



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# IP 3

## In Canada Processing of Convention Refugees Abroad and Members of the Humanitarian Protected Persons Abroad Classes

Part 3 (Private Sponsorship of Refugees Program)

## IP 3 – In-Canada Processing of Convention Refugees Abroad and Members of the Humanitarian-Protected Persons Abroad Classes – Part 3

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### **Updates to chapter**

**Listing by date:**

**Date: 2011-10-07**

Parts 1, 2, 3 and 4 have been amended to remove all references to Source Country Class.

**Date: 2010-04-30**

Part 3 of the chapter IP 3 has been completely revised and expanded. Previous versions of this chapter should be deleted.

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### 1. What is the Private Sponsorship of Refugees (PSR) Program?

The Private Sponsorship of Refugees (PSR) Program enables Canadians and permanent residents of Canada to sponsor refugees. The Immigration and Refugee Protection Regulations describe three classes of persons who may qualify as refugees for Canada's refugee and humanitarian resettlement program. The classes are the Convention Refugees Abroad Class and the Country of Asylum Class.

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### 2. The objectives of the PSR Program

Each year, millions of people around the world are forced to flee their homelands to escape persecution, war or severe human rights abuses. Often these people are never able to return home.

Groups and individuals can sponsor refugees from abroad who qualify to come to Canada.

Sponsors are responsible for providing financial settlement assistance (except for Joint Assistance Sponsorship cases) for refugees once they arrive in Canada. Sponsors must also provide emotional and significant settlement assistance for the duration of the sponsorship period.

Most sponsorships last for one year, but some refugees may be eligible to receive assistance from their sponsors for a longer period of time.

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#### 2.1. Who can submit a private sponsorship?

The following groups may submit a private sponsorship:

**Sponsorship Agreement Holders (SAHs)** are incorporated organizations that have signed a formal sponsorship agreement with Citizenship and Immigration Canada (CIC). Most current SAHs are religious organizations, ethno cultural groups or other humanitarian organizations.

SAHs, which may be local, regional or national, assume overall responsibility for the management of sponsorships under their agreement. Organizations entering into a sponsorship agreement with CIC, generally submit several refugee sponsorships a year.

**Constituent Groups** are a group of five individuals OR an individual in conjunction with a corporation, unincorporated organization, or association (R138). A SAH can authorize Constituent Groups (CGs) to sponsor under its agreement and provide support to the refugees. Each SAH sets its own criteria for recognizing CGs. CGs are based in the sponsored refugee's expected community of settlement and must have their sponsorship application and settlement plan approved by their SAH before the undertaking is submitted to a Citizenship and Immigration Centre.

**Groups of Five (G5)** are five or more Canadian citizens or permanent residents, who are at least 18 years of age, live in the expected community of settlement and have collectively arranged for the sponsorship of a refugee living abroad. The five individuals act as guarantors that the necessary support will be provided for the full duration of the sponsorship. The group's local Citizenship and Immigration Centre assesses members' individual contributions collectively to the sponsorship, both financial and non-financial, before the sponsorship is approved.

The group's financial commitment must be up to the levels established in the Sponsorship Cost Table (included in the G5 application kit).

**Community Sponsors:** Any organization (for-profit/not-for-profit, incorporated/non-incorporated) located in the community where the refugees are expected to settle can make an organizational commitment to sponsor. Unlike SAHs and their CGs, Community Sponsors are limited to

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submitting two sponsorship undertakings a year and must undergo financial and settlement plan assessments by their local Citizenship and Immigration Centre each time they wish to sponsor. Like G5s, Community Sponsors must demonstrate that the organization is willing and able to commit funds toward the sponsorship in line with the levels established in the Sponsorship Cost Table (included in the Community Sponsors application kit).

A SAH, a CG or a Community Sponsor has the option of formalizing a partnership with an outside party to divide the delivery of settlement assistance and support. Partnerships may be formed with individuals (e.g., a family member of the sponsored refugee living in Canada) or other organizations. The partner—cosponsor—is expected to sign the sponsorship undertaking and assume all responsibilities that were agreed in the settlement plan.

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### **2.2. What are the codes for categories related to the PSR Program?**

#### **CONVENTION REFUGEE ABROAD CLASS**

**CRC** - Convention refugee abroad, with a community sponsorship

**CRS** - Convention refugee abroad, sponsored by a SAH

**CRG** - Convention refugee abroad, sponsored by a group of five

#### **COUNTRY OF ASYLUM CLASS (Resettlement-Asylum)**

**RAC** - Country of Asylum, with a community sponsorship

**RAS** - Country of Asylum, sponsored by a SAH

**RAG** - Country of Asylum, sponsored by a group of five

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## **3. Roles and responsibilities**

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### **3.1. Regional Program Advisor (RPA) Responsibilities**

Regional Program Advisors are responsible for:

- Consultation and communications with NHQ on program delivery and policy interpretation
- Advising local CIC offices on PSR program delivery and policy interpretation and any other federal or provincial policies that officers need to be aware of; addressing operational issues that arise in consultation with local offices and NHQ
- Developing and maintaining relationships with SAHs

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### **3.2. PSR Officer Responsibilities**

Local CIC offices are responsible for:

- Creating the sponsorship file
- Reviewing and assessing the sponsorship application, including the undertaking and settlement plan
- Approving and/or refusing the application based on specific sponsor eligibility criteria (local officers do not make eligibility determinations of refugee applicants)
- Forwarding the application to the appropriate visa office

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- Communicating to the sponsor the decision on the application to sponsor within 30 days. If processing is expected to exceed the service standard, the local office is responsible for providing the sponsor with confirmation of receipt of application and estimated time of completion of processing upon request
- Providing the sponsor with an update on the status of an application upon request
- Monitoring Notice of Arrival Transmissions (NATs) for PSR arrivals and immediately notifying the sponsor of arrival information
- Preparing arrival information and Welcome Package to sponsors (not done in all CICs)
- Issuing Interim Federal Health (IFH) certificates
- Responding to sponsor enquiries
- Maintaining relationship with SAH, CG and other sponsors
- Processing Visa-Office Referred (VOR) and Joint Assistance Sponsorship (JAS) applications
- Mediating between the sponsor and the client in case of a sponsorship breakdown
- Monitoring the sponsors and sponsored refugees to determine if the sponsor is fulfilling its responsibilities (financial and social assistance)

For JAS cases: finding a sponsor upon request by a visa office, conducting intake for client and sponsor, liaising between the Matching Centre and sponsor, notifying sponsor of arrival information, providing Resettlement Assistance Program income support benefits

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### **3.3. Sponsoring Group Responsibilities**

Sponsoring groups agree to provide the refugees with care, lodging, settlement assistance and support for the duration of the sponsorship period. Normally, this is for up to 12 months starting from the refugee's arrival in Canada or until the refugee becomes self-sufficient, whichever comes first. In exceptional circumstances, the visa officer may determine that the refugee requires more time to become established in Canada and will ask the sponsoring group to extend the sponsorship period to a maximum of 36 months. The sponsoring group has the option of refusing the request for an extension of the sponsorship period but risks having the case refused as a result.

Private sponsors normally support the sponsored refugees by:

- providing for the cost of food, rent, household utilities and other day-to-day living expenses
- providing clothing, furniture and other household goods
- locating interpreters, when required
- selecting a family physician and dentist
- assisting with applying for provincial health-care coverage and the IFH Program
- enrolling children in school and adults in language training
- introducing newcomers to people with similar personal interests
- providing orientation with regard to banking services, transportation, etc.



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- helping in the search for employment.

### How much financial support will be required?

The sponsorship application kits provide details of how much financial support is likely to be needed to meet the sponsorship obligations. They also include advice on how to determine whether a group has sufficient funds. Although costs of living vary from centre to centre across the country, the Sponsorship Cost Table and the In-Kind Deduction Table included in the kits can help to estimate the annual settlement cost for sponsoring a refugee or refugee family. One general rule is that sponsors are expected to provide a level of support equal to that of the prevailing rates for social assistance in the expected community of settlement. The sponsoring group may establish a trust fund for the sponsorship, but may not accept or require that a refugee pay to obtain a sponsorship.

The financial support of sponsors is given on the basis of need. Refugees are expected to contribute to their own settlement costs from funds they bring to Canada or earn during their sponsorship period.

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### 3.4. Refugee's Responsibilities

**Application and admissibility requirements:** Refugees must complete the application forms contained in the IMM 6000 and gather all supporting documentation before sending the entire package back to either the visa office (options 1 and 2—see 33.1) or the sponsoring group (option 3—see 33.1). They must provide accurate and complete information about their refugee claim and their circumstances in their country of origin or habitual residence, or country of asylum during their interview. If selected at the interview stage, the refugees must visit a Designated Medical Practitioner (DMP) to receive medical clearance. The visa office will provide applicants with instructions for the medical examination. The refugee applicants must also pass criminality and security checks, and may be required to produce supplemental documentation to finalize these checks.

**Medical costs and costs of travel to Canada:** Refugee applicants are responsible for the medical and travel costs for themselves and all dependent family members.

Two loan options are available to refugees who are unable to cover these costs at the time of application:

1. transportation loan: to cover transportation costs up to and including arrival to final destination in Canada; and
2. admissibility loan: to cover the costs of overseas medical services.

**Settlement responsibilities:** The newcomers are expected to make every effort to become self-sufficient as soon as possible after their arrival. This includes taking advantage of language classes and other settlement services, and actively seeking employment.

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## 4. Communication - CICs, visa offices, sponsors

Effective communication between sponsors, CICs and visa offices is essential to a partnership for private sponsorships. In particular, the regular provision of processing information to sponsors will help ensure that processing problems are resolved quickly and efficiently. CIC NHQ has established communications benchmarks for the in-Canada and overseas processes:

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### 4.1. Designating one contact person per sponsorship

Sponsors should designate one contact person per sponsorship to reduce administration burdens on local CICs and visa offices.

The main contact person should be identified in the sponsorship application submitted to CIC, and should be the **only** person who requests information about the application. The person identified must be a party to the sponsorship, and must be prepared to share information on the file with all other parties to the sponsorship.

While CICs cannot legally refuse to provide information to a party to the sponsorship, they can strongly encourage that a single contact person be identified in the sponsorship application.

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### 4.2. In-Canada processing benchmark

The first communication benchmark is the approval or refusal of the private sponsorship application by the local CIC. This letter should be sent to the sponsor within 30 working days of CIC receiving the sponsorship application. If the local CIC officer is unable to meet this estimated processing timeframe, they should notify the sponsoring group's contact person and indicate approximately how long it will be before the undertaking is processed. This letter will also indicate a link where sponsors can find processing times for their applications overseas.

Refer to Appendix C, Annex 1 for a sample letter for approvals of applications to sponsor.

Refer to Appendix C, Annex 2 for a sample letter for refusals of applications to sponsor.

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### 4.3. Requests for status updates - CAIPS checks

If sponsors have not received an update from the visa office or CIC within 12 months from the sponsorship being approved at the local CIC they may inquire as to the status of the application through their local CIC by using the Status Update Form found at Appendix C, Annex 3.

Included in their request should be:

- the name(s) and date(s) of birth of the refugee applicant(s);
- the file number(s); and
- the nature of their request(s).

CICs should request an update from the visa office upon request from the sponsor:

- only when the average processing time (found at the following address: <http://www.cic.gc.ca/english/information/times/index.asp>) for the visa office has lapsed; and
- when information cannot be obtained from CAIPS.

Local CICs should:

- forward any visa office information to the sponsor immediately; and
- report non-responses for requested information to the Operational Coordination (RIM) Division in International Region at the following e-mail address: Nat-Operational-Coordination-Selection-RIM.

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### 4.4. Visa Office processing benchmark

The following information can be released to the private sponsor without the written consent of the applicant:

- application received date (visa office reporting benchmark #1)
- approximate date of interview (visa office reporting benchmark #1)
- acceptance date (visa office reporting benchmark #2);
- medical decision date;
- refusal date (visa office reporting benchmark #2);
- approximate visa issuance date (visa office reporting benchmark #2);
- departure date.

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### 4.5. Post-selection

Local CIC offices will inform the sponsoring group's contact person as soon as possible upon receipt of a Notification of Arrival (NAT) from CIC National Headquarters.

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### 4.6. Sharing of personal information

Consent is required for the release of any personal information, other than the dates described above. The IMM 6000 application package includes an authority to disclose personal information in part D of Schedule 2 of the IMM 0008. The applicant does not have to indicate the name of the sponsoring group, but only has to check a box indicating that personal information may be released to their sponsoring group.

The officers will indicate in CAIPS if the refugee has consented to the disclosure of their personal information to their sponsoring group. For JAS and Visa Office-Referred cases, the refugee must check the box for potential sponsoring groups before the visa officer can refer the case to the Matching Centre.

To verify if the information can be released to the sponsor, the CIC officer should:

- Check CAIPS notes for an indication of whether the applicant signed the release section of the IMM 0008 form (Schedule 2); and
- If it has not been noted in CAIPS it may be necessary to contact the visa office directly to confirm.

CIC officers must use discretion when releasing information to sponsors. A complete printout of CAIPS notes must NOT be provided to sponsors. If sponsors wish to obtain the entire CAIPS record, you should direct them to write to: Director of ATIP, CIC, 360 Laurier Ave. West, 10th floor, Narono Bldg, Ottawa, ON, K1A 1L1. A \$5.00 processing fee applies and the request must contain the full name, date of birth, overseas file number and visa post name. Each access request must also include a current signed letter of consent from the refugee that designates the sponsor as their representative and grants the sponsor access to their personal information.

