sponsor must honour their undertaking. The CPC-M or CPC-V will respond to the sponsor indicating that they may not withdraw their undertaking and must uphold the obligations for that undertaking’s validity period.

However, a sponsor’s request to withdraw an undertaking may be considered as evidence that the sponsor will not honour it. This information will be considered at POE and the applicant may not be granted permanent residence on the basis that circumstances have changed with respect to their application. Should this occur, this does not mean that the sponsor may withdraw their application nor that a decision has been made with respect to their request to withdraw.

---

### 5.41. Sponsorships in Quebec

The *Canada-Quebec Accord* gives Quebec responsibility for setting its own criteria for family class sponsorship and administering undertakings. The federal government maintains responsibility for most eligibility requirements related to admissibility and enforcement. (See Quebec sponsors, section 24 for details.)

Quebec is responsible for:

- determining the financial criteria for the sponsorship of foreign nationals intending to live in Quebec, and administering sponsorship undertakings and determining their duration.

The duration of undertakings in the province of Quebec is:

- 3 years for spouses and common-law or conjugal partners;
- 10 years or until the age of 18 whichever is longer for dependent children; and
- 10 years in other cases.

---

### 5.42. Sponsors who move from Quebec

A sponsor who signed an *engagement* with the province of Quebec and subsequently moves from Quebec to another province while their sponsorship application is in process must sign a new undertaking and agreement.

---

## 6. Definitions

For exact definitions see the Act or Regulations.

## IP 2 Processing Applications to Sponsor Members of the Family Class

### 6.1. Adoptions

**Table 17: Adoptions**

<b>For definitions related to the following terms</b>	<b>See appropriate manual reference</b>
Dependent child	OP 3 and R2
Hague Convention on Adoption	OP3 and R2
Adoption under 18	OP3 and R117(2) and (3)
Adoption over 18	OP3 and R117(4)
Child to be adopted	OP3 and R117(1)(g)
Guardianship (not in force as per R365(2))	OP3

### 6.2. Co-signers

A co-signer for purposes of family class sponsorship means a spouse or common-law partner who is a Canadian citizen or permanent resident residing in Canada, and who is 18 years of age or older. Co-signers must meet the requirements of R133.

### 6.3. Case Processing Centres

There are two Case Processing Centres in Canada dealing with sponsorships

- CPC Mississauga (CPC-M) which deals with family class sponsorships and default
- CPC Vegreville (CPC-V) which deals with spouse or common-law partner in Canada class

### 6.4. Default of an undertaking

A sponsor is in default of an undertaking when they fail to meet the obligations of their undertaking and the sponsored person receives social assistance payments during the validity period of the undertaking.

### 6.5. Family members

**Table 18: Family Members**

<b>For definitions related to</b>	<b>See appropriate manual reference</b>
Common-law partner	OP 2, section 6, IP 8 and R2
Conjugal partner	OP2, section 6 and R2
Dependent child	OP2, section 6, IP8 and R2
Family member	OP2, section 6, IP8 and R2
Spouse	OP2, section 6, IP8

### 6.6. Minimum necessary income

The minimum necessary income (R2) that sponsors need to support their families and all sponsored relatives is based on the Statistics Canada's Low Income Cut-Off levels (LICO). The LICO is derived from a detailed survey of family expenditure patterns conducted every four years by Statistics Canada. It is updated annually by the Consumer Price Index and published annually by Statistics Canada.

## IP 2 Processing Applications to Sponsor Members of the Family Class

LICO levels remain in effect for one year from February 2 to February 1. For sponsorship purposes, the minimum necessary income is based on the LICO level for the number of persons in a household within an urban population of 500,000 or more, regardless of where the sponsor lives.

Financial requirements are different for sponsors in Quebec and can be found in Appendix F or on the MICC Web site ([www.immigration-quebec.gouv.qc.ca](http://www.immigration-quebec.gouv.qc.ca)).

---

### 6.7. Social assistance

Benefits provided by a province or territory to meet basic requirements, such as food, shelter, clothing. See R2.

---

### 6.8. Sponsor

- See R130 and section 5.9.

---

### 6.9. Sponsorship Agreement

A Sponsorship Agreement is a contract between the sponsor and the sponsored persons and their family members that confirms mutual obligations and responsibilities. For further details see Sponsorship Agreement, section 5.24 and R2.

---

### 6.10. Sponsorship application guide and forms

Application package that provides:

- general information on eligibility criteria and other regulatory requirements that Canadian citizens and permanent residents must meet in order to sponsor a member of the family class;
- information on the application process and required fees;
- all the necessary forms and instructions to complete them;
- a list of supporting documents that the sponsor will have to enclose with the sponsorship application.

See section 3, Table 4 for listing of forms and CIC Web site for complete guides and family class applications.

---

### 6.11. Undischarged bankrupt

A person who is an undischarged bankrupt under the *Bankruptcy and Insolvency Act* is barred from sponsorship. For more information, see: Bars to sponsorship, section 5.28.

---

### 6.12. Undertaking

The undertaking, included in the sponsorship application, is a promise by the sponsor (and co-signer) to provide for the basic requirements of the member of the family class and the member's family members and to ensure that they are not dependent on social assistance (see R131 and R132).

## IP 2 Processing Applications to Sponsor Members of the Family Class

### 7. Roles and responsibilities

#### 7.1. Roles and responsibilities of the Call Centre and CPC

**Table 19: Roles and responsibilities**

<b>Call Centres</b>
<ul style="list-style-type: none"> <li>• responds to requests for sponsorship packages;</li> <li>• provides basic information in response to telephone inquiries.</li> </ul>
<b>CPC Mississauga (CPC-M)</b>
<p>Sponsorship applications for all members of the family class applying from abroad</p> <ul style="list-style-type: none"> <li>• ensures that a correctly completed sponsorship and permanent residence application with minimum requirements and correct fees are received;</li> <li>• processes sponsorship applications and assesses sponsors against sponsorship criteria and eligibility requirements;</li> <li>• refers to local CIC for further investigation, if required;</li> <li>• sends an electronic download of all sponsorship <b>recommendations</b> to visa offices via CAIPS.</li> </ul>
<p>Permanent residence applications for spouses, common-law partners, conjugal partners or dependent children</p> <ul style="list-style-type: none"> <li>• reviews application for permanent residence for completeness;</li> <li>• ensures that supporting documents listed in the application package are included with the application;</li> <li>• forwards application for permanent residence, and supporting documents to visa office for processing.</li> </ul>
<p>Permanent residence applications for other family members including children who are adopted, to be adopted, and orphaned relatives.</p> <ul style="list-style-type: none"> <li>• positive sponsorship recommendation triggers an electronic message to Docupost;</li> <li>• the message to Docupost results in a partially filled application for permanent residence being sent to the sponsor;</li> <li>• the sponsor forwards application for permanent residence to the relative abroad who has 12 months (1 year) to submit it to the appropriate visa office.</li> </ul>
<b>CPC Vegreville (CPC-V)</b>
<p>Spouse or common-law partner in Canada class</p> <ul style="list-style-type: none"> <li>• ensures correctly completed sponsorship and permanent residence applications that meet minimum requirements and include correct fees, are received (IP 8);</li> <li>• processes the sponsorship application and assesses sponsors against sponsorship criteria and eligibility requirements;</li> <li>• refers to local CIC for further investigation as required;</li> <li>• makes a decision on sponsors eligibility to sponsor.</li> </ul>
<p>Permanent residence application</p>

## IP 2 Processing Applications to Sponsor Members of the Family Class

<ul style="list-style-type: none"> <li>processes permanent resident application, assesses applicant against eligibility requirements and updates electronic record in FOSS;</li> <li>informs the applicant and sponsor of decisions related to eligibility;</li> <li>transfers electronic record and eligibility decision to CIC responsible for area in which applicant lives;</li> <li>initiates admissibility checks (medical, security and background) and updates electronic FOSS record when results are received;</li> <li>informs local CIC of admissibility results in order that they may initiate permanent residence interview.</li> </ul>
<p>Other family members in Canada (H &amp; C only)</p> <ul style="list-style-type: none"> <li>processes both the applications for sponsorship and humanitarian and compassionate consideration (IP 5);</li> <li>processes sponsorship applications and assesses sponsors against sponsorship criteria and eligibility requirements;</li> <li>reviews circumstances presented by applicant to determine whether humanitarian and compassionate grounds exist;</li> <li>if straightforward, makes final decision, otherwise makes a recommendation on refusal/approval of applications for permanent residence;</li> <li>refers to local CIC for further investigation if required and final decision.</li> </ul>

### 7.2. Roles and responsibilities of officers at local CICs and Visa Offices

**Table 20: Roles and responsibilities**

<b>Officers at local CICs</b>
<ul style="list-style-type: none"> <li>investigate criminal eligibility issues related to applicants under the spouses and common-law partners in Canada class and applicants applying under humanitarian and compassionate provisions*;</li> <li>investigate criminal eligibility issues or other sponsorship details*;</li> <li>initiate interviews with sponsors and applicants, when necessary;</li> <li>determine applicants' eligibility once investigation is complete and grant or refuse permanent residence in accordance with delegated authority;</li> <li>complete the processing of all applications received directly from applicants or via CPC-V under the Spouse or common-law partner in Canada class or humanitarian and compassionate provisions.</li> </ul>
<ul style="list-style-type: none"> <li>* Note: At larger CICs, officers conducting the investigations would be Citizenship and Immigration Canada staff. However, at smaller CICs, these investigations may be conducted by the CBSA staff.</li> </ul>
<b>Visa offices</b>
<ul style="list-style-type: none"> <li>process applications for permanent residence by all members of the family class (OP 2) applying overseas;</li> <li>process overseas family members included in applications of spouses and common-law</li> </ul>

## IP 2 Processing Applications to Sponsor Members of the Family Class

partners in Canada; • make decisions on sponsorship applications.
<b>Adoptions</b>
How and where sponsorship applications involving adoptions are dealt with depends on a number of factors, including the type and status of the adoption. See OP 3 for details.