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In the absence of a formal Access to Information request, CIC's may provide a summary of information found in the CAIPS notes, except for sensitive:

- medical;
- criminal;
- and security information.

If you are unsure what constitutes personal or sensitive information consult your Access to Information and Privacy officer.

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### 4.7. Request to Add Dependant(s) to a sponsorship undertaking

Sponsors should be aware of all family members, accompanying and not, at the time of the original sponsorship application and include them on the sponsorship undertaking. In the event that a family member must be added to the undertaking after approval, local CIC officers are asked to use the Request to Add Dependant (s) to a Private Sponsorship Undertaking under OYW Provisions (IMM5619) for situations when the principal applicant is already in Canada or the Request to Add Dependant (s) to a Private Sponsorship (IMM5618) for situations when the principal applicant has not yet arrived in Canada. Both these forms are found on the CIC Intranet website. Either of these forms is to be used as an addendum to the original sponsorship undertaking when the PA is a permanent resident of Canada and has submitted an OYW request to CIC. The form is a written assurance that the sponsorship group agrees to fulfill its obligations to all family members being sponsored, whether they accompany the principal applicant to Canada or not.

The following procedures should be followed when using either of the requests to add dependant(s) forms:

1. The visa office and/or sponsor notifies the local CIC of the new family member by e-mail.
2. The local CIC officer sends, either by regular mail or via e-mail, the appropriate request to add dependant (s) form to the SAH/CG/Group of Five main contact.
3. The SAH/CG/Group of Five/Community Sponsor main contact sends the signed form back to the local CIC.
4. The local CIC keeps the form on file with the undertaking.
5. The local CIC notifies the visa office via e-mail to confirm the decision of the sponsor.
6. The local CIC sends a copy of the form to the Matching Centre so that the dependant(s) can be added to RTS.

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## 5. Sponsor Eligibility and Ineligibility

The local CIC is responsible for determining if sponsoring groups are eligible to submit sponsorship undertakings.

The purpose of mandating sponsor eligibility and ineligibility rules is to:

- enhance the administrative mechanisms in place to ensure that sponsors can legitimately provide settlement services,

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- prevent refugees from being placed in a sponsorship that may be dangerous, highly susceptible to default or that may expose the refugee to harmful exploitation, and
- ensure that the privilege of refugee sponsorship is not granted lightly and indiscriminately.

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### **5.1. Sponsor Eligibility**

In order to be ELIGIBLE to participate in the Private Sponsorship of Refugees Program, the sponsor must meet the sponsorship requirements set out in IRPR 153(1). Sponsors must:

- reside in or have a representative in the expected community of resettlement;
- make an application that includes an undertaking and a settlement plan (if applicable); and,
- not be considered in default of a previous sponsorship undertaking.

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### **5.2. What is a representative of a sponsor?**

#### **Principles**

- The sponsor has an option of appointing representatives in the community of settlement (inferred from R153).
- There should always be a “group” of some sort acting on behalf of the sponsor in the community of settlement (inferred from definition of sponsor). Representatives should be authorized to act on behalf of the sponsor.
- There should be some form of monitoring/reporting relationship between the sponsor and its representative.

#### **SAH**

- Is a CG of the SAH (as per SAH Agreement, a group that acts on behalf of the SAH)
- The CG does not necessarily have to have signed the undertaking in order to represent the SAH (if this is the case, only the SAH will be liable if there are problems)
- The CG must have written authorization to act on behalf of the SAH in fulfilling the SAH’s responsibilities for the undertaking
- The CG must be provided with the organizational assistance, advice, information and support from the SAH required to meet the responsibilities of the undertaking
- The CG must be monitored by the SAH relating to their commitments and responsibilities under the undertaking.

#### **G5**

- An individual who has written authorization to act on behalf of the sponsoring group in fulfilling the group’s responsibilities for the undertaking
- The individual reports back to the sponsoring group on the status of the sponsorship and Settlement Plan
- There needs to be at least five people (parties to the sponsorship or their representatives in the community of settlement)

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### Community Sponsor

- Is the equivalent of a CG to a SAH (meets the definition of “group” under the IRPR and acts on the sponsor’s behalf).
- The representative must have written authorization to act on behalf of the community sponsor in fulfilling the community sponsor’s responsibilities for the undertaking
- The representative must be monitored by the community sponsor relating to their commitments and responsibilities under the undertaking.

### Implications

Either the sponsor or its representatives must reside in the expected community of settlement. Therefore, either the SAH or its CG must reside in the expected community of settlement (even if there is also a co-sponsor (for more information on co-sponsorship, see section 38).

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### 5.3. Sponsor Ineligibility

Persons are INELIGIBLE to sponsor if they:

- have been convicted in Canada of the offence of murder or an other offence set out in Schedule I (<http://laws.justice.gc.ca/en/showdoc/cs/C-44.6/sc:1/en#anchors:1>) or Schedule II (<http://laws.justice.gc.ca/en/showdoc/cs/C-44.6/sc:2/en#anchors:2>) to the *Corrections and Conditional Release Act*, regardless of whether it was prosecuted by indictment, if a period of five years has not elapsed since the completion of the person’s sentence imposed under the Criminal Code;
- have been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence referred to in paragraph (a), if a period of five years has not elapsed since the completion of the person’s sentence imposed under a foreign law;
- liable for a sponsorship undertaking that remains in default;
- are in default of any support payment obligations ordered by a court;
- are subject to a removal order;
- are subject to a revocation proceeding under the *Citizenship Act*; and
- are detained in any penitentiary, jail, reformatory or prison.

For sponsors who have been convicted in Canada of murder or an other serious offence, a sponsorship application may not be refused if a pardon has been granted or a final determination of acquittal has been made.

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### 5.4. To whom do the rules apply?

Sponsor eligibility and ineligibility rules apply to ALL PERSONS WHO ARE PARTY to the sponsorship. This is defined by those who SIGN the undertaking and are considered a sponsor. These persons must complete a Sponsor Assessment Form (**see section 31.5 below**).

To clarify, the rules apply to:

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- All members of a Group of Five
- The SAH representative(s) who signs the undertaking
- The Constituent Group representative(s) who signs the undertaking
- The Community Sponsor representative(s) who signs the undertaking
- All co-sponsors who sign the undertaking

Persons who participate in the sponsorship but do not sign the undertaking are not subject to the sponsorship bars and are not required to complete a Sponsor Assessment Form.

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### 5.5. Sponsor Assessment Form

The Sponsor Assessment Form (IMM 5492) found at: <http://www.cic.gc.ca/english/pdf/kits/forms/IMM5492E.PDF> is included in all refugee sponsorship kits. It is a set of questions requiring a “yes” or “no” answer designed to identify those persons who may be ineligible to sponsor refugees.

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### 5.6. Verifying Sponsor Eligibility

The assessment form is the primary means for the local CIC officer to assess the sponsor’s eligibility. Officers are normally expected to accept the self-assessment as submitted. However, the officer is not prevented from exercising his/her discretion in cases where the credibility of the sponsor is in question.

Officers are not responsible for checking the accuracy of information on the Sponsor Assessment Form.

Verification is only conducted under certain circumstances, such as:

- the officer has a strong suspicion that the sponsor lied on the assessment form, or
- a tip is received that claims the sponsor is ineligible to sponsor.

CIC reserves the right to request that prospective sponsors provide official documentation to prove that they are eligible to sponsor refugees.

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### 5.7. Proof of Eligibility

#### **Criminality:**

If the officer requires proof that the sponsor is not ineligible to sponsor due to criminality considerations, the sponsor can be asked to obtain certification from the RCMP or the local police. The sponsor may have to pay a fee for this service.

#### **Default on Support Payment:**

Where CIC has valid reason to doubt a sponsor’s claim to no current default, the sponsor may be asked to provide a letter of no default from the appropriate provincial social services ministry.

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### Removable / Citizenship Revocation:

A FOSS check can be performed on permanent residents and naturalized citizens (post-1975 arrivals) where it is necessary to determine if they are the subject of an active removal order.

If there is a need to determine whether the sponsor is the subject of citizenship revocation proceedings, the local CIC can check with Case Management Branch (BCM) at [Nat-Case-Review@cic.gc.ca](mailto:Nat-Case-Review@cic.gc.ca) since FOSS may not yet capture each revocation case. Again, these checks would only be performed in exceptional cases where there is valid concern about possible misrepresentation.

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### 5.8. Sponsor Found to be Ineligible

#### Confidentiality

Determination of ineligibility can involve information of a confidential and sensitive nature. In such cases, officers are to notify the applicant in a discreet manner of the reason(s) for their ineligibility. CIC is not to disclose this information to another individual without the sponsor's written consent. For example:

- A SAH can be informed that the CG representative is ineligible to sponsor, but CIC cannot disclose the reason.
- The members of a G5 can be informed that one of the members is ineligible to sponsor, but CIC cannot disclose the reason.
- A co-sponsor's reason for ineligibility is not to be shared with the SAH, CG or Community Sponsor representative.
- A sponsor's ineligibility is not to be shared with their family members.

#### Alternative Solution

An application with an ineligible sponsor must be refused. However, in such circumstances, the other parties could be given an opportunity to seek out another sponsor or to amend the undertaking as necessary.

That said, the officer is NOT expected to resolve a failed sponsorship undertaking by recommending alternative arrangements. Sponsors are to take full responsibility for ensuring that they meet regulatory and program requirements. *This is not to say that officers cannot use their discretion in the spirit of cooperation that could lead to positive outcomes.*

*In support of the above statements, Section 153 (1) c, of the regulations clearly states that "a sponsor must **not be** - or include - an individual, a corporation or an unincorporated organization or association that was **a party to a sponsorship in which they defaulted on an undertaking and remain in default**".*

*Section 156 (1) c clearly states that persons are ineligible to be party to a sponsorship if they are "**in default of any support payment obligations ordered by the court**".*

If a co-sponsor is in default, their name MUST be removed from the application, regardless of the type of support they are planning to provide.



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### 6. Application and approval process for becoming a SAH

Organizations must apply to, and be approved by, CIC to become an official SAH. Once approved, SAHs and their Constituent Groups must include a settlement plan with all sponsorship undertakings for the first two years from the date their first SAH Agreement was approved and signed.

When approving applications to become a SAH: CIC, NHQ, will determine the sponsorship limit (number of cases to be sponsored) and the time frame for which the Agreement will be valid for.

The following table describes the application and approval process for becoming a SAH. Once the process is completed, the result is a legally binding contract.

Stage	Description
1	All requests to become a SAH should be forwarded in writing from the interested party to OMC, Integration and Resettlement Program Delivery Division (IRPD), NHQ.
2	Applications and instructions for a Limited Sponsorship Agreement are sent from IRPD to the interested party. <b>Note:</b> Interested parties are advised that a Sponsorship Agreement Holder must be an incorporated organization.
3	OMC reviews the complete application package. The applicant will be required to complete a sponsor assessment form IMM5492 (to determine and ensure they are not barred from sponsoring). If approved, a Limited Sponsorship Agreement is then prepared. If the application is not approved, CIC will inform the applicant and <u>may</u> tell them the reason why they are not approved.  <b>Note: As per IRPR 143, the Minister may enter into an agreement with an organization and he/she does not have to give any reasons for not entering into a Limited Sponsorship Agreement.</b>
4	The Director of the Integration and Resettlement Program Delivery Division, OMC, NHQ, on behalf of the Minister, signs the Sponsorship Agreement.
5	Two signed copies of the Sponsorship Agreement are sent to the organization for signature by the main representative.
6	One copy of the Sponsorship Agreement, with the organization's main representative's signature is then returned to CIC.

### 7. Initial Screening and Assessment of Sponsorship Undertaking/Applications

In the case of SAH-submitted sponsorships, local CIC offices must (i) check against the SAH master list to verify that the group has a valid Agreement with CIC; (ii) verify that the proper representative has signed the Undertaking; and (iii) confirm that the group has not exceeded their sponsorship limit (if applicable). It may be necessary in some cases to contact NHQ-OMC to check further e.g. via the Refugee Tracking System (RTS) when it appears that the SAH may have exceeded their limit. If any of these terms is not met, then the local CIC officer has the right to refuse the undertaking.

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Upon request, local CICs can assist sponsoring groups with their own screening process by reviewing the sponsor’s eligibility criteria in order to identify obvious cases of ineligibility (e.g., a case where an individual is still living in their country of permanent residence ).

This will result in:

- the visa office(s) increasing the acceptance level of their PSR applications; and
- less sponsor frustration.

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**Note:** Visa offices decide if sponsor-referred (named) refugees are eligible for resettlement. A local CIC *cannot* refuse a private sponsorship application if the only concern is that the person being sponsored may appear to be ineligible as a refugee or may be eligible for another program.

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### 7.1. When to expect the IMM008 as part of the Sponsorship Undertaking/Application package:

IF the sponsor...	THEN...
is sending the IMM 0008 application to the applicant (Option 1)	Ensure box on page 1 under “IMM6000 Distribution Options” of the undertaking, IMM 0008 application sent by sponsor, is marked appropriately.
is not submitting or sending the IMM 0008 (Option 2)	The visa officer will send the IMM 0008 to the applicant. Check applicable box on page 1 under “IMM6000 Distribution Options” of the undertaking.
has chosen to submit the IMM 0008 application with the undertaking (Option 3)	<p>1. The officer will review the IMM 0008 application for completeness only. The visa office remains solely responsible for assessing all IMM 0008 applications.</p> <p>A complete IMM 0008 means that:</p> <ul style="list-style-type: none"> <li>• all applicable areas of the IMM 0008 Schedule 1 and Schedule 2 have been filled out;</li> <li>• six photographs have been provided;</li> <li>• supporting documentation has been included; and</li> <li>• the application has been signed by the refugee applicant.</li> </ul> <p>2. Ensure box on page 1 under “IMM6000 Distribution Options” of the undertaking, IMM 0008 application submitted by sponsor, is marked appropriately.</p> <p><b>Note:</b>Incomplete refugee applications must be returned to the sponsor.</p>

### 7.2. Preliminary review of the sponsorship applications

Sponsorship undertakings must be processed according to the date they were received at the local CIC office. Each undertaking is given equal priority whether it is from a SAH, Constituent Group, Group of 5 or Community Sponsor.

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**Note:** Refugee applications classified as urgent or vulnerable could receive priority processing. Local CICs should be prepared to expedite processing of undertakings of urgent and vulnerable refugees to support priority processing operations overseas.

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The first step in the review process is to ensure that:

- the sponsor(s) is/are eligible to sponsor a refugee (refer to Sponsor Eligibility, **Section 31.1 above**);
- the sponsorship undertaking is complete; and
- all required documents have been submitted.

The second step in the review process is to ensure that any family members (accompanying or non-accompanying i.e. living or presumed to be deceased overseas) identified on the PA's IMM 0008 or other documents have also been included in the sponsoring group's undertaking. If such family members are not included on the undertaking, the application should be refused.

Further, in light of CIC's stated objective of family reunification, in cases where the family members' locations are known, concurrent processing is the preferred option. Sponsoring groups are required to make suitable arrangements to facilitate the arrival of the entire family, rather than the PA alone. This includes accompanying family members and non-accompanying family members that could follow under the One Year Window of Opportunity Provision (See Section 41 on OYW).

Interested individuals or family members of refugees ARE NOT representatives (see section 31.2 for further details) of sponsoring groups and cannot be used as such in meeting residency requirements. Therefore, the settlement officer may:

1. Reject the application on the basis that adequate settlement support has not been established in the expected community of settlement as the SAH does not reside there or have a representative in said community (IRPR 154(1)(b)/153(1)(a)).
2. Encourage the sponsor to consider the addition of a co-sponsor or constituent group as a party to the sponsorship so that they may act on behalf of the sponsor. However, the sponsor should also be made aware that a single co-sponsor acting as a representative in the expected community of resettlement may not represent adequate settlement support.

**Community of settlement** means the village, town or city and surrounding areas in which the refugee is expected to settle. Officers should use their discretion in defining the expected community of settlement. The term community is used as there may be situations in which the sponsor does not live directly in the same village, town or city but could be considered to reside in the same community. In determining the community of settlement, the paramount consideration should be the sponsor's ability to provide adequate, in-person support to the refugee, taking into account the distance between the sponsor and the refugee.

One way to determine an acceptable distance is to examine access to public transit or the time required to travel between the sponsor's and the refugee's residence. For example, a settlement plan may indicate that the refugee will be offered housing in Etobicoke while the sponsor resides in downtown Toronto. Given access to public transit in Toronto, both the sponsor and the refugee *may* be defined as residing in the community of resettlement, depending on travel time and the needs of the refugee.

As another example, the refugee may be expected to reside in Biggar, Saskatchewan while the sponsor resides in Rosetown. In this rural situation, Biggar may be considered as "the next town

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over.” The distance between these two towns, 60 kilometres, *may* be viewed as small. However, any final assessment must take into account whether the time required to travel 60 kilometres poses a barrier for the sponsor to provide adequate, in-person support.

In sum, an officer must be satisfied that place of residence will not impede the sponsor’s ability to provide adequate, in-person support to the refugee.

### 7.3. Necessary documentation

The following table lists the documentation that must be submitted in order for a sponsorship undertaking to be considered complete.

<b>Sponsorship Agreement Holders</b>
IMM 5439 Completed and signed Undertaking/Application to Sponsor
IMM 5441 Document Checklist
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship) <i>Check SAH list provided by RHQ to confirm if the designated SAH representative submitted an IMM 5492 to RHQ and to verify that the SAH Agreement is valid. The Agreement could be expired, suspended or cancelled.</i>
**IMM 5440 Settlement Plan (for assessment guidelines, refer to section 34.2)

<b>Constituent Groups</b>
IMM 5439 Completed and signed Undertaking/Application to Sponsor
IMM 5441 Document Checklist
Approval letter from SAH
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship)
**IMM 5440 Settlement Plan (for assessment guidelines, refer to section 35.2)

<b>Groups of Five</b>
IMM 5373 Completed and signed Undertaking/Application to Sponsor
IMM 5373A Settlement Plan and Financial Assessment
IMM 5373B Financial Profile for each group member
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship)
IMM 5437 Document Checklist
Financial documents required by group members: <ul style="list-style-type: none"> <li>• See sections 36.5 – 36.10</li> </ul>
Photocopied proof of identification, either: <ul style="list-style-type: none"> <li>• Permanent resident status (IMM 1000/ IMM 5292) or Permanent Residency Card</li> <li>• Canadian citizenship (birth certificate, passport or citizenship card)</li> </ul>
If applicable (see sections 36.5 – 36.10):

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- Documentation supporting proof of income;
- Corporate donations;
- Money held in trust;
- Membership pages where membership exceeds five, including signatures;
- Additional information the group may wish to submit to further outline settlement arrangements;
- Original letter from third party outlining details of any promise of cash or items.

<b>Community Sponsors</b>
IMM 5514 Completed and signed Undertaking/Application to Sponsor
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship)
IMM 5515 Settlement Plan and Financial Assessment
IMM 5517 Document Checklist
Financial Documentation See sections 37.4 – 37.8
<ul style="list-style-type: none"> <li>• T2 return, if applicable;</li> <li>• income expense statements;</li> <li>• balance sheet;</li> <li>• asset liability statements.</li> </ul>
<b>Co-sponsor Identification</b>
Where an individual is acting as a co-sponsor they require photocopied proof of identification, either:
<ul style="list-style-type: none"> <li>• Permanent resident status (IMM 1000/IMM 5292); or</li> <li>• Canadian citizenship (birth certificate, passport or citizenship card)</li> </ul>
<b>Co-sponsor Financial Documents</b>
<ul style="list-style-type: none"> <li>• Where an <b>individual</b> is acting as a co-sponsor and is providing funds towards the sponsorship they must submit the same documentation as Group of Five members (see above)</li> </ul>

<b>Joint Assistance Sponsorship (JAS)</b>
Note: Only SAHs and their CGs can submit this type of Undertaking/Application
IMM 1324 Completed and signed Undertaking/Application to Sponsor
Approval letter from SAH (only for CGs)
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship) <i>Check SAH list provided by RHQ to confirm if the designated SAH representative submitted an IMM5492 to RHQ and to verify that the SAH Agreement is valid. The Agreement could be expired, suspended or cancelled.</i>
**IMM 5494 Settlement Plan
Copy of JAS profile
IMM 5495 Document Checklist

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Visa Office Referred Cases (VORs)
IMM 5439 Completed and signed Undertaking/Application to Sponsor
IMM 5441 Document Checklist
IMM 5492 Sponsor Assessment Form (from each party to the sponsorship) <i>Check SAH list provided by RHQ to confirm if the designated SAH representative submitted an IMM5492 to RHQ and to verify that the SAH Agreement is valid. The Agreement could be expired, suspended or cancelled.</i>
Approval letter from SAH (Only for CGs)
**IMM 5440 Settlement Plan

All Sponsoring Groups
<p>If applicable, the sponsor, whether it be any of the above noted groups, may provide:</p> <ul style="list-style-type: none"> <li>• documentation supporting that the organization is incorporated;</li> <li>• additional pages where the number of refugees exceeds the space provided on the application;</li> <li>• additional pages for relatives or friends of the named persons living in Canada when it exceeds the space provided on the application;</li> <li>• the completed IMM 0008 application form (including Schedule 1 &amp; 2), and all supporting documentation and photographs;</li> <li>• additional information regarding the eligibility and admissibility of the refugee applicants.</li> </ul>

### 7.4. Missing information

The following table explains what to do when documentation or information is missing from the submitted undertaking/application.

If...	Then...
mandatory information or documentation is missing	contact the sponsor within 30 days of receiving the undertaking/application.
the information missing is minor, such as an address or phone number	<p>obtain the information by telephone and insert it on a <b>copy</b> of the original form. Notate on the copy:</p> <ul style="list-style-type: none"> <li>• time;</li> <li>• date;</li> <li>• officer's initials; and</li> <li>• who provided the missing information</li> <li>• attach this to the original undertaking/application.</li> </ul>
	<b>Note:</b> Do <i>not</i> make changes on the original

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	undertaking/application unless the change is initiated by the sponsor(s). For example, in the case of an additional family member being added under one-year window (OYW).
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**Note:** Missing information may be obtained by fax to start the process when originals are not received upfront. The faxed copy can expedite processing but the application *cannot* be approved until the original document has been received.

**Note:** Supporting Information

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Sponsors are encouraged to provide information to the visa office in support of the refugee applicant's need for protection and resettlement to Canada. A sponsorship rationale section in the undertaking form (e.g. IMM5439 - Section I) provides the opportunity for sponsors to explain why they want to sponsor particular refugees, why resettlement is the only option available to them and why Canada is the most logical choice as a destination. While the completion of the section is optional for sponsors, the section assists sponsors in screening their applications so that they can better determine, to the best of their knowledge, whether the applicant meets one of the refugee definitions. Ultimately, the final decision on whether an applicant is both eligible and admissible rests with the visa officer; however, the information sponsors provide will help inform this decision. Local CICs are instructed to not return or refuse undertakings if this section is left blank.

Examples of information that can assist the visa officer in making a determination on the applicant's need for protection include:

- written accounts from individuals who have fled similar situations;
- recent media reports involving persecution of the applicant's ethnic group;
- reports of government legislation affecting the status of refugees in countries of asylum;
- any other pertinent documents.

Supporting information must be directly relevant to the refugee's need for protection. Sponsors should not submit any information too general in nature that would be easily accessible by the visa office (e.g. general country conditions) or is in any way extraneous to the refugee's situation.

Personal information about the applicant should only be submitted when the sponsor is certain it will not contradict the applicant's story and damage their credibility.

Sponsors are further encouraged to include a copy of their settlement plan (or a summary of the plan) for refugees that might be considered difficult to settle. This is intended to inform the visa office that the sponsors are prepared to cope with special needs.

The submission of supporting information is optional and designed to help show why the person being sponsored is in need of resettlement and what arrangements are being made in Canada to help the refugee settle comfortably.

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### 7.5. Address any concerns

When there is doubt that a sponsoring group can fulfil their obligations:

- contact the group for clarification and/or additional information; and
- if concerns remain, contact RHQ for direction. RHQ may need to alert NHQ-OMC for information and guidance.

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**Example of when an officer would contact RHQ:** the officer's review shows that the SAH is submitting an extremely large number of cases, or there is a previous history of sponsorship defaults and/or breakdowns.

**Note:** Where the group is a CG, also contact the SAH who signed the undertaking.

### 7.6. Creating the sponsorship file once approved

#### Paper file

When a sponsorship application is approved by a local CIC, a file is created by an operational support unit.

The operational support unit date stamps the undertaking indicating when it was received at the CIC and creates a paper file.

A copy of the undertaking is forwarded to the Matching Centre to provide data for the Refugee Tracking System within 2 weeks after the undertaking/application has been approved.

#### Electronic file in FOSS

An electronic file is also created in the Field Operational Support System (FOSS).

## 8. Sponsorship Agreement Holders (SAHs): Assessment of Undertakings

### 8.1. Initial processing

Sponsorship Agreement Holders (SAHs) are established organizations that have signed the Sponsorship Agreement with the Minister of Citizenship and Immigration. SAHs assume overall responsibility and liability for the management of sponsorships under their agreement. Each SAH sets its own criteria for recognizing constituent groups that may sponsor refugees under its agreement.

**See section 33 for further details on initial screening and assessments of sponsorship undertakings/application.**

### 8.2. Settlement Plan assessment for SAHs

A Settlement Plan must be included with all sponsorship undertakings submitted by new SAHs during the first two years of their Agreement with the Minister.

CICs can also request settlement plans for undertakings signed by experienced SAHs (SAHs who are exempt from the requirement to submit settlement plans) if they have concerns that:

- the group has not been providing adequate settlement arrangements (this information may be identified by monitoring, from the local CIC, OMC, from the refugee(s) or social services agencies);
- the quality of the undertaking is poor (incomplete names and addresses indicating a poorly organized sponsorship);
- the quantity of undertakings is very high and raises concerns over whether the SAH has sufficient funds to cover resettlement costs should a large number of cases arrive in Canada over a short period of time.



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When a CIC has a concern with a SAH on one or more of the points listed above, the CIC must advise the SAH in writing with a copy to OMC, NHQ and RHQ. In the letter, the CIC should indicate specific reasons for their concerns by addressing:

- particular sponsorship cases where the quality of the applications was poor; or
- the high volume of cases (listing the number and the amount it would cost in resettlement should all the refugees arrive in Canada); or
- the specific case where monitoring or information gathered from the refugee or social welfare indicated inadequate settlement arrangements.