### 7.3. Roles and responsibilities of sponsors – Sponsorship application

For all sponsorship applications, sponsors must:

- read instructions and all information provided in the sponsorship package, ensure that they meet sponsorship criteria and eligibility requirements and are sponsoring a person who is a member of the family class;
- state whether application should be discontinued if sponsorship requirements are not met;
- complete the undertaking, the Sponsorship Agreement and all schedules in accordance with instructions and information provided in the guide;
- respond to the self-declaration schedules related to sponsorship eligibility, their relationship with sponsored persons, including the length of the relationship in the case of common-law or conjugal partners;
- include bank receipt for payment of all applicable fees (including fees for sponsorship application and applicable processing fees for all sponsored family members). Right of permanent residence fee (RPRF) may be deferred. Dependent children are exempt from payment of the RPRF. See [Fees Regulations, IR 5 ] for required fees; and
- submit sponsorship application forms, with all required schedules and all required supporting documents to CPC-M or CPC-V.

### 7.4. Roles and responsibilities of sponsors – Application for permanent residence - Spouses, common-law partners, conjugal partners and dependent children

In the case of applications for permanent residence from foreign nationals who are spouses, common-law partners, conjugal partners and dependent children, (including children already adopted),

Sponsors must:

- complete the responsibilities related to the sponsorship application; and
- ensure that the sponsored family member or in the case of a dependent child, a person acting on their behalf, receives the application guide, understands the instructions and correctly completes and signs the applications for permanent residence; and
- ensure that the sponsored family member's application and all required supporting documents are provided and included in the envelope with their sponsorship application to CPC-M.



## **IP 2 Processing Applications to Sponsor Members of the Family Class**

---

### **7.5. Roles and responsibilities of sponsors – Application for permanent residence - Children to be adopted overseas or in Canada, orphaned family members and other members of the family class**

In the case of applications for permanent residence from foreign nationals who are children to be adopted overseas or in Canada, orphaned family members and other members of the family class, sponsors must:

- complete the responsibilities related to the sponsorship application by submitting their application to CPC-M;
- in the case of a child to be adopted or an orphaned family member, the sponsor is responsible for completing the application for permanent residence and submitting the application and supporting documents to the appropriate visa office overseas;
- for all other members of the family class, the sponsor must forward the application for permanent residence, received via Docupost, to the sponsored person residing abroad;
- ensure that the sponsored person receives the application guide, understands the instructions and correctly completes and signs the application for permanent residence; and
- ensure that the sponsored person submits the application and all required supporting documents to the appropriate visa office overseas.

---

### **7.6. Roles and responsibilities of sponsors – Application for permanent residence - Members of the Spouse or common-law partner in Canada class**

In the case of applications for permanent resident status from foreign nationals who are members of the Spouse or common-law partner in Canada class, sponsors must:

- complete the responsibilities related to the sponsorship application;
- ensure that the sponsored family member reviews the application guide, understands the instructions and correctly completes and signs the application for permanent residence; and
- ensure that the sponsored family member's application and all required supporting documents are provided and included in the envelope with their sponsorship application to CPC-V.

---

## **8. Overview of CPC activities related to sponsorship applications**

---

### **8.1. Spouses, common-law partners, conjugal partners and dependent children overseas**

CPC-M assesses the sponsorship application, provides a recommendation on the sponsor's eligibility and reviews applications for permanent residence for completeness.

If sponsors are found eligible, their sponsorship information and a positive recommendation are transferred electronically to the appropriate visa office through

## **IP 2 Processing Applications to Sponsor Members of the Family Class**

CAIPS while the IMM 0008 and supporting documents in paper format are sent to the visa office for processing.

If sponsors are found ineligible the documentation may be transferred to the visa office with a negative sponsorship recommendation, or the application for a permanent resident visa may be discontinued, depending on the sponsor's stated preference. If an ineligible sponsor has chosen not to continue with the sponsorship, the CPC closes the electronic sponsorship record.

For more information, see Assessing a sponsor's eligibility, section 13 and OP 2 for procedures on assessing applications for permanent resident visas.

See also:

Discontinued undertaking/refund of permanent resident application fees section 5.39;

Withdrawal of undertaking/no refund of fees section 5.40.

---

### **8.2. Other members of the family class**

CPC-M assesses the sponsorship application and provides a recommendation on the sponsor's eligibility.

If sponsors are found eligible, CPC-M enters the sponsorship information and a positive recommendation in the processing system and transfers it electronically to the appropriate visa office through CAIPS. Entering the recommendation automatically generates instructions to Docupost to send the family class application to the sponsor for forwarding to the sponsored member of the family class.

If sponsors are found ineligible the documentation may be transferred to the visa office with a negative sponsorship recommendation, or the application for a permanent resident visa may be discontinued, depending on the sponsor's stated preference. If an ineligible sponsor has chosen not to continue with the sponsorship, the CPC closes the electronic sponsorship record.

In a case which will be forwarded to a visa office, it is the responsibility of the sponsored person to send their application for permanent residence, once received and completed, directly to the appropriate visa office.

Although other members of the family class apply overseas, there may be humanitarian or compassionate reasons for considering their applications in Canada. For details, see IP 5.

---

### **8.3. Adoptions, children to be adopted and orphaned relatives**

For children who are yet to be adopted, in the process of being adopted or orphaned relatives, the CPC-M recommendation process is the same as described under other family members, except that the sponsor completes and sends an application for permanent residence on behalf of the child directly to the appropriate visa office. Again, the application for permanent resident visa may or may not be discontinued dependent on the sponsor's stated preference. For more information, see Assessing a sponsor's eligibility, section 13 and OP 3 for the assessment of the application for permanent residence.

---

### **8.4. Spouse or common-law partner in Canada class**

CPC-V processes both the sponsorship application and the application for permanent residence. See section 9 for procedures on assessment and recommendation of sponsorship application and IP 8 for procedures on assessing applications for permanent residence.

## IP 2 Processing Applications to Sponsor Members of the Family Class

---

### 9. Reviewing sponsorship and permanent residence applications: Spouses, common-law partners, conjugal partners and dependent children

CPC-M reviews all sponsorship and permanent residence application forms and supporting documents to confirm that the following are included and complete:

- sponsorship forms, including undertaking and agreement, completed and signed;
- sponsorship application includes only spouses, common-law partners, conjugal partners and/or dependent children;
- application for permanent residence forms, completed and signed;
- proof of payment of correct fees at a bank;
- all required supporting documents.

If the application does not include the minimum requirements in R10(1) and (2), CPC-M returns the application and all documents to the sponsor, and requests missing information and documents. (See R12).

If the application is complete, CPC-M:

- assesses sponsor's and co-signer's eligibility (see section 13) and completes Eligibility Check. (see Appendix A);
- writes on sponsorship application "Met or Not Met"; and
- enters basic data information into CPCS.

If sponsorship requirements are met, see section 9.1.

If sponsorship requirements are not met, see section 9.2.

---

#### 9.1. If sponsorship requirements are met

If sponsorship requirements are met, CPC-M:

- downloads sponsorship information and recommendation to CAIPS;
- forwards application for permanent residence and supporting documents to the visa office responsible for the country of residence of the sponsored persons, with any additional information, such as:
  - ◆ if the sponsor received a visa abroad to come to Canada as refugee or adopted foreign national, provides relevant information including the office of visa issuance and file number;
  - ◆ if the sponsor was granted permanent residence subject to conditions, provides information on the date these conditions were met or must be met;
  - ◆ if there has been enforcement action involving the foreign national, particular details of removals, office responsible for enforcement action etc. that will help to ensure that any removal costs are recovered by the visa office, if applicable;

## IP 2 Processing Applications to Sponsor Members of the Family Class

- ◆ any other relevant information that may affect an officer's decision.

---

### 9.2. If sponsorship requirements are not met

If sponsorship requirements are not met, CPC-M:

- if the sponsor chooses to discontinue, reimburses the processing fee for the permanent residence application. See procedures in section 12.
- if the sponsor chooses to continue, forwards the permanent residence application to the visa office, and indicates why the sponsorship requirements are not met, or if the sponsor and/or co-signer is the subject of any of the suspensions listed in section 5.36, suspends processing of the sponsorship application until a decision has been rendered.

---

## 10. Reviewing sponsorship applications - Other members of the family class

The sponsor submits Application to Sponsor and Undertaking (IMM 1344AE) with all required supporting documents and proof of fee payment.

CPC-M reviews sponsorship forms to confirm that the following are included and complete:

- sponsorship forms, including undertaking and agreement, completed and signed;
- persons listed on the sponsorship application are members of the family class;
- proof of payment of correct fees at a bank; and
- all required supporting documents.

If the application does not include all minimum requirements, CPC-M:

- returns the application and HPM receipt. (See R12).

If the application meets minimum requirements, CPC-M:

- determines the sponsor's eligibility to sponsor and the co-signer's eligibility to have their income considered and completes an Eligibility Check. (See section 13 and Appendix A).
- writes on sponsorship application (IMM 1344AE) "Met or Not Met".
- enters basic information into CPCS.

If the sponsorship requirements for other members of the family class are met, see section 10.1.

If the sponsorship requirements for other members of the family class are not met, see section 10.2.

---

### 10.1. If sponsorship requirements are met for other members of the family class

CPC-M:

## **IP 2 Processing Applications to Sponsor Members of the Family Class**

- enters the recommendation into the system, thereby triggering an automatic request to Docupost to send the permanent residence application to the sponsor for transmission to sponsored persons;
- downloads the sponsorship information into CAIPS, including any additional information in the “Notes” box, such as:
  - ◆ if the sponsor received a visa abroad to come to Canada as a refugee or an adopted foreign national, relevant information including the office of visa issuance and file number;
  - ◆ if the sponsor was granted permanent residence subject to conditions, information on the date these conditions were met or must be met.

---

### **10.2. If sponsorship requirements are not met for other members of the family class**

CPC-M:

- if the sponsor chooses to discontinue, reimburses the processing fee for the permanent residence application. See policy in section 5.39 and procedures in section 12.
- if the sponsor chooses to continue, indicates in CAIPS why the sponsorship requirements are not met, or
  - ◆ if the sponsor and/or co-signer is the subject of any of the suspensions listed in section 5.36, suspends processing of the sponsorship application until a decision has been rendered.