Once the concerns have been addressed, the CIC must advise the SAH in writing of this and if applicable, that their settlement plans are no longer required by CIC.

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### SAHs with Co-sponsors

When a SAH has a co-sponsor, a settlement plan should be completed even if the SAH is exempt from doing so as the plan will outline the division of responsibilities between the SAH and the co-sponsor. It is in the SAH's best interest to indicate the division of responsibilities in the settlement plan as the settlement plan may form part of the overall approval of the undertaking and is seen as a binding agreement between the SAH and the co-sponsor.

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## 9. Constituent Groups (CGs): Assessment of Undertakings

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### 9.1. Application and approval process for CGs

It is at the discretion of the SAH to decide whether to allow a group to sponsor as a CG under its Agreement. CIC has no agreement with or recognition of any CG, other than through the review and approval of the undertaking(s) submitted.

CGs must apply to a local CIC to have their undertaking(s) approved. The officer reviews the undertaking to determine that the group:

- resides in the expected community of resettlement;
- has not defaulted on a previous undertaking;
- is not ineligible to sponsor refugees.

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**Note:** It is the responsibility of the SAH to verify and ensure the settlement and financial capacity of their CGs.

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### 9.2. Settlement Plan assessment for CGs

#### Requirement Guidelines

A Settlement Plan must be included with all sponsorship undertakings submitted by the constituent groups of SAHs whose Agreement with the Minister is less than two years old.

CICs can also request settlement plans for undertakings signed by the CGs of experienced SAHs (SAHs who are exempt from requirement to submit Settlement Plans) if they have concerns that:

- the quality of the undertaking is poor (incomplete names and addresses indicating a poorly organized sponsorship);

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- the quantity of undertakings is very high and raises concerns over whether the CG has sufficient funds to cover resettlement costs should a large number of cases arrive in Canada over a short period of time.

When a CIC has a concern with a CG on one or more of the points listed above, the CIC must advise the CG in writing with a copy to the SAH and OMC, NHQ. In the letter, the CIC should indicate specific reasons for their concerns by addressing:

- particular sponsorship cases where the quality of the applications was poor; or
- the high volume of cases (listing the number and the amount it would cost in resettlement should all the refugees arrive in Canada); or
- the specific case where monitoring or information gathered from the refugee or social welfare indicated inadequate settlement arrangements.

Once the concerns have been addressed, the CIC must advise the CG and the SAH in writing of this and if applicable, that their settlement plans are no longer required by CIC.

### Role of the SAH regarding their constituent groups

The Constituent Group's SAH is responsible for:

- reviewing and approving all settlement plans submitted by their CGs;
- ensuring the settlement and financial capacity of their CGs. CGs are not generally required to provide CIC with detailed financial statements (unless otherwise requested by the local CIC officer) because the SAH is committed (as per their Agreement with CIC) to providing financial support if the CG is unable to do so.
- approving the overall sponsorship of the refugee case by their CGs; and
- signing each undertaking form of sponsorships submitted by their CGs in the signature box for SAH representative of section K "Declaration by the Sponsorship Group" on the undertaking form IMM5439.

The local CIC office should:

- deem the SAH's signature on the undertaking form as sufficient evidence that the Settlement Plan has been properly assessed and approved by the SAH.

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**Note:** The Settlement Plan will remain on file with the CG and the SAH and will be available to CIC if requested for monitoring purposes.

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### 9.3. SAH representative signature on undertakings submitted by their CGs

Previously, SAHs would send letters of approval to their constituent groups for particular sponsorships. The undertaking form now asks that an authorized SAH representative sign directly on the undertaking form, together with the other required signatures. This is to ensure accountability by all parties to the sponsorship and to ensure that everyone signing is aware of their obligations towards the sponsorship. Seeing as the undertaking form is the legal form that binds all parties together for the sponsorship, the undertaking form should be used as the legal commitment from all parties.

Every CG wishing to submit undertakings for sponsorship must include, with **each undertaking**, the signature of an authorized SAH representative in the appropriate signature box of section K on the undertaking form IMM5439. This signature indicates the SAH's approval of the CG's Settlement Plan and intent to sponsor.

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The signature of the SAH representative on the undertaking form also indicates that the SAH has approved the sponsorship and is willing to accept responsibility in cases of breakdown, default or withdrawal.

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**Note:** An authorized SAH representative is one of the persons on file with CIC as authorized to sign for the SAH and whom have submitted a Sponsor Assessment Form (IMM 5492) that proves them to be eligible for sponsorship.

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**Note:** If there is a question as to the authenticity of a SAH representative signature, officers should contact their RHQ or OMC/NHQ for direction.

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**For more information, please refer to:**

**Section 39 – Approval and Refusal of Undertakings**

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### 10. Groups of Five (G5): Assessment of Undertakings

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#### 10.1. Application and approval process for G5s

A Group of Five is:

- Five or more Canadian citizens or permanent residents, who are at least 18 years of age, who are acting together for the purposes of sponsorship.

In G5 sponsorships, the individuals act as guarantors that the necessary support will be provided for the full duration of the sponsorship. G5s are usually *one time* groups formed in response to special situations that arise.

In order to qualify, all the members of the group must not be in default of any previous refugee sponsorships. As well, the group must collectively prove that they have sufficient financial resources and expertise to support the sponsored refugees and any accompanying family members for the sponsorship period.

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#### 10.2. Residency requirements for Group of Five sponsorships:

Refugee sponsorship residency requirements are set out in the Immigration and Refugee Protection Regulations (IRPR). They stipulate that: “**a sponsor (a) must reside or have representatives in the expected community of settlement**” (R153.1).

In a G5 sponsorship, there must be a minimum of 5 people **in the refugee’s community of resettlement** who are responsible for providing support to the refugee. While it is ideal that all five members of the group reside in the community of resettlement, this may not always be the case. For example, in some cases, G5 applications have 3-4 members who reside in the community while the other 1-2 members reside elsewhere. For those group members who do not reside in the community of resettlement, representatives must be appointed. A representative is someone authorized by the G5 to act on their behalf and who will report back to the group members who signed the undertaking.

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#### 10.3. Settlement plan and financial assessment for G5s

There are two components necessary to approve a G5 undertaking: a settlement plan and financial assessment. Both components need to be completed satisfactorily before approval of the undertaking.

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Unlike SAHs, there is no on-going Agreement between the Minister and G5s. Each undertaking represents a unique contract between the sponsors and CIC that must be assessed on its own merit.

G5s must complete a combined settlement plan/financial assessment form (IMM 5373A). The settlement plan should demonstrate that the G5 has made adequate arrangements both in terms of sufficient financial resources and settlement mechanisms in anticipation of the arrival of the refugee and his/her family. It is preferable that at least three members contribute financially to the sponsorship cost.

Officers will assess financial capabilities based on the combination of any number of financial resources (including personal income, trust funds, in-kind donations, etc.). Individual G5 members may commit any amount of financial resources; some may commit none at all. The sum of these resources should equal at least the amount the refugee and his/her family would receive if on social assistance. When assessing personal income, it is suggested that social assistance rates are also used to assess the ability of the individual G5 member to meet his/her needs.

Like government-assisted refugees, sponsored refugees may work, but are not *expected* to work and support themselves during their first year in Canada. Settlement plans should reflect that resettled refugees must also receive orientation, learn an official language, and begin to adjust to life in Canada during the first year. A settlement plan that relies on the refugee quickly becoming self-sufficient (a) could limit the time available for other settlement activities and (b) is insufficient as there is no guarantee that the refugee will take/obtain the job offered and maintain it once in Canada.

CIC must review and approve settlement plans submitted using the questions below as guidelines.

Subject	Questions
Funding	<p>Does the group have the necessary funds or a clear plan of how to raise funds?</p> <p>Are the funds sufficient for the duration of the sponsorship in accordance with provincial social assistance rates and that of RAP funding provided to Government Assisted Refugees (GARs)?</p> <p>Will the group be able to support the sponsored refugee and his/her family in the event of an emergency?</p> <p>Has the group drawn up a reasonable budget?</p> <p>Does the budget provide the sponsored refugee with some autonomy (i.e. is money for transportation around the city provided)?</p> <p>Is there a back-up plan, such as fundraising, in case circumstances change? It is important to consider whether the funds will still be available should the arrival of the refugee(s) only happen in several years from the time the undertaking is submitted.</p>
Support	<p>Does the group have a clear plan of how to orient and support the applicant throughout the settlement year?</p> <p>Are there plans to use the settlement services provided by settlement agencies (e.g. language training)?</p> <p>Is the sponsoring group aware of these programs? Do they know where to access them or find more information?</p>

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	<p>Will the applicant live in the same community as the sponsoring group?</p> <p>Given the needs of the refugee applicant, are there enough individuals who are willing to provide support?</p> <p>Does everyone signing the undertaking understand their responsibilities?</p> <p>Will all members be making some form of contribution to the sponsorship (be it financial, in-kind, emotional, etc.)?</p> <p>Does the time they plan on providing to the settlement of the refugee seem reasonable?</p> <p>Given other commitments, do they have enough time to commit to the applicant?</p>
Settlement	<p>Does the settlement plan indicate arrangements for:</p> <ul style="list-style-type: none"> <li>• housing; including finding permanent housing</li> <li>• interpreters;</li> <li>• settlement services;</li> <li>• transportation;</li> <li>• health care;</li> <li>• education;</li> <li>• schooling;</li> <li>• dealing with crisis or trauma;</li> <li>• other</li> </ul> <p>Has the group determined if the applicant and relatives have resources and can assist in the resettlement?</p>
In-kind donations	<p>Do the in-kind donations seem reasonable?</p> <p>Are the donations reasonable given the cultural and family characteristics of the sponsored refugee?</p> <p>Is there a back-up plan in case the donations are withdrawn?</p> <p>Does the group explain the donations? For example, what type of apartment will the refugee(s) be provided with?</p>
Responsibility	<p>Who is the group:</p> <ul style="list-style-type: none"> <li>• leader or representative; and</li> <li>• contact person</li> </ul> <p>Who has responsibility for the group?</p> <p>How is responsibility shared among all members of the group?</p>

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### 10.4. Settlement Considerations

Adequate arrangements are not defined in the Immigration and Refugee Protection Regulations.

- (1) The following are only guidelines to assist local officers in their assessment of G5 undertakings. Some cases (i.e. depending on the experience, resources, human capital of members of the G5) may require more or less comprehensive arrangements than others. It is ultimately at the discretion of the local officer to determine, based on the particulars of each case, whether the G5 has made adequate arrangements in anticipation of the arrival of the refugee and his/her family.
- (2) The amount of time required to be considered adequate settlement arrangements should be consistent with the time SPOs spend settling RAP clients
- (3) It is the collective responsibility of the group to demonstrate it can meet these time commitments. Each member need not commit the same amount of time as long as the total time requirement is met. Time commitments can be made by a G5's representative if the G5 member does not live in the community of settlement.
- (4) When assessing a member's ability to commit time to an undertaking, current time commitments (job, family) and time that has been committed to other sponsorships (family class, G5s, SAHs) should be considered.
- (5) The Settlement Plan should demonstrate:
  - a. That the G5 has made appropriate arrangements to refer the refugee to a settlement program in the community of settlement, which includes employment services and language classes. The G5 may provide support in learning the language and finding employment *in addition to* referring the refugee to a settlement program.
  - b. If applicable, that the G5 has found a school in which to register refugee children
  - c. That the G5 is aware of services/support centres for persons dealing with crisis or trauma in the region of settlement and will refer the sponsored refugee to these services if necessary

Also, the following could be included based on feedback

- d. That the G5 has planned (i.e. knows of a health clinic in the area) for all members of the refugee family see a health care worker shortly after arrival and that interpretation services that respect the privacy of these individuals will be arranged
- e. That the G5 has a reasonable plan to find (at minimum) temporary housing for the refugee family upon arrival (i.e. the refugee can stay with a G5 member, funds for a hotel are available) and the G5 will be able to house the refugee family until permanent housing is secured
- f. That the G5 has taken into consideration the transportation needs of the refugee family from the airport and for the transportation of the refugee family to and from health, settlement, language, and employment services

The review of the settlement plan and financial profiles by the local CIC could require changes in order to be approved. Changes may involve:

- increasing the number of individuals providing support;
- increasing financial support and/or in-kind donations;
- more clearly defining the roles and responsibilities of all group members; and/or
- amending the existing plans and preparing a new settlement plan.

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**Note:** Any amendments need to be initialed by all of the signatories of the undertaking.

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### 10.5. Total financial resources required by G5s

If the group has the total amount of the sponsorship covered either through:

- money held in trust; and/or
- value of in-kind donations;

then a financial assessment of the group members' income does not need to be completed.

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### 10.6. Financial considerations for G5s

IRPR (154(1)(a)) states that the G5 must have the financial resources to fulfill the settlement plan for the duration of one year or more.

- There are a variety of ways that sufficient financial resources can be arranged. Any combination of financial resources (personal income, trust funds, in-kind donations, other) are sufficient to meet the financial requirements.
  - Regional social assistance rates can be used to assess the G5 members' ability to support him/her self and family when the member has committed his/her personal income to the undertaking. The G5 member would then require a yearly income equal to the social assistance rate for his/her family size in addition to the amount committed to the undertaking.
  - The G5 as a whole must meet the financial requirement, not each individual member. G5 members may commit different amounts of financial resources (some may commit none at all); the financial requirements are met if, in sum, the group collectively has sufficient financial resources. A member's income need only be assessed if that member has committed his/her personal income to the undertaking.
  - Financial commitments to other sponsorships (family, SAH, G5) should be taken into consideration when assessing whether or not an individual G5 member has the financial resources that they are committing to the new undertaking. Only the amount of resources the individual has previously committed (not the total amount of the undertaking) should be considered.
  - An offer of employment for the sponsored refugee may not be included in the financial assessment of the sponsor. The G5 must demonstrate that it will be able to support the refugee and his/her family for the entire first year.
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### 10.7. Sponsorship Cost Table

- Sponsoring groups will not accept the payment of funds from the refugees for the submission of a sponsorship, either before or after their arrival in Canada. However, the refugee's relatives in Canada may contribute funds to the resettlement.
- Refugees have no legal obligation, and cannot be made to enter into a legal or informal obligation, to prepay or repay their sponsoring groups for lodging, care, and settlement assistance and support. However, the refugee's relatives in Canada may contribute funds to the resettlement.

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- Sponsoring groups are not responsible, unless they have co-signed loans, for any debt that a refugee incurs in Canada.
- Sponsorship Groups are expected to provide the refugees with both financial and settlement support for a period of up to 12 months including the opportunity to attend language training and acquire skills necessary to access employment in Canada. Should the refugee become financially self-sufficient during the 12-month sponsorship period, the sponsoring group is not obligated to provide income support under the terms of the undertaking for the remainder of the sponsorship period. However, the sponsoring group must maintain immediate access to adequate funds for the remaining length of the sponsorship in the event that the refugee ceases to be self-sufficient.
- Sponsored refugees who bring financial resources to Canada should manage their own finances and are expected to contribute to their own settlement costs. Sponsoring groups may expect sponsored refugees to contribute towards their settlement costs according to the same standard established for government-assisted refugees who bring financial resources to Canada. For example, a single sponsored refugee may retain up to a maximum of \$1000 for personal use and a couple may retain up to \$2000 plus \$500 for each additional family member, with the balance of their funds being allocated towards the cost of their settlement. You may refer to *The Guide to the Private Sponsorship of Refugees Program* for further details.

### Cost of Sponsorship

The Group of Five or Community Sponsor can indicate, on their Settlement Plan and Financial Assessment Form, whether or not they have in-kind donations. Having in-kind donations reduces the amount of financial income support required by the group to sponsor a refugee.

The following chart provides an approximate value of in-kind donations. When a group indicates that they have in-kind support to provide the refugee, the value of the total in-kind donations must be subtracted from the total cost of the sponsorship. If the officer has concerns regarding the quality/quantity of the in-kind donations, the officer may require further clarification as to the standard to which the in-kind donations will be provided. For example: shelter must be provided to an equivalent level of what would be provided to an individual or family receiving social assistance.

For shelter costs, the officer can use the actual costs provided by social assistance in the community in which the refugees will reside.

Although the cost of living varies from one region to another, the following table can assist the sponsoring group in estimating the cost involved in sponsoring a refugee family for 12 months. The required financial resources indicated in the Sponsorship Cost Table are roughly equivalent to local social assistance rate figures. The following chart should be used to assess the financial capacity of Groups of Five and Community Sponsors.

### Sponsorship Cost Table

Family Size	12 Months of Income Support	Start-up Costs	Estimated Total Annual Settlement Cost
1	\$9,000	\$2,800	\$11,800
2	\$15,500	\$4,300	\$19,800
3	\$17,700	\$5,300	\$23,000
4	\$20,000	\$6,000	\$26,000
5	\$22,500	\$7,200	\$29,700
6	\$24,500	\$8,000	\$32,500
Additional member	\$1,550	\$1,000	\$2,500



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Income Support can vary depending on ages of various dependents which play a role in determining monthly income support for shelter, food, transportation and incidentals. Start-up costs include: onetime payment for household items, furniture, linens, food staples, clothing & winter clothing, deposit for utilities, phone installation and first month's rent. These are approximate rates only and should be used as a guideline. Contact your local Citizenship and Immigration Centre (CIC) should you be interested in your local Resettlement Assistance Program (RAP) income support rates which are in line with local social assistance rates.

Several factors may reduce the amount of financial support that the sponsoring group must provide. Examples of these factors may include: in-kind donations and financial resources the sponsored refugee brings to Canada. The chart below provides an estimated value for certain in-kind donations.

**In-Kind Deduction Table (\$)**

Family Size	Shelter	Clothing	Furniture	Start-up Costs (Household Needs)	School Start-up Costs	Food Staples
1	\$6,000	\$500	\$1,500	\$325		\$175
2	\$6,000	\$1,000	\$2,000	\$350		\$250
3	\$7,800	\$1,375	\$2,500	\$375		\$325
4	\$7,800	\$1,750	\$3,000	\$400		\$400
5	\$9,600	\$2,125	\$3,500	\$425		\$475
6	\$9,600	\$2,500	\$4,000	\$450		\$550
For additional members, add	\$900	\$375	\$500	\$25	\$150/per child between ages 4-21	\$75

The In-kind Deduction Table is based on annual costs. Start-up costs include: bedding, linens and household items. These are approximate rates only and should be used as a guideline. Contact your local Citizenship and Immigration Centre (CIC) should you be interested in your local Resettlement Assistance Program (RAP) income support rates which are in line with local social assistance rates.

### Start-Up Costs

Sponsoring groups might find it useful for their own planning purposes to be aware of the financial assistance CIC provides to government-assisted refugees in order to cover standard household start-up costs. The following information describes some of the various needs that are considered when CIC establishes the amount for the initial start-up cheque. Individual start-up costs with established maximums:

**Clothing:** a one-time basic clothing allowance is provided.

- \$325 per adult
- \$250 for each additional family member

**Winter Clothing:** winter coat, winter boots, mittens, scarf, snow pants for children, etc.

- \$175 per adult
- \$125 per family member

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**Basic Household Needs Allowance:** Suggested items include: beds, table and chairs, bed linens, basic window coverings and common household products such as kitchen utensils, pots, pans, brooms, mops, detergents and cleansers.

The following maximum allowance rates apply:

- Per single without accompanying dependants \$1,330
- Per single plus one dependant \$2,336
- Per single plus two dependants \$2,662
- Per couple without accompanying dependants \$1,958
- Per couple plus one accompanying dependant \$2,452
- Per couple plus two accompanying dependants \$2,945
- Per couple plus three accompanying dependants \$3,512
- For each additional dependant \$350

**Food Staples:** flour, sugar, rice, spices and condiments, etc.

- \$175 for the first person in each household
- \$75 for each additional dependant (no maximum)

**School Start-Up allowance:** an allowance of \$150 for school-age children and young adults attending K-12, between the ages of 4-21 to defray costs for school supplies, activity fees, gym clothing, etc.

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**Note:** Use this assessment as a **guide only** because there may be other factors affecting how much the individual is actually contributing to the support of these individuals. For example, does the person have a spouse or common-law partner that is also contributing to their financial support?

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### 10.8. Financial profile – G5 member/individual co-sponsor in a community sponsorship

When an individual is using their own income as collateral against the sponsorship, the following should be evaluated:

- the income reflected on the financial documents;
- the additional resources required for the person(s) they wish to sponsor;
- for how many individuals is the person currently the primary source of financial support and how much additional income would the person require, using the Sponsorship Cost Table, to support the sponsored refugee(s).
- other sponsorships the person is currently providing financial support to;
- other sponsorships the person has already committed to provide financial support to and for which the sponsored person(s) have not arrived.
- how much is the person willing to commit to the sponsorship and is this commitment reasonable considering their income, number of individuals they are currently supporting and other sponsorship commitments.

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**Note:** Each member undergoing a financial assessment must demonstrate the financial capacity to provide for all those persons he/she currently supports. When assessing the size of the members' family, include all children of whom the person has whole or joint custody, or makes payments to

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support; all persons for whom a Family Class undertaking is still valid; and the persons' spouse *if* they support him/her financially. If the member of the G5 states that his/her spouse is not financially dependent on the G5 member, the officer may request information or documentation necessary to be satisfied that this is in fact the case.

In addition, the G5 member's income must be sufficient to meet the needs of any previous commitments to still-valid refugee sponsorships. A G5 member's previous refugee sponsorship undertakings should be assessed based on the commitment the individual made to the other sponsoring group(s). For example, if the G5 member has pledged \$2000 of his/her income to another G5 sponsorship, their income being currently being assessed must be sufficient to meet their pledge to the new sponsorship, in addition to the needs of all those he/she currently supports and the previous commitment of \$2,000.

The following procedure is to be employed with some discretion and will help assess a G5's financial capacity.

Step	Action
1	Compare the taxable income per the notice of assessment and earned income as stated on the T4 with the income shown in box 7(A), to ensure these amounts are reasonably consistent.
2	Schedule an interview when a significant disparity between the amounts occurs, to find out <ul style="list-style-type: none"> <li>• why, and</li> <li>• what the impact will be on the ability to sponsor.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Verify which members are contributing financially to the sponsorship. Verify whether these persons have enough income in order to fulfill their commitment.</li> <li>• Members need not contribute equally, so long as the total monies available are sufficient to support the refugee(s); and</li> </ul> <p><b>Note:</b> If the spouse or common-law partner is part of the G5 and either spouse/partner is contributing their personal income, the combined income of the family should be assessed in light of all still-valid Family Class undertakings either spouse/partner has made or co-signed; the pledges made to other still-valid G5 sponsorships by either spouse/partner; and the financial commitment made to the current G5 sponsorship by either spouse/partner. If the spouse or common-law partner has not signed the undertaking, their income should not be used to assess the financial capacity of the sponsor.</p>

#### 10.9. Proof of income and documentation required for G5s

The following table explains what documentation is required under specific situations.

When...	Then...
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<p>the group has funds set aside for sponsorship</p>	<ul style="list-style-type: none"> <li>• the money should be in a bank account or trust fund under the name of the group members and requiring the signature of at least two members of the sponsoring group, and</li> <li>• proof of the bank account must accompany the undertaking to sponsor.</li> </ul> <p><b>Note:</b> A G5 may establish a trust fund. A donor to the trust fund can be an individual, a group or an organization but must not include the PSR or funds acquired from the PSR. The individual rights and obligations of the sponsor, trustee and donor are set out in three different sources: provincial law, common law principles with respect to the law of trusts and the trust deed, which is drafted by the donor to establish the terms of the trust.</p> <p>It is the responsibility of the sponsor to ensure that the terms of the trust fund, including the respective rights and obligations, conform to the laws of the province in which the deed is registered.</p> <p>The trust deed must clearly outline the terms of the trust fund which include the identity of the beneficiary, when and how funds will be disbursed and the outcome of the funds should the beneficiary not arrive in Canada. The deed should also stipulate whether the trust fund is for a specific PSR or whether it is a general charitable trust fund for the sponsorship of any PSR.</p> <p>In the event that the refugee is not accepted for resettlement in Canada, funds held in trust for the sponsorship of that refugee, including all accumulated interest, must be returned to the donor.</p>
<p>using the income from group members</p>	<ul style="list-style-type: none"> <li>• copy of most recent T4 or Notice of Assessment (from the Canada Revenue Agency)</li> <li>• for employment period not covered by T4 or Notice of Assessment (see above), provide an original letter from current employer stating period of employment, salary and regular hours per week or proof of annotated cheque stubs from employer confirming details of the financial profile</li> <li>• if self-employed, a letter from an accountant confirming annual income or T1</li> <li>• employment insurance pay stubs</li> <li>• statement of rental income; income earned and declared to the Canada Revenue Agency for rental property</li> </ul>

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	<ul style="list-style-type: none"> <li>• statement of maternity/disability/parental/sickness benefits and possible date of return to work</li> <li>• statement of pension income: from Old Age Security, Canada/Quebec Pension Plan, other pensions, superannuation and annuity payments from Canadian sources. Must not include Guaranteed Income Supplement (GIS) payments</li> <li>• statement of investment income: income report to Canada Revenue Agency from dividend payments, interest, stocks, bonds, other investments and interest on savings deposits.</li> </ul>
self-employed member	<p>The following is required:</p> <ul style="list-style-type: none"> <li>• a letter from an accountant verifying income; or</li> <li>• T1; and</li> <li>• proof of other sources of income such as: <ul style="list-style-type: none"> <li>◆ pension, or</li> <li>◆ investment income.</li> </ul> </li> </ul>
corporate financial support	<p>When a corporation is providing funds to support the sponsorship undertaking, the group must provide proof of the funding.</p> <p>Acceptable proof includes:</p> <ul style="list-style-type: none"> <li>• promissory notes of cash signed by the authorized representative of the corporation or the corporation's bank</li> <li>• copies of a recent, audited financial statement for the corporation, and/or</li> <li>• letters from a registered Canadian financial institution, confirming that sufficient funds are held in an account.</li> </ul> <p>Financial statements including:</p> <ul style="list-style-type: none"> <li>• T2 return</li> <li>• income expense statements</li> <li>• balance sheet</li> <li>• asset liability statements</li> </ul>

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### 10.10. Misleading or Falsified Documents

Sponsors, who knowingly misrepresent, withhold material facts, communicate false information or engage in counselling misrepresentation related to their application can be charged under IRPA (A127-128).

Possible instances of fraud in an application for sponsorship include falsifying signatures of group members, misrepresenting income, or failing to disclose involvement in other sponsorships.