---

## **11. Processing of sponsorship applications by CPC-V - Spouses or common-law partners in Canada**

---

### **11.1. Review of application for completeness**

CPC-V reviews all sponsorship and application for permanent residence forms and supporting documents to confirm that the following are included and complete:

- sponsorship application forms, completed and signed;
- application lists only the sponsor's spouse or common-law partner and their dependent children;
- application for permanent residence, completed and signed; and
- proof of payment of correct fees.

---

### **11.2. If the application is not complete**

CPC-V:

- returns applications, documents and HPM receipt to the sponsor. (See R12).

## IP 2 Processing Applications to Sponsor Members of the Family Class

---

### 11.3. If the application is complete

CPC-V:

- enters basic information into CPCS;
- assesses the sponsor's eligibility (see section 13 and completes Eligibility Check, Appendix A).

---

### 11.4. If sponsorship requirements are met

CPC-V assesses the application for permanent residence. (See IP 8).

---

### 11.5. If sponsorship requirements are not met

CPC-V verifies application for sponsor's choice of option to discontinue if not eligible. See section 5.39 for policy and section 12 for procedures for discontinued or withdrawn applications.

---

### 11.6. Sponsorship of other family members in Canada

The Regulations do not allow for sponsorship of other family class members from within Canada. CPC-V should therefore advise the sponsor to consult the application guide on sponsoring other members of the family class from outside Canada or the guide on applications in Canada made under humanitarian and compassionate grounds (H&C). An H&C application may be submitted with or without a sponsorship (see IP 5).

---

## 12. Handling a discontinued or withdrawn undertaking

An undertaking is a contract which may be discontinued or withdrawn only under specific circumstances. See policy in Discontinued undertaking section 5.39 and Withdrawal of undertaking section 5.40.

---

### 12.1. Discontinued

The sponsor is asked to state on the application whether processing should be discontinued if eligibility requirements are not met. The sponsor's response that processing should not continue is sufficient to automatically discontinue before any processing of the application for permanent residence begins.

**Table 21: Process when sponsor chooses to discontinue before processing begins on the permanent residence application**

<b>Sponsor ineligible; discontinues with application</b>	<b>CPC</b>	<b>Consequences for sponsor</b>
On the application the sponsor has opted to discontinue if found ineligible.	<ul style="list-style-type: none"><li>• discontinues processing;</li><li>• returns documents relating to application for permanent residence;</li><li>• refunds fees for processing of permanent residence</li></ul>	<ul style="list-style-type: none"><li>• pays only sponsorship fee</li><li>• receives refund of permanent residence application fees</li><li>• does not have right of appeal because no decision is made on the permanent resident</li></ul>

## IP 2 Processing Applications to Sponsor Members of the Family Class

	<ul style="list-style-type: none"> <li>application;</li> <li>retains sponsorship processing fee (see Fees Regulations, IR 5); and</li> <li>codes in FOSS or CPC system as discontinued.</li> </ul>	application.
--	--	--------------

Sponsor ineligible continues with application	CPC	Consequences for sponsor
Sponsor later writes to CPC indicating their wish to discontinue their sponsorship application.	<ul style="list-style-type: none"> <li>verifies that processing of application for permanent residence has not yet begun;</li> <li><b>if not begun:</b> CPC agrees to discontinue;</li> <li>returns any documents still in the CPC and/or informs visa office of discontinuance;</li> <li>reimburses fees for processing permanent residence application;</li> <li>retains sponsorship processing fee; and</li> <li>codes in FOSS or CPC system as discontinued.</li> </ul>	<ul style="list-style-type: none"> <li>pays only sponsorship fee</li> <li>receives refund of permanent residence application fees</li> <li>does not have right to appeal because no decision is made on the permanent resident application.</li> </ul>

Sponsor eligible	CPC	Consequences for sponsor
Sponsor later writes to CPC indicating their wish to discontinue their sponsorship application	Same as in Sponsor ineligible continues with application but if processing of application for permanent residence has begun then this would be a withdrawal and not a discontinued application.	Same as in Sponsor ineligible continues with application

**During processing.** Sponsor may have been found eligible or ineligible but opted to proceed

### 12.2. Withdrawal

A sponsor may withdraw an undertaking after processing of the application for permanent residence has begun. However, CIC must give consent before an undertaking can be set aside.

**Table 22: Process when sponsor withdraws after processing of permanent resident application has begun**

Sponsor requests	CPC	Consequences for sponsor
------------------	-----	--------------------------

## IP 2 Processing Applications to Sponsor Members of the Family Class

<p><b>withdrawal – processing has begun but no decision taken</b></p>		
<p>Sponsor makes request in writing to CPC</p>	<ul style="list-style-type: none"> <li>• verifies that processing of application for permanent residence has already begun;</li> <li>• agrees to withdrawal;</li> <li>• does not reimburse any fees;</li> <li>• codes in FOSS/CPC system or CAIPS as withdrawn;</li> <li>• informs the visa office of withdrawal; and</li> <li>• CPC or visa office discontinues processing of application for permanent residence</li> </ul>	<ul style="list-style-type: none"> <li>• no decision is made on permanent resident application R119</li> <li>• receives no fee reimbursement</li> <li>• does not have right of appeal</li> </ul>
<p><b>Sponsor requests withdrawal – processing has begun and positive decision has been taken</b></p>	<p><b>CPC</b></p>	<p><b>Sponsor</b></p>
<p>Sponsor makes request in writing to CPC</p> <ul style="list-style-type: none"> <li>• If the request is made to CPC–V and the final decision has already been made and entered into FOSS</li> <li>• If the request is made to <b>CPC–M</b> and the visa has been issued</li> </ul>	<ul style="list-style-type: none"> <li>• verifies that final decision has already been made or visa issued; and</li> <li>• informs sponsor that undertaking cannot be withdrawn at this stage.</li> </ul>	<ul style="list-style-type: none"> <li>• cannot withdraw;</li> <li>• is bound by the undertaking; and</li> <li>• remains responsible for the sponsored person.</li> </ul>

### 12.3. Ineligible sponsor chooses to continue with the application

If an ineligible sponsor chooses to continue with the sponsorship application:

- there is no refund of the processing fee if processing of the permanent residence application has begun.

For applications abroad:

- CPC-M downloads the sponsorship information to CAIPS, with an explanation of why the application to sponsor is “*Not Met*”. In the case of a spouse, common-law partner, conjugal partner or dependent children, CPC-M forwards the permanent residence application to the responsible visa office;
- the sponsor has the right of appeal;



## IP 2 Processing Applications to Sponsor Members of the Family Class

- the sponsored family members may still apply for permanent residence but the visa office will likely refuse the application because the sponsor does not meet the requirements.

For applications in Canada:

- CPC-V will process the application for permanent residence, but will likely refuse it because the sponsor does not meet the requirements;
- the sponsor does not have the right of appeal.

---

### 12.4. Handling withdrawal of co-signers

A co-signer who wishes to withdraw must apply in writing and is subject to the following conditions:

- the written request must be received well before a permanent residence visa has been issued;
- the co-signer must provide a copy of the agreement initialed by each of the signatories (i.e., sponsor, co-signer and foreign national) acknowledging the removal of the co-signer;
- the co-signer is not bound by the terms of the sponsorship if the sponsorship is approved.

If written request is received and a permanent residence visa has been issued:

- inform co-signers that notwithstanding their request to withdraw their support, they are bound by the terms of the sponsorship undertaking.

---

## 13. Assessing a sponsor's eligibility

---

### 13.1. Requirements in R130 to assess sponsor's eligibility

Proof of age and Canadian citizenship or permanent resident status may include:

- birth certificates, citizenship cards, passports, records of landing, permanent resident cards;
- FOSS may also be used to verify permanent residence;

Proof of Canadian citizenship may NOT include:

- a Citizenship Commemoration Certificate; or
- baptismal certificates.

---

### 13.2. Residency requirements for sponsors

In assessing residency requirements for sponsorship purposes the IRB Appeal Division ruled that a sponsor must maintain a significant connection to Canada. Officers should consider whether the prospective sponsor:

- maintains a residence in Canada;

## IP 2 Processing Applications to Sponsor Members of the Family Class

- has spouse and/or children resident in Canada;
- has assets in Canada;
- pays Canadian income tax on global income;
- visits Canada regularly;
- maintains investments, bank accounts, health insurance or club memberships in Canada.

Sponsors *may* be found ineligible to sponsor if:

- they maintain residences in two countries at the same time;
- they have a house in Canada, but work abroad;
- they have interrupted their residence in Canada or spend little time in Canada. Foreign stamps or post marks on the envelope, a foreign employer or the sponsor's non-Canadian address are indications the sponsor may not be residing in Canada;
- there is evidence that they will leave Canada soon after the sponsored applicant becomes a permanent resident. Sponsors must satisfy an officer they will continue to reside in Canada after the member of the family class becomes a permanent resident;
- sponsors are not ineligible if they take short holidays or business trips outside Canada.

---

**Note:** For more information on IRB appeal division ruling see *Athwal v. Canada* (Minister of Citizenship and Immigration) (1998).

---

### 13.3. Sponsorship by Canadian citizens living abroad

The following applies to Canadian citizens living abroad:

- Canadian citizens who reside abroad may sponsor only their spouse, common-law partner, conjugal partner or a dependent child who does not have dependent children of their own;
- they must submit their sponsorship application package and fees to the CPC-M in Canada and not to the visa office;
- Canadian citizens who are tourists in a foreign country, even for extended periods, are still residents of Canada;
- Canadian citizens who are long-term workers or students in another country are generally considered residents of that country;
- Canadians who have spent little or no time in Canada may also seek to sponsor. If they have never worked in Canada and do not have the educational or language skills to find employment in Canada, refusal under A39 may be appropriate if arrangements for the care and support of the sponsored person are not satisfactory;

## IP 2 Processing Applications to Sponsor Members of the Family Class

- sponsors must provide evidence that they will reside in Canada after the sponsored persons and their family members become permanent residents.

Evidence that sponsors will reside in Canada may include one or more of the following:

- letter from an employer;
- letter of acceptance to a Canadian educational institution;
- proof of having rented/bought a dwelling in Canada;
- reasonable plans for re-establishing in Canada or severing ties to the other country.

---

### 14. Assessing bars to sponsorship

See section 3 for details about the contents of R133 or section 5.28 for policy.

The sponsor and co-signer, if applicable, must state on the Eligibility Assessment on the *IMM 1344AE: Application to Sponsor and Undertaking* if they are subject to one of the following bars, which makes them ineligible to sponsor or co-sign. They are advised not to submit the sponsorship application if one of the bars applies. They are also asked if they wish to discontinue processing the application if the CPC determines that they are subject to a sponsorship bar. (see section 5.28 and section 12)

CPC staff should:

- review information provided by the sponsor and co-signer;
- verify in FOSS whether the sponsor/co-signer is subject to any of the applicable bars;
- verify information through appropriate sources as outlined in the following subsections; and

If new information comes to light during processing, the CPC will need to confirm the information.

If a sponsor is subject to one of the bars listed in Table 23:

- CPC should advise the sponsor that the requirements do not appear to be met and discontinue processing, if that is the sponsor's wish. (See section 12)
- If the sponsor wishes to proceed, CPC-M should refer the undertaking to the visa office with an explanatory note. CPC-V will continue processing the application for permanent residence and refuse the application.

If a co-signer is subject to a bar, CPC should:

- exclude the co-signer's income in assessing LICO;
- discontinue processing or refuse the sponsorship application if LICO is not met using the sponsor's income only.

The following table details the bars to sponsorship.

## IP 2 Processing Applications to Sponsor Members of the Family Class

**Table 23: Bars to sponsorship (applicable to sponsors and co-signers)**

If the sponsor is subject to a removal order:	Notes/Examples:
CPC will verify in FOSS to confirm whether the sponsor is the subject of a removal order.	
If the sponsor is detained in a penitentiary, jail, reformatory or prison	Notes/Examples:
<p>CPC staff will:</p> <ul style="list-style-type: none"> <li>• review self-declaration by sponsor;</li> <li>• verify FOSS; and</li> <li>• request, from the sponsor, a Canadian Police Information Center (CPIC) check where warranted.</li> </ul> <p>CICs should:</p> <ul style="list-style-type: none"> <li>• ensure that FOSS contains information about permanent residents in prison, even for relatively minor convictions.</li> <li>• verify through Correctional Services Canada offenders management system</li> </ul>	
If the sponsor is convicted of a sexual offence against anyone or of an offence related to family violence against a family member	Notes/Examples:
<p>CPC staff will:</p> <ul style="list-style-type: none"> <li>• review self-declaration by sponsor;</li> <li>• verify FOSS; and</li> <li>• request, from the sponsor, a Canadian Police Information Center (CPIC) check where warranted</li> </ul> <p>CPC</p> <ul style="list-style-type: none"> <li>• if convictions are known or suspected, CPC sends the cases to a CIC for follow-up.</li> </ul> <p>CIC</p> <ul style="list-style-type: none"> <li>• verifies the court records;</li> <li>• confirms the relationship with the victim; and</li> <li>• advises the CPC of the results.</li> </ul> <p>CPC</p> <ul style="list-style-type: none"> <li>• Regarding a conviction in Canada, if five years have not passed since the completion of the sentence imposed, or a pardon has not been granted, the sponsor is ineligible.</li> <li>• Regarding a conviction outside of Canada, if there has not been a final determination of acquittal or if a period of five years or more has not passed since the completion of the sentence imposed and the sponsor has not demonstrated that they have been rehabilitated, the sponsor is ineligible.</li> </ul>	<p>According to the Department of Justice, “family violence” is a term that includes many different forms of abuse that adults or children may experience in their intimate, kinship or dependent relationships. Family violence is against the law in Canada. Although the <i>Criminal Code</i> does not have a specific “family violence offence,” an abuser can be charged with an applicable offence. For applicable offences which equate to family violence when committed against a family member, see Appendix E.</p> <p>Applicable sexual offences are also found in Appendix E.</p> <p>Offences against a family member for which a conviction is entered after the person has ceased to be a family member (i.e., post divorce), remain convictions against a family member.</p>

## IP 2 Processing Applications to Sponsor Members of the Family Class

<ul style="list-style-type: none"> <li>For the purposes of calculating a sentence, probation, suspended sentences and intermittent sentences are sentences. Conditional discharges and absolute discharges should not be considered for the purposes of these provisions of IRPA.</li> <li>Informs the sponsor of the ineligibility.</li> </ul>	<p>See ENF 14/OP 19 Criminal Rehabilitation for information on rehabilitation.</p>
<p><b>If the sponsor is in default of a previous sponsorship undertaking</b></p>	<p><b>Notes/Examples:</b></p>
<p>CPC staff should:</p> <ul style="list-style-type: none"> <li>review the <i>Previous Default</i> field in the CPS module of FOSS for information on previous defaults; and</li> <li>verify directly with provincial social assistance offices when information on the sponsorship application indicates the sponsor may have defaulted on a previous undertaking.</li> </ul> <p>If a social assistance agency reports a sponsor is not supporting a member of the family class, CPC-M staff will:</p> <ul style="list-style-type: none"> <li>determine if the undertaking is still valid;</li> <li>confirm with the social assistance office that the sponsor is in default;</li> <li>enter default information in the CPS module of FOSS;</li> <li>remind sponsors in writing of their obligations;</li> <li>inform them they are not eligible to sponsor again unless arrangements are made for repayment and that collection action may be taken;</li> <li>warn them that they continue to be liable for repayment even after the validity period of the undertaking has expired.</li> </ul> <p>If social assistance authorities confirm sponsors have resumed their obligations and repaid the payments made to the family member;</p> <ul style="list-style-type: none"> <li>reflect details of the repayment in "Remarks" or "Work in Process" history.</li> <li>If, during the investigation of a sponsor, a CBSA officer discovers information that reveals the sponsor is in default, the CBSA officer should enter an NCB in FOSS describing the details.</li> <li>If there is a case of documented abuse (police reports, shelter reports, etc) between the sponsor and the sponsored person:             <ul style="list-style-type: none"> <li>the province will make an assessment whether active collection activity should take place ;</li> <li>the CPC-M will include a notation in FOSS and the CPC files of the sponsor and applicant where appropriate.</li> </ul> </li> </ul> <p>Collection activity may exacerbate an already difficult situation and will be paused, if appropriate, in cases of abuse between sponsor and sponsored person, but this</p>	<p><b>Example:</b></p> <ul style="list-style-type: none"> <li>Sponsors who are unemployed or have marginal income may have been unable to meet obligations under previous undertakings.</li> <li>Sponsors who report social assistance as income, are also likely to be subject to that bar.</li> </ul> <p>Notes:</p> <p>If the sponsorship is not in the CPS module, e.g., in MISS, enter an NCB in FOSS (watch-for) to alert officers that a sponsor has defaulted.</p> <p>The provincial social assistance office will determine whether to provide any social assistance. It may require the sponsored member of the family class to sue the sponsor for support as a pre-requisite to receiving social assistance.</p> <p>The NCB in FOSS is Type 12, not "Type 01 Watch for"</p> <p>Note: CIC does not enforce undertakings in such cases;</p>

## IP 2 Processing Applications to Sponsor Members of the Family Class

does not cancel the sponsor's obligations and sponsors may be disqualified from sponsoring subsequently if they have not resolved their default issues.	
<b>If sponsor is in default of support payments</b>	<b>Notes/Examples:</b>
CPC should: <ul style="list-style-type: none"> <li>review sponsor's self declaration;</li> <li>review the sponsor's financial evaluation which may indicate the possibility of default;</li> </ul>	
<b>If a sponsor owes a debt under the Act</b>	<b>Notes/Examples:</b>
CPC staff should: <ul style="list-style-type: none"> <li>view Immigration Program Accounts Receivable (IPAR) to verify if the sponsor has defaulted on an immigration loan;</li> <li>view SAP to verify information about debts related to bonds;</li> <li>call Collection Services at 1-800-667-7301 to query information on a loan account.</li> </ul>	
<b>If a sponsor is bankrupt</b>	<b>Notes/Examples:</b>
Sponsors and co-signers must: <ul style="list-style-type: none"> <li>state on the <i>IMM 1344A Application to Sponsor</i> if they are bankrupt under the <i>Bankruptcy and Insolvency Act</i>. (See section 5.28 for an explanation.)</li> </ul> CPC staff will: <ul style="list-style-type: none"> <li>verify information provided;</li> <li>inform provincial social assistance offices who may report that sponsored members of the family class are receiving welfare because their sponsor is bankrupt.</li> </ul>	
<b>If the sponsor is receiving social assistance other than for reasons of disability</b>	<b>Notes/Examples:</b>
CPC staff will: <ul style="list-style-type: none"> <li>verify through contact with provincial social assistance officials if the sponsor is receiving social assistance payments, other than for reasons of disability.</li> </ul>	

### 15. Undertaking

All sponsors must give an undertaking in support of the application for permanent residence by a member of the family class to the Minister or to a provincial authority where a federal-provincial agreement gives responsibility for financial assessment of sponsors to the province, i.e., Quebec R131.

For undertakings in Quebec, see Quebec sponsorships, section 5.41.

Sponsors (and co-signers) complete and sign the undertaking in the IMM 1344AE. If a sponsor does not sign an undertaking, the sponsorship application is not complete and must be returned.

See section 5.22 and R132 for the obligations and periods of the undertaking.

## IP 2 Processing Applications to Sponsor Members of the Family Class

Sponsors of spouses, common-law partners, conjugal partners and dependent children also sign an undertaking. They are obligated to care for their spouses, common-law partners, conjugal partners and minor children even if they do not have to meet an income test.

The undertaking in IMM 1344AE gives detailed information on the obligations that sponsors (and co-signers) are assuming, what is meant by default and the consequences of default. Their signature acknowledges they understand what the undertaking entails.

Sponsors must provide basic requirements to the member of the family class, including shelter, food, clothing and other goods or services such as dental and eye care, and medical care not provided by provincial health insurance programs.