Procedures relating to the screening and detection of fraud in immigration are contained in IP11 (cross-listed as OP23). Complete procedures, including first- and second-level verifications are contained in Section 7. These documents are not posted publicly but can be accessed using the CIC intranet.

In summary, suspicions of organized fraud must be well documented and reported to the appropriate authorities. For instances within Canada, this will involve the local Canada Border Services Agency (CBSA) intelligence or enforcement office, which will inform NHQ and the RCMP for possible further investigations (OP23/IP11 2006: 10).

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**Note:** OP23/IP11 states the procedures for the detection of fraud are not to be made public.

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### 10.11. Re-submission of G5 applications

The regulations do not provide a minimum time that must elapse between refusal and re-submission of an application. Sponsors are eligible to resubmit an application as soon as they wish following refusal.

The regulations do, however, require that all submitted, completed applications be assessed. This includes situations where the composition of the group has changed from previous applications. While a change in group membership in itself may not be significant, if the change improves the ability of the group to meet financial and settlement criteria, the change in group membership will have a significant bearing on assessment.

Local CIC officers must provide reasons for the refusal of an application. One reason can be that a G5 member was ineligible to sponsor. The G5 should not be informed of the specific reason why one member was ineligible. By informing the G5 that a member was ineligible, that is providing the reason for refusal.

Then, if a sponsor chooses to resubmit, the officer need only examine that the deficient criteria have been addressed.

### 10.12. Authority to Refuse G5s

The IRPR state that an officer must approve an undertaking if:

- (a) the G5 has the financial resources to fulfill the settlement plan for the duration of the undertaking (1 year) (154(1)(a))
- (b) the G5 has made adequate arrangements in anticipation of the arrival of the foreign national and their family members (154(1)(b))

The IRPR (155) state that an officer may revoke an approval if:

- (a) it is determined that the G5 no longer meets criteria set out in IRPR 154 (financial and settlement plan assessment)

An officer may refuse a G5's undertaking if:

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- (a) The group does not consist of a minimum of five Canadians or permanent residents over 18 acting to sponsor a refugee (IRPR 138)
- (b) The group has not demonstrated sufficient financial resources to fulfill the settlement plan (IRPR 154(1))
- (c) The group has not demonstrated adequate arrangements for the arrival of the refugee (IRPR 154(1))
- (d) The group members do not live or have representatives in the expected community of settlement (IRPR 153(1)(a))
- (e) The group has not submitted a complete application that includes a settlement plan and an undertaking (IRPR 153(1)(b))
- (f) The group, or members of the group, remain in default from a previous private-sponsorship undertaking (IRPR 153(1)(c)).
- (g) Any parties to the group are ineligible on grounds contained in IRPR 156 (criminality, in default of support payment obligations, subject to a removal order, subject to a revocation proceeding under the Citizenship Act, any person who is detained in a correctional facility).

An officer may revoke an approval if, at any time, the officer determines the G5 no longer meets the criteria related to the financial and settlement plan or eligibility (IRPR 154, 156).

Participation in multiple sponsorships is not grounds for refusal. However, participation in multiple sponsorships may affect the ability of a party of the group to demonstrate sufficient financial resources and adequate settlement support. Such situations are left to the discretion of the officer (see section 36.4 Settlement Considerations)

Refer to Appendix C, Annex 2 for a sample letter of refusal of application to sponsor.

Refer to Appendix C, Annex 4 for sample letter for missing documents for G5 applications.

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### **11. Community Sponsors (CS): Assessment of Undertakings**

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#### **11.1. Application and approval process for community sponsors**

A community sponsor may be:

- an unincorporated organization or association; or
- a corporation under federal or provincial law.

Community sponsors must apply to a local CIC to become a sponsoring group. The immigration officer reviews the following information from the organization and, if applicable, their co-sponsor.

A community sponsor must:

- reside in expected community of resettlement;
- have not defaulted on a previous undertaking, and be not barred from sponsorship;
- have not submitted more than two undertakings in any one year period, unless the sponsorship would break up a family unit. This means that special consideration can be given should the “third” undertaking be submitted as part of a family unit that corresponds to a previously submitted undertaking;
- have made adequate arrangements in anticipation of the arrival of the sponsored refugee(s); and

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- have the financial resources to fulfil the settlement plan for the duration of the sponsorship undertaking.

### 11.2. Assessing community sponsor organizations

Community sponsors are limited in the number of sponsorships they can submit per year. Therefore, most organizations will be able to meet the financial criteria quite easily. To do an assessment of the organization, the officer should review the following questions in the chart below:

How long has the organization been established?	The longer an organization has been established, the more likely it is to be sustainable.
How many people are in the organization?	Larger organizations can often financially support themselves better due to membership fees, charitable donations from members or financial contributions they receive.  More weight should be given to a branch office of a larger organization that has approval from their head office. Should the branch office be in financial difficulty, there is likely support from a larger umbrella organization
Are financial documents available?	The organization should provide proof of their income and the amount that they will commit to the sponsorship (Section E of the Settlement Plan and Financial Assessment). If the amount that they are willing to commit, combined with any co-sponsor commitments, funds in trust, in-kind donations seems reasonable, the financial portion of the application may be approved.
Solvency	If the local CIC officer has any question as to the solvency of the organization, the question(s) should be referred to RHQ

### 11.3. Settlement Plan and Financial Assessment for Community Sponsors

Unlike SAHs, there is no on-going agreement between the Minister and CSs. Each undertaking represents a unique contract between the sponsors and CIC that must be assessed on its own merit.

CSs must complete a combined Settlement Plan/Financial Assessment Form (IMM 5515). The settlement plan should demonstrate that the CS has made adequate arrangements both in terms of sufficient financial resources and settlement mechanisms in anticipation of the arrival of the refugee and his/her family.

CIC must review and approve settlement plans submitted using the questions below as guidelines.

Subject	Questions
Funding	Does the group have the necessary funds or a clear plan of how to raise funds?  Are the funds sufficient for the duration of the sponsorship in accordance with provincial social assistance rates and that of



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	<p>RAP funding provided to Government Assisted Refugees (GARs)?</p> <p>Will the group be able to support the sponsored refugee and his/her family in the event of an emergency?</p> <p>Has the group drawn up a reasonable budget?</p> <p>Does the budget provide the sponsored refugee with some autonomy (i.e. is money for transportation around the city provided)?</p> <p>Is there a back-up plan, such as fundraising, in case circumstances change?</p>
Support	<p>Does the group have a clear plan of how to orient and support the applicant throughout the settlement year?</p> <p>Are there plans to use the settlement services provided by settlement agencies (e.g. language training)? Is the sponsoring group aware of these programs? Do they know where to access them or find more information?</p> <p>Will the applicant live in the same community as the sponsoring group?</p> <p>Given the needs of the refugee applicant, are there enough individuals who are willing to provide support?</p> <p>Does everyone signing the undertaking understand their responsibilities?</p> <p>Will all members be making some form of contribution to the sponsorship (be it financial, in-kind, emotional, etc.)?</p> <p>Does the time they plan on providing to the settlement of the refugee seem reasonable?</p> <p>Given other commitments, do they have enough time to commit to the applicant?</p>
Settlement	<p>Does the settlement plan indicate arrangements for:</p> <ul style="list-style-type: none"> <li>• housing; including finding permanent housing</li> <li>• interpreters;</li> <li>• settlement services;</li> <li>• transportation;</li> <li>• health care;</li> <li>• education;</li> <li>• schooling;</li> <li>• dealing with crisis or trauma;</li> <li>• other</li> </ul> <p>Has the group determined if the applicant and relatives have resources and can assist in the resettlement?</p>

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In-kind donations	<p>Do the in-kind donations seem reasonable?</p> <p>Are the donations reasonable given the cultural and family characteristics of the sponsored refugee?</p> <p>Is there a back-up plan in case the donations are withdrawn?</p> <p>Does the group explain the donations? For example, what type of apartment will the refugee(s) be provided with?</p>
Responsibility	<p>Who is the group:</p> <ul style="list-style-type: none"> <li>• leader or representative; and</li> <li>• contact person</li> </ul> <p>Who has responsibility for the group?</p> <p>How is responsibility shared among all members of the group?</p>

It is important that members of the sponsoring group understand their responsibilities and have the financial and non-financial resources available to support the sponsored refugee and his/her family. The review of the settlement plan and financial profiles by the local CIC could require changes in order to be approved. Changes may involve:

- increasing the number of individuals providing support; and/or
- increasing financial support and/or in-kind donations; and/or
- more clearly defining the roles and responsibilities of all group members; and/or
- amending the existing plans and preparing a new settlement plan or.

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**Note:** Any amendments need to be initialed by all of the signatories of the undertaking.

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#### 11.4. Total financial resources required by community sponsors

If the group has the total amount of the sponsorship covered either through:

- money held in trust; and/or
- value of in-kind donations;

financial assessment of the group members' income does not need to be completed.

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#### 11.5. Sponsorship Cost Table

- Sponsoring groups will not accept the payment of funds from the refugees for the submission of a sponsorship, either before or after their arrival in Canada. However, the refugee's relatives in Canada may contribute funds to the resettlement.
- Refugees have no legal obligation, and cannot be made to enter into a legal or informal obligation, to prepay or repay their sponsoring groups for lodging, care, and settlement assistance and support. However, the refugee's relatives in Canada may contribute funds to the resettlement.
- Sponsoring groups are not responsible, unless they have co-signed loans, for any debt that a refugee incurs in Canada.

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- Sponsorship Groups are expected to provide the refugees with both financial and settlement support for a period of up to 12 months including the opportunity to attend English language training and acquire skills necessary to access employment in Canada. Should the refugee become financially self-sufficient during the 12-month sponsorship period, the sponsoring group is not obligated to provide income support under the terms of the undertaking for the remainder of the sponsorship period. However, the sponsoring group must maintain immediate access to adequate funds for the remaining length of the sponsorship in the event that the refugee ceases to be self-sufficient.
- Sponsored refugees who bring financial resources to Canada should manage their own finances and are expected to contribute to their own settlement costs. Sponsoring groups may expect sponsored refugees to contribute towards their settlement costs according to the same standard established for government-assisted refugees who bring financial resources to Canada. For example, a single sponsored refugee may retain up to a maximum of \$1000 for personal use and a couple may retain up to \$2000 plus \$500 for each additional family member, with the balance of their funds being allocated towards the cost of their settlement. You may refer to *The Guide to the Private Sponsorship of Refugees Program* for further details.

### Cost of Sponsorship

The Group of Five or Community Sponsor can indicate, on their Settlement Plan and Financial Assessment Form, whether or not they have in-kind donations. Having in-kind donations reduces the amount of financial income support required by the group to sponsor a refugee.

The following chart provides an approximate value of in-kind donations. When a group indicates that they have in-kind support to provide the refugee, the value of the total in-kind donations must be subtracted from the total cost of the sponsorship (see Sponsorship Cost Table below). If the officer has concerns regarding the quality/quantity of the in-kind donations, the officer may require further clarification as to the standard to which the in-kind donations will be provided. For example: shelter must be provided to an equivalent level of what would be provided to an individual or family receiving social assistance.

For shelter costs, the officer can use the actual costs provided by social assistance in the community in which the refugees will reside.

Although the cost of living varies from one region to another, the following table can assist the sponsoring group in estimating the cost involved in sponsoring a refugee family for 12 months. The required financial resources indicated in the Sponsorship Cost Table are roughly equivalent to local social assistance rate figures.

### Sponsorship Cost Table

The following charts should be used to assess the financial capacity of Groups of Five and Community Sponsors.

Family Size	12 Months of Income Support	Start-up Costs	Estimated Total Annual Settlement Cost
1	\$9,000	\$2,800	\$11,800
2	\$15,500	\$4,300	\$19,800
3	\$17,700	\$5,300	\$23,000
4	\$20,000	\$6,000	\$26,000
5	\$22,500	\$7,200	\$29,700
6	\$24,500	\$8,000	\$32,500
Additional member	\$1,550	\$1,000	\$2,500

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Income Support can vary depending on ages of various dependents which play a role in determining monthly income support for shelter, food, transportation and incidentals. Start-up costs include: one time payment for household items, furniture, linens, food staples, clothing & winter clothing, deposit for utilities, phone installation and first month's rent. These are approximate rates only and should be used as a guideline. Contact your local Citizenship and Immigration Centre (CIC) should you be interested in your local Resettlement Assistance Program (RAP) income support rates which are in line with local social assistance rates.

Several factors may reduce the amount of financial support that the sponsoring group must provide. Examples of these factors may include: in-kind donations and financial resources the sponsored refugee brings to Canada. The chart below provides an estimated value for certain in-kind donations.

**In-Kind Deduction Table (\$)**

Family Size	Shelter	Clothing	Furniture	Start-up Costs (Household Needs)	School Start-up Costs	Food Staples
1	\$6,000	\$500	\$1,500	\$325		\$175
2	\$6,000	\$1,000	\$2,000	\$350		\$250
3	\$7,800	\$1,375	\$2,500	\$375		\$325
4	\$7,800	\$1,750	\$3,000	\$400		\$400
5	\$9,600	\$2,125	\$3,500	\$425		\$475
6	\$9,600	\$2,500	\$4,000	\$450		\$550
For additional member, add	\$900	\$375	\$500	\$25	\$150/per child between ages 4-21	\$75

The In-kind Deduction Table is based on annual costs. Start-up Costs include: bedding, linens and household items. These are approximate rates only and should be used as a guideline. Contact your local Citizenship and Immigration Centre (CIC) should you be interested in your local Resettlement Assistance Program (RAP) income support rates which are in line with local social assistance rates.