If sponsored persons receive social assistance, sponsors and co-signers are in default. Sponsors and co-signers can sponsor again provided they have reimbursed social assistance payments and resume their obligations; otherwise they remain in default.

---

### 15.1. Sponsor under guardianship or power of attorney

Occasionally, persons applying to be sponsors may have an appointed representative to manage their personal, legal or financial affairs.

These types of arrangements vary from province to province and vary within the province depending on the situation. For example, potential sponsors may be under a guardianship, tutorship or a power of attorney. This situation is not in and of itself a bar to sponsorship as it still may be possible for the sponsor to live up to the responsibilities of the sponsorship albeit sometimes under the supervision of another person.

Sponsors with cognitive disabilities or impairment may or may not be ineligible to meet the requirements of sponsorship as outlined under R133(1)(b). The critical point to consider in such instances is whether there is evidence that the sponsor intends to fulfil the obligations in the sponsorship undertaking and whether the undertaking is enforceable.

It will therefore be necessary to examine each situation on a case-by case-basis including the relevant judicial orders made with respect to the sponsor, to determine what the sponsor is capable of doing on their own behalf or through their representative, in order to ensure the enforceability of the sponsorship undertaking.

---

## 16. Sponsorship Agreement

The Sponsorship Agreement is a written contract in which sponsors and applicants make promises to each other. . The sponsor submits a completed, signed Sponsorship Agreement (photocopy or faxed copy) with the sponsorship application. The agreement does not need to be the agreement in the application kit, as long as it is clear that it is a legal and binding contract, that it contains the provisions described in R132(2), and is signed by the persons listed below (Who signs the Sponsorship Agreement, section 16.1). A sponsorship application without a signed agreement is not complete.

Sponsors promise to provide for the basic requirements of sponsored applicants and accompanying family members for the period of the undertaking, including food, shelter, clothing, necessary goods or services, and health and dental care not already covered.

Sponsors also promise that:

## IP 2 Processing Applications to Sponsor Members of the Family Class

- their financial obligations will not prevent them from providing for the applicants.
- sponsored foreign nationals will not need to apply for social assistance.

Applicants promise to make reasonable efforts to provide for their basic requirements and those of their family members.

Sponsor (and co-signers) and applicants are bound by their obligations after signing the agreement. They cannot withdraw the agreement unless the entire undertaking is withdrawn prior to visa issuance (for applicants abroad) or before permanent resident status is granted (for applicants in Canada).

See section 12, Handling a discontinued or withdrawn undertaking.

---

### 16.1. Who signs the Sponsorship Agreement?

- Sponsor (and co-signers, if applicable) and sponsored applicant(s) aged 22 or over.
- An applicant under 22 if they are the spouse, common-law or conjugal partner of the sponsor.

Signature when person under a power of attorney

A power of attorney is a legal document where a person delegates to another the power and authority to act on their behalf in general or in specific matters. There is no legal impediment to a person duly appointed in the power of attorney document, from signing a sponsorship application on behalf of an able-minded or incapacitated client provided the power of attorney gives them the authority to do this.

---

### 16.2. Who does not need to sign the agreement?

- Dependent children under 22;
- Sponsored children over 22 with a physical or mental condition that is such that they are unable to support themselves.

---

### 16.3. Amending the sponsorship agreement

Sponsors and applicants may add obligations, but cannot remove those required by R132(2).

If new family members or relatives are added to the application, visa offices will have them added to the applicant's copy of the agreement, and will forward it to CPC-M. CPC-M will contact the sponsor to determine if the financial requirement is still met, and have the new family member or relative added to the undertaking and agreement.

---

## 17. Applying the financial test

The financial test is needed to prove that sponsors can support their relatives for the period of the undertaking. Sponsors in Quebec are subject to that province's financial criteria.

Sponsors must show they have the minimum necessary income (LICO) to support the sponsored persons as well as their family members in Canada or those already sponsored.



## IP 2 Processing Applications to Sponsor Members of the Family Class

The sponsor:

- completes the Financial Evaluation (IMM 1283E), listing all income;
- may include a spouse's or common-law partner's income to meet minimum necessary income (see Co-signers, section 17.1);
- provides evidence of financial resources; and
- provides evidence of social assistance payments received.

Evidence of income is:

- Notice of Assessment from the Canada Revenue Agency for the most recent year or the "Option C printout"; OR
- other proof of income for the 12 months preceding the application if, for example, the sponsor cannot provide a Notice of Assessment/"Option C printout" or their income on the Notice of Assessment is insufficient.

Income for the purpose of sponsorship:

- is the amount shown as total income on line 150 of Notice of Assessment. It does not include provincial or federal benefits and social assistance payments, Employment Insurance benefits or guaranteed income supplement.

Financial resources must originate from Canadian sources.

For more information, see:

- Financial requirements, section 5.30
- Calculating required income; section 17.2
- Exemption, section 17.3
- No discretion in calculating minimum necessary income (LICO); section 17.4
- Sponsor cannot request reassessment; section 17.5
- Determining if the Income test is Not Met. section 17.6

---

### 17.1. Co-signers included in the financial test

CPC-M assesses co-signers to ensure they meet sponsorship eligibility requirements as set out in section 5.9, Table 8 and determines whether they qualify and can accept the consequences of co-signing. See Co-signers, section 5.25 and Consequences of co-signing, section 5.26.

If the co-signer is qualified, CPC should:

- assess the combined incomes of the sponsor and the co-signer;
- apply the same methods for calculating income described under Calculating required income, section 17.2

## IP 2 Processing Applications to Sponsor Members of the Family Class

- include persons on previous sponsorship undertakings signed or co-signed by the co-signer when considering family size for the purpose of LICO;
- include previously sponsored relatives of the sponsor's spouse in the calculation of the minimum necessary income (LICO) if the spouse is co-signin; and
- ensure the co-signer has completed and signed the required sections of the sponsorship application, undertaking, agreement and financial evaluation.

If the co-signer is not qualified, the CPC should determine whether the income test is met using the sponsor's income only.

---

### 17.2. Calculating required income

The total number of persons determines the amount of income required to sponsor and determines which LICO to use.

Sponsors should count:

- themselves, and any family members to whom they provide support;
- the persons they are now sponsoring, including all family members of the sponsored person, whether these family members are accompanying or not [see definition of "family member" in R1(3)];
- any persons covered by still-valid undertakings they have made or co-signed;
- if the sponsor's spouse or common-law partner is co-signing, persons covered by still valid undertakings made or co-signed by the spouse or common-law partner; and
- sponsored applicants not yet granted permanent residence.

If the income requirement is not met and the calculation includes sponsored applicants who have not yet been granted permanent resident status, CPC should contact the visa office to verify whether previously sponsored applicants were issued visas or were refused.

If visas were issued, these sponsored applicants are included in the calculation, and the sponsor does not meet the financial test for the new sponsorship.

If the CPC-M receives information that there may be an event that would affect a sponsor's financial eligibility, such as the impending sponsor's loss of work, or the possible separation of the sponsor's co-signer spouse:

- the officer at the CPC-M should insert comments in the case notes when the file proceeds to the visa office indicating that it should be aware of the potential change in circumstances and request a reassessment, if warranted.

---

### 17.3. Exemption

Financial requirements do not apply to sponsors of spouses, common-law partners, conjugal partners or dependent children who have no dependent children of their own, children to be adopted and children under their guardianship.

Therefore in assessing the eligibility of sponsors of the above family members, CPC-M and CPC-V do not need to consider the financial test. Nevertheless, sponsors of these family members must complete the financial evaluation and sign the

## IP 2 Processing Applications to Sponsor Members of the Family Class

undertaking and agreement, promising to provide for the basic requirements of the sponsored family members.

If the sponsored person has dependent children who have children of their own, the financial test is calculated for all family members.

---

**Note:** The sponsored family member may be refused for financial reasons if an officer, at the visa office POE or CPC-V, is not satisfied either that they will be able to support themselves and their family members or that adequate arrangements have been made for their care and support A39.

---

---

### 17.4. No discretion in calculating minimum necessary income (LICO)

CPC should consider only the sponsor's and co-signer's income in evaluating the sponsor's financial situation.

Persons who do not meet LICO cannot sponsor even if they have good employment prospects, extensive assets or relatives willing to provide additional support.

---

### 17.5. Sponsor cannot request reassessment

Sponsors who do not meet the LICO cannot request reassessments of their financial situation after giving their undertaking.

Income earned after the undertaking has been given cannot be considered.

Sponsors who submit a financial evaluation after failing the financial requirement for the undertaking must submit a complete new application to sponsor and pay a new processing fee.

---

### 17.6. Determining if the income test is *Not Met*

If the sponsor's income is not at least equal to the LICO, or the income is not from a Canadian source and is not included in the Notice of Assessment, the sponsor does not meet the income requirement.

---

## 18. Processing sponsorships involving adoptions

This section covers sponsorships of adopted children, children to be adopted, and orphaned relatives. See R3(2) for definition of adoption, R117 for requirements, and section 5.4 for policy. Sponsorships are handled differently depending on the type of adoption.

See OP 3 for details on adoptions, including responsibilities of provincial and federal adoption authorities, requirements for adoptions and assessment by officers.

CPC-M does not require a copy of the adoption order, although the visa office may need it to determine that the adoption has taken place in accordance with the laws of the country of residence.

---

### 18.1. Steps that occur after sponsorship is recommended

After a recommendation is made on the sponsorship, CPC-M:

- informs sponsors by means of a letter (see Appendix C);
- forwards permanent residence applications for children already adopted to the visa office responsible for the country of residence;

## IP 2 Processing Applications to Sponsor Members of the Family Class

- for other adoption cases, uploads sponsorship information to CAIPS, and Docupost and sends an application to the sponsor to submit to the visa office on behalf of the child;
- asks provincial adoption authorities to indicate if the adoption is a Hague Convention case or not and also asks them to send the letters of no objection or no involvement appropriate to the type of case directly to the visa office (see Appendix B); and
- forwards any letters it receives from the provinces to visa offices.

---

### 18.2. Changing a child's name on the IMM 1344AE

If a sponsored child is no longer available for adoption, sponsors may ask CPC-M to replace the name on the IMM 1344AE with the name of another child. CPC-M will not charge a new processing fee when it replaces a name for this reason.

CPC-M must provide the new name to the visa office and the provincial adoption authority, unless the sponsor advises the visa office first.

---

### 18.3. Quebec sponsors

MICC assesses sponsors and sends copies of the *engagement* to the sponsor. The *Service à l'adoption internationale du Québec* sends letters of no-objection directly to adopting parents.

---

## 19. Referring sponsorship applications to CIC for investigation

CPC-M and CPC-V refer some sponsorship applications to CICs for investigation. The CPC will then assess the application in light of the new information and provide a recommendation on the sponsorship.

Staff of the CPCs are responsible for entering the recommendation on the sponsorship in the Case Processing Centre System (CPCS).

The criteria for referring a case to a CIC:

- suspected violation of the *Immigration and Refugee Protection Act* which could lead to an A44(1) report and enforcement action against the sponsor. This would include cases where criminal charges are pending against permanent resident sponsors, which would also result in suspension of processing;
- cases of suspected misrepresentation on eligibility criteria, for example, employment letters or financial requirements;
- an officer at the CPC believes an interview is necessary to assess an application properly.

---

## 20. Procedures when the applicant is not a member of the family class

CPC-M:

- informs the sponsor that the person listed on the IMM 1344AE is not a member of the family class, explains that only members of the family class may be sponsored and, unless the sponsor wishes to discontinue, sends the sponsorship

## IP 2 Processing Applications to Sponsor Members of the Family Class

information to the visa office with a note that the applicant is not a member of the family class.

### **Procedures when the applicant in Canada is not a member of the spouse or common-law partner in Canada class**

CPC-V:

- Informs the sponsor that the person listed on the IMM 1344AE is not a member of the Spouse or common-law partner in Canada class and advises them to have the applicant apply outside Canada or consult the application guide on humanitarian and compassionate grounds (H&C) in Canada. See IP 5.

See procedures for Handling a discontinued or withdrawn undertaking, section 12.

---

## **21. Assessing additional family members**

The information that CPC-M provides to visa offices indicates the maximum number of persons for whom the income test is met. However, family size may decrease or increase after CPC makes its initial assessment. Such a change can affect the LICO a sponsor must meet.

Requests to add-on family members come to the attention of CPC-M or CPC-V either by correspondence from the sponsor, case specific e-mails from a Visa office or Call Centre or as an application to sponsor.

Add-on family members may include:

1. New-borns
2. Family members newly created by IRPA:
  - dependent children 19 to 22 years old
  - common-law partners
3. Family members previously reflected as non-accompanying family members.

The visa office will determine if LICO is still met. If it is met, the visa office will ask CPC-M to have the sponsor add the family member or relative to the undertaking and pay the processing and the right of permanent residence fees.

---

## **22. Change in circumstances**

---

### **22.1. Reassessment of income after giving an undertaking**

R134(2) allows calculation of the sponsor's income if it no longer appears to meet the requirement of R133(1)(j). The new calculation is based on the 12-month period that precedes the day the officer receives the information.

---

### **22.2. When to reassess income**

Income may be reassessed at any time during processing if new information is received or brought to an officer's attention that indicates that the sponsor may no longer meet minimum necessary income requirements.

## IP 2 Processing Applications to Sponsor Members of the Family Class

The table of examples below may help clarify:

**Table 24: Examples**

	<b>Example:</b>
<b>1.</b>	The income test was met with the assistance of a co-signer and information is received indicating that the co-signer is no longer able or willing to provide financial assistance, e.g., a marriage breakdown or the co-signer is now unemployed.
<b>2.</b>	The sponsor submitted a sponsorship application and provided a NOA issued by CRA and it was later established through contacts with the place of employment that the sponsor was no longer employed.

---

### 22.3. Responsibility for assessment and reassessment of sponsor's income

**Overseas sponsorships:** CPC-M should assess and if appropriate reassess the sponsor's income levels and record the information in FOSS.

**In-Canada sponsorships:** CPC-V should reassess the sponsor's income levels and record the information in FOSS. However, if after initial assessment, the case is referred to the local CIC, the CIC should reassess the income, if required.

---

### 22.4. How to calculate the income test

- CPC-M or CPC-V has reason to believe that settlement arrangements are no longer met;
- CPC-M, CPC-V or CIC asks the sponsor to complete a new IMM 1283E;
- CPC-M, CPC-V or CIC calculates the sponsor's minimum necessary income for the 12 months preceding the date on which the income issue was identified;
- CPC-M, CPC-V or CIC updates FOSS; and
- for overseas sponsorships, CPC-M informs the visa office of the results.

---

### 22.5. Refusal after calculation

If the income available is less than the applicable minimum necessary income, a permanent resident visa may not be issued and/or permanent resident status may not be granted R133(1)(j). The application for a permanent resident visa or for permanent resident status is refused under A11(2).

---

## 23. Suspension of processing

If any of the situations noted below occur, processing of the application must be suspended until the matter is concluded, whether at the time of sponsorship application or if such information becomes available at any time during processing.

Reasons for processing to be suspended include:

- citizenship is in the process of being revoked (see section 23.1);
- the resident is subject to an A44(1) report (see section 23.2);

## IP 2 Processing Applications to Sponsor Members of the Family Class

- serious criminal charges have been laid (see section 23.3);
- an appeal of a decision on residency obligations is outstanding.

The eligibility assessment in the sponsorship application asks sponsors and co-signers to declare whether they are subject to any of these bars. If so, and the sponsor submits an application anyway, CPCs will:

- review the information provided by sponsor (or co-signer) on the IMM 1344AE (if the event occurs at the time of the sponsorship application);
- verify FOSS for any relevant information; and
- refer the case to an inland CIC for investigation if necessary.

CPCs should inform the sponsor that the application will be held in abeyance until the matter has been concluded and that the application will be assessed under requirements in effect at that time.

CPC-M will not forward the sponsorship application to the visa office until the matter is concluded.

CPC-V will not begin processing the application by a member of the Spouse or common-law partner in Canada class until the matter is concluded.

If the conclusion is favourable to the sponsor, processing may continue. CPCs should first reassess the sponsor's financial situation which may have changed, to ensure that LICO is still met.

If the conclusion is not favourable, the sponsor is found ineligible and the application is processed accordingly.

---

### 23.1. Citizenship in process of being revoked

If citizenship is in the process of being revoked (see [CP 9]), the sponsorship application should be suspended.

If a decision is made not to revoke citizenship, the person may be eligible to sponsor unless they are subject to other bars. CPC should re-assess LICO at that time.

---

### 23.2. Permanent resident subject to an A44(1) report

Reasons for an A44(1) report on a permanent resident include:

- security grounds, human rights violations, serious criminality, organized crime, misrepresentation (e.g., failing to declare all family members on the application for permanent residence)
- non-compliance with conditions of residency (e.g., entrepreneur)
- non-compliance with residency requirement

If the sponsor becomes the subject of a removal order, the removal order is a bar to sponsorship.

If an officer, either in Canada or at a visa office, uncovers information that could lead to an A44(1) report, the officer should contact CPC-M. Staff there will transfer the sponsorship to an inland CIC for investigation. The inland CIC should keep CPC-M and

## IP 2 Processing Applications to Sponsor Members of the Family Class

the visa office informed of developments on the A44(1) report and make every effort to have a decision on the report rendered as soon as possible.

For more information on A44(1) reports, please see the ENF 5 in the Enforcement Manual.

---

### 23.3. Criminal charges

Sponsors and co-signers are asked on the application to sponsor if they have been charged with a serious offence. If the charges may lead to imprisonment or an A44(1) report, the sponsorship must be held in abeyance until the charges have been dealt with.

The visa office must contact CPC-M if it uncovers information that could lead to serious charges in Canada.

CPC staff will:

- verify FOSS for information on serious criminal charges; and refer to an inland CIC if such information exists.

---

**Note:** CICs should insert information on serious charges against permanent residents into FOSS.

---

CPCs must advise the sponsor that it is the sponsor's responsibility to inform the CIC if charges are dismissed.

If the sponsor is imprisoned or becomes the subject of a removal order, the sponsor is not eligible and has the option of discontinuing (see section 12).

CPCs will transfer the sponsorship to a CIC for investigation. The CIC must keep the visa office informed of developments.

---

## 24. Applications from sponsors in Quebec

The federal sponsorship package for sponsors in Quebec includes information concerning the provincial income test. This allows Quebec sponsors to assess their financial situation and determine whether they meet the income test before applying. In addition to the federal sponsorship and immigration processing fees, they must pay a processing fee to the Quebec government for processing of their undertaking.

Sponsors submit a sponsorship application (IMM 1344AE) to CPC-M with proof of payment of the federal sponsorship and immigration processing fees. They do not complete the Sponsorship Agreement (IMM 1344BE) or the Financial Evaluation (IMM 1283E).

**CPC-M:**

- assesses the sponsor against **federal** sponsorship eligibility requirements;
- if the sponsor meets eligibility requirements, sends a copy of the IMM 1344AE to the Service aux garants, ministère de l'Immigration et des Communautés culturelles (MICC) in Montreal.

**Sponsor:**

- correctly completes, signs and returns a *demande d'engagement* as per instructions received from MICC to the address provided by MICC.

**MICC:**

- verifies settlement arrangements;



## IP 2 Processing Applications to Sponsor Members of the Family Class

- informs the sponsor if the application is approved or refused. If approved, sends the sponsor two copies of the engagement, one with the notation Copie conforme- MICC Sponsor:#, an MICC stamp, and the ministerial decree number of the employee who signed it.

The sponsor sends the copy with the notation and stamp to the sponsored applicant, who attaches it to the application for permanent residence.

A sponsor who does not meet federal criteria has the option of discontinuing, see section 12.

If an ineligible sponsor chooses to continue processing:

- CPC-M forwards the IMM 1344AE to both the MICC and the visa office with an explanatory note. Visa office can refuse without waiting for MICC's input;
- CPC-V refers the application to MICC, and can refuse without waiting for MICC's input.