### Start-Up Costs

Sponsoring groups might find it useful for their own planning purposes to be aware of the financial assistance Citizenship and Immigration Canada (CIC) provides to government-assisted refugees in order to cover standard household start-up costs. The following information describes some of the various needs that are considered when CIC establishes the amount for the initial start-up cheque. Individual start-up costs with established maximums:

**Clothing:** a one-time basic clothing allowance is provided.

- \$325 per adult
- \$250 per dependent child

**Winter Clothing:** winter coat, winter boots, mittens, scarf, snow pants for children, etc.

- \$175 per adult
- \$125 per dependent child

**Basic Household Needs Allowance:** Suggested items include: beds, table and chairs, bed linens, basic window coverings and common household products such as kitchen utensils, pots, pans, brooms, mops, detergents and cleansers.

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The following maximum allowance rates apply:

- Per single without accompanying dependants \$1,330
- Per single plus one dependant \$2,336
- Per single plus two dependants \$2,662
- Per couple without accompanying dependants \$1,958
- Per couple plus one accompanying dependant \$2,452
- Per couple plus two accompanying dependants \$2,945
- Per couple plus three accompanying dependants \$3,512
- For each additional dependant \$350

**Food Staples:** flour, sugar, rice, spices and condiments, etc.

- \$175 for the first person in each household
- \$75 for each additional dependant (no maximum)

**School Start-Up allowance:** an allowance of \$150 for school-age children and young adults attending K-13, between the ages of 4-21 to defray costs for school supplies, activity fees, gym clothing, etc.

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**Note:** Use this assessment as a **guide only** because there may be other factors affecting how much the individual is actually contributing to the support of these individuals, such as, does the person have a spouse or common-law partner that is also contributing to their financial support.

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### 11.6. Financial profile – individual co-sponsor in a community sponsorship

Approval by the local CIC is required to determine if the community sponsorship has the financial and settlement capacity to sponsor. Financial statements must be submitted to CIC.

When an individual is using his/her own income as collateral against the sponsorship, the following should be evaluated:

- the income reflected on the financial documents;
- the additional resources required for the person(s) they wish to sponsor;
- for how many individuals is the person currently the primary source of financial support and how much additional income would the person require, using the Sponsorship Cost Table, to support the sponsored refugee(s).
- other sponsorships the person is currently providing financial support to;
- other sponsorships the person has already committed to provide financial support to and for which the sponsored person(s) have not arrived.
- how much is the person willing to commit to the sponsorship and is this commitment reasonable considering their income, number of individuals they are currently supporting and other sponsorship commitments.

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**Note:** Each member undergoing a financial assessment must demonstrate the financial capacity to provide for all those persons he/she currently supports. When assessing the size of the members'

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family, include all children of whom the person has whole or joint custody, or makes payments to support; all persons for whom a Family Class undertaking is still valid; and the persons' spouse *if* they support him/her financially. If the member of the CS states that his/her spouse is not financially dependent on the CS member, the officer may request information or documentation necessary to be satisfied that this is in fact the case.

In addition, the CS member's income must be sufficient to meet the needs of any previous commitments to still-valid refugee sponsorships. A CS member's previous refugee sponsorship undertakings should be assessed based on the commitment the individual made to the other sponsoring group(s). For example, if the CS member has pledged \$2000 of his/her income to another CS sponsorship, their income being currently being assessed must be sufficient to meet their pledge to the new sponsorship, in addition to the needs of all those he/she currently supports and the previous commitment of \$2000.

The following procedure is to be employed with some discretion and will help assess a community sponsor's financial capacity.

Step	Action
1	Compare the taxable income per the notice of assessment and earned income as stated on the T4 with the income shown in box 7(A), to ensure these amounts are reasonably consistent.
2	An interview when a significant disparity between the amounts occurs, to find out <ul style="list-style-type: none"> <li>• why, and</li> <li>• what the impact will be on the ability to sponsor.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Verify which members are contributing financially to the sponsorship. Verify whether these persons have enough income in order to fulfill their commitment.</li> <li>• Members need not contribute equally, so long as the total monies available are sufficient to support the refugee(s); and</li> </ul> <p><b>Note:</b> If the spouse or common-law partner is part of the CS and either spouse/partner is contributing their personal income, the combined income of the family should be assessed in light of all still-valid Family Class undertakings either spouse/partner has made or co-signed; the pledges made to other still-valid CS sponsorships by either spouse/partner; and the financial commitment made to the current CS sponsorship by either spouse/partner. If the spouse or common-law partner has not signed the undertaking, their income should not be used to assess the financial capacity of the sponsor.</p>

### 11.7. Proof of income and documentation required for community sponsors

The following table explains what documentation is required under specific situations.

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When...	Then...
<p>the group has funds set aside for sponsorship</p>	<ul style="list-style-type: none"> <li>• the money should be in a bank account or trust fund under the name of the group members and requiring the signature of at least two members of the sponsoring group, and</li> <li>• proof of the bank account must accompany the undertaking to sponsor.</li> </ul>
	<p><b>Note:</b> A CS may establish a trust fund. A donor to the trust fund can be an individual, a group or an organization but must not include the PSR or funds acquired from the PSR. The individual rights and obligations of the sponsor, trustee and donor are set out in three different sources: provincial law, common law principles with respect to the law of trusts and the trust deed, which is drafted by the donor to establish the terms of the trust.</p>
	<p>It is the responsibility of the sponsor to ensure that the terms of the trust fund, including the respective rights and obligations, conform to the laws of the province in which the deed is registered.</p> <p>The trust deed must clearly outline the terms of the trust fund which include the identity of the beneficiary, when and how funds will be disbursed and the outcome of the funds should the beneficiary not arrive in Canada. The deed should also stipulate whether the trust fund is for a specific PSR or whether it is a general charitable trust fund for the sponsorship of any PSR.</p> <p>In the event that the refugee is not accepted for resettlement in Canada, funds held in trust for the sponsorship of that refugee, including all accumulated interest, must be returned to the donor.</p>
<p>using the income from group members</p>	<ul style="list-style-type: none"> <li>• copy of most recent T4 or Notice of Assessment (from the Canada Revenue Agency)</li> <li>• for employment period not covered by T4 or Notice of Assessment (see above), provide an original letter from current employer stating period of employment, salary and regular hours per week or proof of annotated cheque stubs from employer confirming details of the financial profile</li> <li>• if self-employed, a letter from an accountant confirming annual income or T1</li> <li>• employment insurance pay stubs</li> <li>• statement of rental income; income earned and declared to the Canada Revenue Agency for rental property</li> </ul>

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	<ul style="list-style-type: none"> <li>• statement of maternity/disability/parental/sickness benefits and possible date of return to work</li> <li>• statement of pension income: from Old Age Security, Canada/Quebec Pension Plan, other pensions, superannuation and annuity payments from Canadian sources. Must not include Guaranteed Income Supplement (GIS) payments</li> <li>• statement of investment income: income report to Canada Revenue Agency from dividend payments, interest, stocks, bonds, other investments and interest on savings deposits.</li> </ul>
self-employed member	<p>The following is required:</p> <ul style="list-style-type: none"> <li>• a letter from an accountant verifying income; or</li> <li>• T1; and</li> <li>• proof of other sources of income such as: <ul style="list-style-type: none"> <li>◆ pension, or</li> <li>◆ investment income.</li> </ul> </li> </ul>
corporate financial support	<p>When a corporation is providing funds to support the sponsorship undertaking, the group must provide proof of the funding.</p> <p>Acceptable proof includes:</p> <ul style="list-style-type: none"> <li>• promissory notes of cash signed by the authorized representative of the corporation or the corporation's bank</li> <li>• copies of a recent, audited financial statement for the corporation, and</li> <li>• letters from a registered Canadian financial institution, confirming that sufficient funds are held in an account.</li> </ul> <p>Financial statements including:</p> <ul style="list-style-type: none"> <li>• T2 return</li> <li>• income expense statements</li> <li>• balance sheet</li> <li>• asset liability statements</li> </ul>



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### 11.8. Misleading or Falsified Documents

Sponsors, who knowingly misrepresent, withhold material facts, communicate false information or engage in counselling misrepresentation related to their application can be charged under IRPA (A127-128).

Possible instances of fraud in an application for sponsorship include falsifying signatures of group members, misrepresenting income, or failing to disclose involvement in other sponsorships.

Procedures relating to the screening and detection of fraud in immigration are contained in IP11 (cross-listed as OP23). Complete procedures, including first- and second-level verifications are contained in Section 7. These documents are not posted publicly but can be accessed using the CIC intranet.

In summary, suspicions of organized fraud must be well documented and reported to the appropriate authorities. For instances within Canada, this will involve the local CBSA Intelligence or Enforcement Office, which will inform NHQ and the RCMP for possible further investigations (OP23/IP11 2006: 10).

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**Note:** (OP23/IP11 states the procedures for the detection of fraud are not to be made public.)

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### 11.9. Re-submission of CS applications

The regulations do not provide a minimum time that must elapse between refusal and re-submission of an application. Sponsors are eligible to resubmit an application as soon as they wish following refusal.

The regulations do, however, require that all submitted, completed applications be assessed. This includes situations where the composition of the group has changed from previous applications. While a change in group membership in itself may not be significant, if the change improves the ability of the group to meet financial and settlement criteria, the change in group membership will have a significant bearing on assessment.

Local CIC officers must provide reasons for the refusal of an application. Then, if a sponsor chooses to resubmit, the officer need only examine that the deficient criteria have been addressed.

### 11.10. Authority to Refuse CSs

The IRPR state that an officer must approve an undertaking if:

- a) the CS has the financial resources to fulfill the settlement plan for the duration of the undertaking (1 year) (154(1)(a))
- b) the CS has made adequate arrangements in anticipation of the arrival of the foreign national and their family members (154(1)(b))

The IRPR (155) state that an officer may revoke an approval if:

- a) it is determined that the CS no longer meets criteria set out in IRPR 154 (financial and settlement plan assessment)

An officer may refuse a CS undertaking if:

- a) the CS has submitted more than two undertakings in any one year period, unless the sponsorship would break up a family unit.

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- b) the CS has not demonstrated sufficient financial resources to fulfill the settlement plan (IRPR 154(1))
- c) the CS has not demonstrated adequate arrangements for the arrival of the refugee (IRPR 154(1))
- d) the CS members do not live or have representatives in the expected community of settlement (IRPR 153(1)(a))
- e) the CS has not submitted a complete application that includes a settlement plan and an undertaking (IRPR 153(1)(b))
- f) the CS, or members of the CS, remains in default from a previous undertaking (IRPR 153(1)(c)).
- g) any parties to the CS are ineligible on grounds contained in IRPR 156 (criminality, in default of support payment obligations, subject to a removal order, subject to a revocation proceeding under the Citizenship Act, any person who is detained in a correctional facility).

Refer to Appendix C, Annex 2 for a sample letter of refusal of application to sponsor.

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## 12. Co-Sponsorship

The *Immigration and Refugee Protection Regulations* (IRPR) allow for a partnership between a SAH, its Constituent Groups, or a Community Sponsor and another organization or one or more individuals for the purposes of making a sponsorship undertaking. A supplementary partner in the sponsorship undertaking is known as a “Co-sponsor”.

### Responsibilities of the Co-sponsor

Co-sponsors share responsibility with the SAH, CG, or Community Sponsor for providing settlement support (either financial or non-financial) to the refugee for the duration of the sponsorship.

### Responsibilities of the SAH, CG, or Community Sponsor

Most co-sponsors work with a SAH or a CG to help sponsor the refugee. The SAH or its CG is expected to play an active role with the co-sponsor to deliver settlement support. It is the responsibility of the SAH to ensure the settlement and financial capacity of their co-sponsors (depending on their role as outlined in the settlement plan). Co-sponsors working with a SAH or CG are not generally required to provide CIC with detailed financial statements because the SAH has committed to assess the co-sponsor (as per the SAH agreement). However, in exceptional circumstances, CIC may need to examine the co-sponsor’s financial resources in order to be satisfied sufficient resources are available.

There may be situations where a co-sponsor works with a Community Sponsor. As with SAHs and CGs, Community Sponsors are expected to play an active role with the co-sponsor to deliver settlement support. It is usually the Community Sponsor’s financial resources that will be assessed for financial capacity. However, if the undertaking indicates that the co-sponsor will be providing some or all of the financial assistance, the CIC officer may choose to evaluate the co-sponsor’s resources instead of, or along with, the Community Sponsor’s resources.

### Difference between Co-Sponsors and Constituent Groups

The SAH principal agreement permits both CGs and co-sponsors to sign an undertaking on behalf of a SAH, IF the SAH has authorized this through a letter of approval.

When there is a CG, it is expected that the CG play the primary role in delivering the Settlement Plan; the SAH’s role is to act as a back-up if difficulties arise. In contrast, a co-sponsor is not expected to deliver all of the financial and/or non-financial support. A co-sponsor is expected to partner with a SAH or its CG to share responsibility for delivering settlement support.