For more information, see:

- Federal requirements that apply to Quebec sponsors, section 24.1;
- Federal requirements that do not apply to Quebec sponsors, section 24.2;
- Quebec requirements, section 24.3.

---

### 24.1. Federal requirements that apply to Quebec sponsors

A sponsor must meet the requirements set out in R130 as well as those contained in R133, as follows:

- not under a removal order;
- not detained in a penitentiary, jail, reformatory or prison;
- not convicted of a sexual offence or offence involving domestic violence unless five years have elapsed since completion of the sentence or if a rehabilitation or a pardon was not granted at least five years have elapsed since the completion of the sentence;
- not in default of payments of any debt to the government, e.g., transportation loan; and
- not on social assistance, except for reasons of disability.

Processing is suspended if the sponsor is subject to:

- citizenship revocation proceedings;
- an A44(1) report;
- serious criminal charges;
- an appeal of a decision on residency obligations has been made and no final determination has been reached.

## IP 2 Processing Applications to Sponsor Members of the Family Class

If any of these apply, CPCs will follow the procedures under Assessing Bars to Sponsorship, section 14.

Unless the sponsor chooses to discontinue (see section 12),

- CPC-M will inform MICC at the same time as the visa office;
- CPC-V will inform MICC and refuse the application for permanent residence.

---

### 24.2. Federal requirements that do not apply to Quebec sponsors

Federal requirements which do not apply to Quebec sponsors are:

- not bankrupt
- not in default of a previous undertaking
- not in default of court-ordered support payments
- Sponsorship Agreement
- must meet federal minimum necessary income

---

### 24.3. Quebec requirements

Quebec may impose its own requirements on Quebec sponsors, regarding:

- financial test
- decision to include co-signers in income assessment
- duration of undertakings (see section 5.22)
- default
  - ◆ Quebec sponsors in default of a previous undertaking given to Quebec are not barred under federal regulations from sponsoring again in Quebec. However, Quebec will not generally approve an undertaking by a sponsor who has defaulted on a previous undertaking in Quebec.
  - ◆ Persons who defaulted on a previous undertaking given to Quebec are barred from sponsoring again in another province.
  - ◆ The undertaking must be approved by MICC before a visa is issued or permanent residence in Canada granted. If Quebec does not approve the undertaking, the sponsor has the option of discontinuing (see section 12).

---

### 24.4. Applications from sponsors in Quebec - FC Redesign (Spouse, common-law partner, conjugal partner and dependent children)

Both the sponsorship and applications for permanent residence are submitted together to CPC-M.

CPC-M:

- performs the completeness checks on the both applications;

## **IP 2 Processing Applications to Sponsor Members of the Family Class**

- assesses the sponsor's eligibility against federal criteria;
- if application meets federal criteria, notifies MICC of the sponsorship received by a resident of Quebec to initiate the process for the review of provincial eligibility to determine if engagement and CSQ will be issued;
- sends the application for permanent residence to the visa office for processing.

MICC:

- sends the Engagement and the CSQ to to the visa office.

## IP 2 Processing Applications to Sponsor Members of the Family Class

### Appendix A Eligibility check

#### Sponsor

Eligible	Regulation	
Yes____ No____	A13(1), R130(1)	Canadian citizen or permanent resident (includes Quebec sponsors)
Yes____ No____	R130(1)(a)	Is at least 18 years of age (includes Quebec sponsors)
Yes____ No____	R130(1)(b)	Resides in Canada (includes Quebec sponsors) OR
Yes____ No____	R130(2)	Canadian citizen who resides abroad and is sponsoring a spouse, common-law partner, conjugal partner or dependent child who has no dependent child, and who will reside in Canada
Yes____ No____	R130(1)(c)	Has filed a sponsorship application on behalf of a member of one of the family classes
Yes____ No____	R131	Has given an undertaking
Yes____ No____	R132(4)	Has signed an agreement with FC applicant(s) of 22 years or older or with a spouse, common-law partner or conjugal partner of any age
Yes____ No____	R133(1)(b)	Intends to fulfil the obligations in the undertaking
Yes____ No____	R133(1)(c)	Not subject to a removal order (includes Quebec sponsors)
Yes____ No____	R133(1)(d)	Not detained in any penitentiary, jail, reformatory or prison (includes Quebec sponsors)
Yes____ No____	R133(1)(e) and (f) R133(2) R133(3)	Not convicted of a sexual offence or offence involving domestic violence unless five years have elapsed since completion of the sentence or if a rehabilitation or a pardon was not granted unless at least five years have elapsed since the completion of the sentence
Yes____ No____	R133(1)(g)	Not in default of any undertaking or support payments
Yes____ No____	R133(1)(h)	Not in default of any repayment of a debt under the Act (includes Quebec sponsors)

## IP 2 Processing Applications to Sponsor Members of the Family Class

Yes ___ No ___	R133(1)(i)	Not bankrupt
Yes ___ No ___	R130(1)(j), R2	Has minimum necessary income
Yes ___ No ___	R133(1)(k)	Not in receipt of social assistance other than for disability (includes Quebec sponsors)
Yes ___ No ___	R133(5)	Is not an adopted sponsor, and sponsoring natural member of family class after revocation of adoption (includes Quebec sponsors)
Yes ___ No ___	R136(1)(a)	Not subject to citizenship revocation proceedings (includes Quebec sponsors)
Yes ___ No ___	R136(1)(b)	Not subject to an A44(1) report (includes Quebec sponsors)
Yes ___ No ___	R136(1)(c)	Not charged with a serious offence (includes Quebec sponsors)
Yes ___ No ___	A63(4)	No appeal against decision on residency obligations as per A63(4)

### Co-signer, if applicable

Eligible	Regulation	
Yes ___ No ___	R132(5)	Is spouse or common-law partner of sponsor
Yes ___ No ___	R130(1)(a) and (b)	Canadian citizen or permanent resident, at least 18 years of age, residing in Canada
Yes ___ No ___	R132(5)	Has signed the undertaking
Yes ___ No ___	R132(4)	Has signed an agreement with sponsor and FC applicant(s) of 22 years or older
Yes ___ No ___	R133(1)(b)	Intends to fulfil obligations of the undertaking
Yes ___ No ___	R133(1)(c)	Not subject to a removal order (includes Quebec sponsors)
Yes ___ No ___	R133(1)(d)	Not detained in any penitentiary, jail, reformatory or prison (includes Quebec sponsors)
Yes ___ No ___	R133(1)(e) and (f) R133(2) R133(3)	Not convicted of a sexual offence or offence involving domestic violence unless five years have elapsed since completion of the sentence or if a rehabilitation or a pardon was not granted unless at least five years have elapsed since the completion of the sentence

## IP 2 Processing Applications to Sponsor Members of the Family Class

Yes____ No____	R133(1)(g)	Not in default of any undertaking or support payments
Yes____ No____	R133(1)(h)	Not in default of any repayment of a debt under the Act (includes Quebec sponsors)
Yes____ No____	R133(1)(i)	Not bankrupt
Yes____ No____	R133(1)(j), R2	Has minimum necessary income
Yes____ No____	R133(1)(k)	Not in receipt of social assistance other than for disability (includes Quebec sponsors)
Yes____ No____	R133(5)	Is not adopted sponsor, and sponsoring natural member of family class after revocation of adoption (includes Quebec sponsors)
Yes____ No____	R136(1)(a)	Not subject to citizenship revocation proceedings (includes Quebec sponsors)
Yes____ No____	R136(1)(b)	Not subject to an A44(1) report (includes Quebec sponsors)
Yes____ No____	R136(1)(c)	Not charged with a serious offence (includes Quebec sponsors)
Yes____ No____	A63(4)	No appeal against decision on residency obligations

## IP 2 Processing Applications to Sponsor Members of the Family Class

### **Appendix B** Sample letter to provincial/territorial adoption authority to request issuance of the no-objection/no involvement letter or notification of agreement

TITLE OF CONTACT PERSON

PROVINCIAL/TERRITORIAL MINISTRY RESPONSIBLE FOR ADOPTIONS

ADDRESS

We have approved an application to sponsor a member of the family class on behalf of:

Name:

Date of birth:

Country of residence:

Type of adoption: (*Select type of adoption*)

- adopted
- in the process of being adopted in (country of residence)
- named child to be adopted in Canada
- unnamed child from (country of residence) to be adopted in Canada
- an orphan who is the sibling, niece or nephew, or grandchild of the sponsor

Section 117 of the *Immigration and Refugee Protection Regulations*, requires that the province in which the child(ren) will reside issue directly to the visa office one of the documents specified below in accordance with the process being undertaken.

- No-objection/no-involvement letter (for non-Hague adoption cases); or
- Notification of agreement to the adoption proposal (for Hague adoption cases)

The visa office address is:

VISA OFFICE

ADDRESS

FAX NO.

Please indicate in your letter if it is a Hague Convention case or not. We suggest that you send a copy of the letter to the sponsor.

The sponsor's complete address is:

SPONSOR'S NAME

ADDRESS

Thank you for your prompt attention and cooperation in this matter.

Officer

## **IP 2 Processing Applications to Sponsor Members of the Family Class**

Case Processing Centre

Mississauga, Ontario



## IP 2 Processing Applications to Sponsor Members of the Family Class

### Appendix C Sample of sponsorship approval letter for adoption cases from CPC-M to the sponsor

SPONSOR'S NAME

ADDRESS

This letter refers to the application to sponsor a member of the family class you submitted on behalf of the child(ren) you intend to adopt (*or you have adopted. . . indicate type of case*). Details of your application have been forwarded to the following Visa Office:

VISA OFFICE

ADDRESS

In order to satisfy the *Immigration and Refugees Protection Regulations*, we have requested a “no- objection/no-involvement” letter (non-Hague adoption case), or a Notification of Agreement to the adoption proposal (Hague adoption case) from the child welfare authority of your province. The responsible Ministry will issue the appropriate document only after provincial requirements have been met. You will be contacted directly by the provincial authorities should they require additional information.

The approval of your application to sponsor a member of the family class establishes that you are qualified to submit an Application to Sponsor a Member of the Family Class. However, it has no validity under the law until an application is submitted abroad, at which time the sponsorship eligibility can be established. The acceptance of your Application to sponsor a member of the family class is not an indication or guarantee that the child (ren) will be issued a Permanent Resident Visa(s).

Our office distributes the overseas application forms for all visa offices. In the next two weeks, you will be receiving an application kit for your child(ren). The application will contain all necessary instructions to apply for permanent residence to Canada. When you receive the kit you must complete it on the child(ren)'s behalf and send it to the above visa office. For unnamed adoptions, do not submit the application to the visa office until the child is identified. If you do not receive an application for permanent residence within 4 weeks you should contact the Citizenship and Immigration Call Centre at 1-888-242-2100.

The completed application must be submitted to the above visa office within one year from the date on this letter or the sponsorship will be closed. You cannot appeal to the Immigration Appeal Division once the sponsorship is closed.

Please note that you should not go to the country where the child(ren) reside(s) for the purpose of bringing the child(ren) back to Canada until a permanent resident visa has been issued. For your information, a permanent resident visa can only be issued once the medical and adoption requirements have been met. You or the child(ren)'s guardian will be notified by the visa office once the processing is complete and the child(ren) is/are ready to leave for Canada.

As a sponsor you have signed a promise to provide for the lodging, care and support of your relatives in the event that they are unable or unwilling to support themselves.

As indicated on the application to sponsor a member of the family class, the period of responsibility will be for 10 years from the date the child(ren) becomes a permanent resident in Canada, or to age 25, whichever is earlier. For a child who becomes a

## IP 2 Processing Applications to Sponsor Members of the Family Class

premanent resident after the age of 22, the period of responsibility lasts until the child is 25 years of age. Your obligations for the child(ren) during this entire length of time are as follows:

- provide the child(ren) with an adequate place to live
- provide the child(ren) with adequate food, clothing and other living expenses; and
- provide the child(ren) with financial assistance to ensure that they do not require financial support from any federal or provincial assistance program. This includes welfare or social assistance from any Municipal program.

If payments are made to your relative(s) from any federal, provincial or municipal assistance program:

- you have not honoured your obligation as a sponsor. You may have to repay to the government any benefits received by the relative(s) you have sponsored and you will not be allowed to sponsor any other relative(s) to Canada until you have paid your debt.

Normally, this office is not made aware of the progress of applications overseas. Therefore, we will not be in a position to provide you with an update. All future inquiries should be directed to the above visa office.

Please notify this office in writing of any change to your address. Include your client number (indicated at the top right of this letter) with all correspondence. The client number is your personal identification number and provides access to information on your file. For your own protection you should not allow any other person to use this number.

Please retain this letter for your personal records. **THIS IS THE ONLY COPY THAT WILL BE ISSUED TO YOU.**

If you require further assistance, please contact the CIC Call Centre at 1-888-242-2100 and be prepared to quote your client number (indicated at the top right of this letter) and your date of birth. The telephone number can be found in the blue pages of the telephone directory.

Officer

Case Processing Centre

Mississauga, Ontario

## **IP 2 Processing Applications to Sponsor Members of the Family Class**

**Appendix D** List of federal, provincial and territorial contacts for international adoption information

**List of federal, provincial and territorial contacts for international adoptions:**

<http://www.cic.gc.ca/english/sponsor/adopt-3.html>

## IP 2 Processing Applications to Sponsor Members of the Family Class

### Appendix E List of offences under the *Criminal Code* which could equate to offences of a sexual nature and offences concerning violence against a family member

Below is a list of offences to be used as a guideline for offences of a sexual nature and offences concerning violence against a family member.

The regulations must still be applied to the facts in each instance - meaning that the sponsor must not have been convicted of :

- (i) an offence of a sexual nature, or an attempt or a threat to commit such an offence, against any person, or
- (ii) an offence that results in bodily harm, as defined in section 2 of the *Criminal Code*, to any of the following persons or an attempt or a threat to commit such an offence against any of the following persons, namely,
  - (A) a relative of the sponsor, including a dependent child or other family member of the sponsor,
  - (B) a relative of the sponsor's spouse or of the sponsor's common-law partner, including a dependent child or other family member of the sponsor's spouse or of the sponsor's common-law partner, or
  - (C) the conjugal partner of the sponsor or a relative of that conjugal partner, including a dependent child or other family member of that conjugal partner;

The lists below provide examples of offences that might bar a potential sponsor but **this is not an exhaustive list**. The officer must ensure that they fit the offence/situation etc. within the tests and the spirit of R133(1)(e). Should you have concerns about a conviction for an offence not listed or concerns about whether the facts of a case fit within a particular offence, please contact Selection Branch for advice.

#### Offences of a sexual nature under the *Criminal Code*, by section:

- 151 - Sexual interference
- 152 - Invitation to sexual touching
- 153 - Sexual exploitation
- 153.1 - Sexual exploitation of person with disability
- 155 - Incest
- 160(3) - Bestiality in presence of or by child
- 163.1 - Child pornography
- 170 - Parent or guardian procuring sexual activity
- 171 - Householder permitting sexual activity
- 172 - Corrupting children
- 173 - Indecent acts and exposure to children
- 212 - Procuring
- 271 - Sexual assault
- 272 - Sexual assault with a weapon, threats to a third party or causing bodily harm
- 273 - Aggravated sexual assault
- 273.3 - Removal of child from Canada for purpose of sexual act

#### Family Violence

"Family violence" is against the law in Canada and is a term that includes many different forms of abuse that adults or children may experience in their intimate, kinship or dependent relationships".

Although the *Criminal Code* does not have a specific "family violence offence", an abuser can be charged with an applicable offence. For the purposes of immigration, applicable offences include offences that involve **bodily harm or an attempt or threat of bodily harm** against a spouse, common-law partner, conjugal partner, dependent child of the

## IP 2 Processing Applications to Sponsor Members of the Family Class

sponsor or their spouse, common-law partner or conjugal partner, or a relative of any of these persons (i.e., parent, grandparent). “Bodily harm” is defined in section 2 of the *Criminal Code* and means, “any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature”.

### Family violence-type offences under the Criminal Code, by section:

- 215 - Duty of persons to provide necessities
- 218 - Child abandonment
- 219 - Criminal negligence
- 220 - Criminal negligence causing death
- 221 - Causing bodily harm by criminal negligence
- 229 - Murder
- 230 - Murder in commission of offences
- 233 - Infanticide
- 236 - Manslaughter
- 239 - Attempt to commit murder
- 240 - Accessory after fact to murder
- 243 - Concealing body of child
- 244 - Causing bodily harm with intent - firearm
- 244.1 - Causing bodily harm with intent - air gun or pistol
- 245 - Administering noxious thing
- 264 - Criminal harassment (sometimes called “stalking”)
- 264.1 - Uttering threats
- 266 - Assault
- 267 - Assault with a weapon or causing bodily harm
- 268 - Aggravated assault
- 269 - Unlawfully causing bodily harm
- 269.1 - Torture
- 279(1) - Kidnapping
- 279(2) - Forcible confinement
- 280 - Abduction of a person under 16
- 281 - Abduction of a person under 14
- 423 - Intimidation

## IP 2 Processing Applications to Sponsor Members of the Family Class

### Appendix F Low Income Cut-Off and Quebec Income Scale—2005

#### Background

Low income cut-offs (LICOs) are intended to convey the income level at which a family may be in strained circumstances because it has to spend a greater portion of its income on the basics (food, clothing and shelter) than does the average family of similar size. The LICOs vary by family size and by size of community. [Ref.: Low income cut-offs from 1994-2003 and low income measures 1992-2001, Catalogue No. 75F0002MIE2004002 and published by Statistics Canada. ISSN: 1707-2840]

The LICOs are used to establish the minimum necessary income that sponsors must meet in order to satisfy the financial criteria for sponsorship, if they are not exempted from this requirement. The LICOs are updated by applying the Consumer Price Index for the current year to the LICO for the reference year (currently, the reference year is 1992).

In Quebec, the gross annual income required of sponsors to satisfy the basic needs of their own family unit and of the sponsored person and the members of his/her family is also determined according to the Consumer Price Index published by Statistics Canada.

#### Numbers for 2005

LICO levels remain in effect for one year, from February 2 of this year to February 1 of next year. For sponsorship purposes, the minimum necessary income is based on the LICO levels of a household within an urban population of 500,000 or more, regardless of where the sponsor lives.

The figures for Quebec are in effect from January 1 to December 31, 2006 and are different from those that apply elsewhere in Canada.

#### Minimum necessary income, figures in effect until February 1, 2007

Size of Family Unit	Minimum Necessary Income
1 person (sponsor)	\$20,337
2 people	\$25,319
3 people	\$31,126
4 people	\$37,791
5 people	\$42,862
6 people	\$48,341
7 people	\$53,821
Each additional person	\$5,480

#### Gross annual income required of sponsor in Quebec, 2006

Basic Needs of Sponsor and Dependent Persons	
Number of dependent persons	Gross annual income of sponsor*
0	\$19,286
1	\$26,036
2	\$32,144
3	\$36,968

## IP 2 Processing Applications to Sponsor Members of the Family Class

4	\$41,145
The gross annual income required is increased by <b>\$4,176</b> for each additional dependant.	

Basic Needs of Sponsored Persons		
Persons 18 and over	Persons under 18	Annual gross amount required by sponsor*
0	1	\$6,677
0	2	\$10,581
The gross annual income required is increased by <b>\$3,527</b> for each additional person under 18.		
1	0	\$14,108
1	1	\$18,995
1	2	\$21,402
The gross annual income required is increased by <b>\$2,445</b> for each additional person under 18.		
2	0	\$20,687
2	1	\$23,176
2	2	\$25,017
The gross annual income required is increased by <b>\$1,837</b> for each additional person under 18 and by <b>\$6,577</b> for each additional person 18 and over.		

<b>Example:</b> Basic needs of a sponsor: (sponsor, spouse and 2 children under 18) Basic needs of sponsored person: (main sponsored person, spouse, 1 child 18 or over and 2 children under 18)	\$36,968 \$31,594
<b>Income necessary for acceptance of undertaking application</b>	\$68,562

\* **Salaried worker:** gross annual before-tax income; **self-employed worker:** net before-tax business income.