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	Co-Sponsor	CG
Definition	An individual or organization that partners with a SAH (or CG) to sponsor a refugee.	A group or organization that acts on behalf of the SAH to sponsor a refugee.
Authority	To enter into a sponsorship undertaking on behalf of a SAH if there is written authorization.	To enter into a sponsorship undertaking on behalf of a SAH if there is written authorization.
Expected Contribution to Settlement Plan	The co-sponsor and SAH (or CG) will both contribute to the delivery of the settlement plan.	The CG delivers all or most aspects of the settlement plan.
Community of Settlement Requirements	The co-sponsor and the SAH or its CG must be in the community of settlement.	The CG must be in the community of settlement.
Financial Assessment	CIC officers need to be satisfied that there are adequate financial resources available to complete the sponsorship. To make this determination, CIC officers may need to know how much the SAH and co-sponsor respectively plan to contribute to the sponsorship. In some circumstances, CIC officers may need to examine the co-sponsor's financial resources.	CIC officers need to be satisfied that there are adequate financial resources available to complete the sponsorship. SAHs are required to ensure that their CGs have sufficient financial resources. However, in exceptional circumstances, CIC may need to examine the CG's financial resources in order to be satisfied sufficient resources are available.
Default	An undertaking may not be approved if the co-sponsor is in default of a previous sponsorship undertaking. (IRPR 153(1)(c))	An undertaking may not be approved if the CG is in default of a previous sponsorship undertaking. (IRPR 153(1)(c))

### 12.1. Principles regarding co-sponsors

Although it is not expected that co-sponsors deliver the entire Settlement Plan, they are legal parties to the undertaking and may be held liable for the entire undertaking in the event of a default. With this in mind, co-sponsors should be counselled to exercise prudence when entering into a sponsorship undertaking. The SAH or Community Sponsor may also be held liable for the entire undertaking and so has the right to know about potential risks and must also be counselled by the local officer to exercise prudence when entering into a sponsorship with a co-sponsor. See below.

### 12.2. Approving the Undertaking and Settlement Plan

The regulatory framework does not allow for one person to be solely responsible for the private sponsorship of a refugee. The PSR program is premised on having *organizations, community groups, or groups of five (NOT individuals)* sponsor a refugee and provide them with settlement support (financial and non-financial) for one-year. A co-sponsor acting alone in the community of settlement therefore is not in the spirit of the SAH Agreement or PSR program in general. As per article 153(1)(a) of the IRPR, the sponsor (which is the combination of both the SAH or CG or Community Sponsor and co-sponsor) must reside or have representatives in the community of

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settlement for the refugee. Therefore, an undertaking should only be approved if all parties to the sponsorship reside or are represented in the community of settlement.

Sections 153(1)(c) and 156 of the IRPR apply to ALL parties to a sponsorship, including a co-sponsor. If a co-sponsor is in default of another PSR undertaking, or is ineligible under section 156, the undertaking should not be approved (refer to Section 31, Sponsor Eligibility and Ineligibility).

Settlement plans should always be completed for Community Sponsors. When a SAH or its CG has a co-sponsor, a Settlement Plan should be completed, even if it is not mandatory for the SAH to submit the Settlement Plan to CIC along with the undertaking. It is of benefit to all sponsoring parties that a Settlement Plan be completed to ensure clarity of responsibilities of everyone involved in the sponsorship. The local officer has the authority to request a Settlement Plan from a SAH under section 5(h) of the SAH Agreement and may choose to do so in order to ensure that the co-sponsor has sufficient financial resources and/or settlement capacity to uphold its commitments, that the SAH/CG and co-sponsor plan to share responsibility for the undertaking, and that adequate arrangements for the settlement of the refugee have been made. Refer to Section 36.4 for Settlement Considerations.

Prior to approving or refusing the undertaking, the officer should assess whether the Settlement Plan enables the provision of adequate settlement support for the refugee. The officer should also determine if the co-sponsor, SAH, CG, and/or Community Sponsor play an active role together for delivery of the Settlement Plan.

The Settlement Plan should outline the division of responsibilities between the SAH, CG or Community Sponsor and the co-sponsor. According to the division of responsibilities outlined in the Settlement Plan, the officer should determine if the co-sponsor has sufficient financial resources (if applicable) to fulfill its portion of the Settlement Plan. If an officer has concerns, he/she may review the co-sponsors' income or other financial resources using the same guidelines established for G5s. Refer to section 36 Groups of Five Assessment of Undertakings.

The officer may consider, among other things:

- Does the co-sponsor have the necessary expertise to provide the support outlined in the Settlement Plan (e.g. if the co-sponsor is responsible for linking the refugee to community services, does the co-sponsor know what settlement services exist in the community and how to access those services)? Does the co-sponsor understand its responsibilities in delivering the Settlement Plan?
- In cases involving a SAH, has the SAH planned to provide organizational assistance, advice, information and support to the co-sponsor, as required by section 5(j) of the SAH Agreement?
- Does the plan demonstrate that assistance will be sufficient to prevent, when possible, problems from occurring? Does the SAH, CG, or Community Sponsor plan to contact the sponsored refugee regularly? How will they plan to follow-up if problems or needs are identified? Is the plan feasible? Does it demonstrate that problems will be identified and resolved quickly?
- In cases involving a SAH, has the SAH made plans to monitor progress in the delivery of the Settlement Plan, as required by section 5(k) of the SAH Agreement? Is the plan feasible? Does it demonstrate that monitoring will be regular and that monitoring will assist in identifying problems?

In order to assist in this determination, the officer may, in addition to requesting a Settlement Plan, request details on how the SAH, CG, or Community Sponsor will monitor the co-sponsor to ensure the co-sponsor delivers the settlement support agreed to in the Settlement Plan. Details could include, for example, the frequency of contact between the parties, reporting requirements of the co-sponsor, and how the SAH, CG, or Community Sponsor will identify when the co-sponsor

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needs support and how this will be provided. Note that, when a CG is involved, the SAH may provide support via a CG. However, the SAH is also required to monitor and support its CG.

The officer may also take into consideration any other factors that would help demonstrate whether adequate arrangements for arrival of the refugee have been made. As per section 154(1) of the Regulations, officers must be satisfied that adequate arrangements have been made for the arrival of the refugee. If after an assessment, that includes information provided in the Settlement Plan, an officer is still not satisfied that adequate arrangements have been made, the application may be refused.

The local CIC officer must be satisfied with the application as a whole. Therefore, if there are concerns that the co-sponsor is not able to fulfill its responsibilities (e.g. does not have capacity to participate in multiple undertakings) or if the SAH, CG, or Community Sponsor does not plan to play an active role in the sponsorship, the application may be refused. Before refusing an application, the officer should have a conversation with the SAH, CG, or Community Sponsor about the issue(s), while maintaining discretion. For example, if the local CIC officer becomes aware that the co-sponsor is involved in multiple undertakings and this information was not disclosed on the undertaking, or to the SAH, CG, or Community Sponsor, the officer can simply advise of the situation without going into any detail regarding the number or information about the additional undertakings themselves. The SAH, CG, or Community Sponsor should be given an opportunity to re-submit the undertaking with a revised Settlement Plan (that addresses the loss of the co-sponsor).

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### 13. Approval and Refusal of Undertakings

Local CIC offices must check the SAH master list that is provided on a regular basis to RHQs to confirm that the group has a valid agreement with the Minister and that the proper representative has signed the undertaking, and confirm that the group has not exceeded their sponsorship limit (if applicable). If any of these terms are not met, then the local CIC officer must refuse the undertaking.

In addition to the reasons above, an officer may refuse a SAH undertaking if:

- (a) The SAH is not present, nor has a CG, in the expected community of settlement (IRPR 153(1)(a))
- (b) The SAH has not submitted a complete application that includes a settlement plan (if required by the SAH agreement or requested by a settlement officer) and an undertaking (IRPR 153(1)(b))
- (c) The SAH remains in default from a previous privately-sponsored undertaking (IRPR 153(1)(c)).
- (d) Any parties to the undertaking are ineligible on grounds contained in IRPR 156 (criminality, in default of support payment obligations, subject to a removal order, subject to a revocation proceeding under the Citizenship Act, any person who is detained in a correctional facility).

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**Note:** Before signing an individual sponsorship agreement, all SAHs are screened by OMC, NHQ, to assess their financial capacity and ability to provide adequate settlement support. This initial screening will often be sufficient to satisfy an officer that adequate supports are in place (IRPR 154). However, if an officer has reason to believe that financial and settlement arrangements may no longer be adequate, the SAH principal agreement allows an officer to request a settlement plan from the SAH. If the officer is not satisfied that the settlement plan is adequate, they may refuse the undertaking.

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An officer may refuse a CG undertaking/application if:

- (a) The CG is submitting an application on behalf of a SAH that is no longer listed as a valid sponsoring organization on the SAH master list.

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- (b) The CG is submitting an application on behalf of a SAH that has exceeded its sponsorship limit (if applicable).
- (c) The CG does not have a valid letter of authorization from a SAH that is listed as a valid sponsoring organization on the SAH master list.
- (d) The CG is not present in the expected community of settlement (IRPR 153(1)(a))
- (e) The CG has not submitted a complete application that includes a settlement plan (if required by the SAH agreement or requested by a settlement officer) and an undertaking (IRPR 153(1)(b))
- (f) The CG remains in default from a previous privately-sponsored undertaking (IRPR 153(1)(c)).
- (g) Any parties to the undertaking are ineligible on grounds contained in IRPR 156 (criminality, in default of support payment obligations, subject to a removal order, subject to a revocation proceeding under the Citizenship Act, any person who is detained in a correctional facility).

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**Note:** CGs are screened, selected, and authorized by SAHs to enter into undertakings on their behalf. Before signing an individual agreement, all SAHs are screened by OMC/NHQ to assess their financial capacity and ability to provide adequate settlement support. This initial screening will often be sufficient to satisfy an officer that adequate supports are in place (IRPR 154), as the SAH is responsible for screening and authorizing CGs. However, if there are concerns that the CG has not made adequate arrangements or does not have resources on-hand, the SAH principal agreement allows an officer to request a settlement plan from the CG. If the officer is not satisfied that the settlement plan is adequate, they may refuse the undertaking.

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**Note:** Visa offices decide if sponsor-referred (named) refugees are eligible for resettlement. A local CIC cannot refuse a private sponsorship application if the only concern is that the person being sponsored may appear to be ineligible as a refugee or eligible for another program.

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### 13.1. Actions for returned or refused sponsorship undertakings

A letter (**see sample letter at Appendix C, Annex 2**) should be sent to the sponsor indicating that the application to sponsor is refused and cite the reason(s) for the refusal based on the criteria included above. If the application to sponsor is incorrect e.g. wrong form, incomplete, or that there are problems with the undertaking, these reasons for refusal and what actions the group might take to achieve a positive decision should also be included in the letter.

This decision should be communicated to the sponsoring group by letter within 30 working days of receiving the application forms. Ensure the sponsor is aware that the applicant overseas must be notified that the sponsorship has been refused and that it is the sponsor's responsibility to do so.

Rather than refusing an undertaking outright, some local CICs across the country have adopted the following procedures for processing returned undertakings from sponsors when they are re-submitting more complete undertakings:

- When returning an incomplete undertaking to a sponsor group, the local CIC officer can include an address label which has the name of the initial CIC reviewing officer. This way when the undertaking is resubmitted, it can be reviewed immediately by that same officer; and/or;
- Once the returned undertaking is received, it can be date stamped for a second time and put in the processing queue from the second date stamp.

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### 13.2. Actions for approved sponsorship undertakings – sponsor-referred cases

The following steps should be completed for approved undertakings for sponsor-referred cases:

Stage	Description
<p>1 File management</p>	<ul style="list-style-type: none"> <li>• Ensure a file has been created in FOSS;</li> <li>• Enter sponsorship details in FOSS and, if applicable, include either “application IMM 0008 submitted by sponsor” or “application IMM 0008 sent by sponsor” in the “REMARKS” screen;</li> <li>• Print FOSS file number on sponsorship undertaking;</li> <li>• If applicable, retain a copy of the IMM 0008 application form on the sponsorship file.</li> </ul>
<p>2 Informing the visa office</p>	<p>The local CIC sends to the visa office by e-mail or mail:</p> <ul style="list-style-type: none"> <li>• a copy of the sponsorship undertaking and</li> <li>• any documents included by the sponsor and listed on the document checklist.</li> </ul> <p>If the application for permanent residence (IMM 0008) was submitted by the sponsor along with the sponsorship undertaking, the local CIC forwards by diplomatic bag or registered mail:</p> <ul style="list-style-type: none"> <li>• the undertaking</li> <li>• the original completed IMM 0008, including               <ul style="list-style-type: none"> <li>◆ Schedule 1</li> <li>◆ Schedule 2</li> </ul> </li> <li>• authorization to release form (IMM5476), if included</li> <li>• six photos</li> <li>• supporting documents and</li> <li>• any mission-specific forms.</li> </ul>
<p>3 Informing the sponsor and Matching Centre</p>	<p>The local CIC forwards a copy of the undertaking and a letter indicating that the sponsorship undertaking has been approved to the:</p> <ul style="list-style-type: none"> <li>• sponsor</li> <li>• SAH (when submitted by a CG)</li> <li>• Matching Centre, and</li> </ul>

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	<ul style="list-style-type: none"> <li>• RHQ (when requested by regional office)</li> </ul> <p>This decision should be communicated to the sponsoring group by letter within 30 working days of receiving the application forms.</p>
4 Regular communication	Provide updates to sponsoring groups according to service standards (from the case status update fax form see <b>Appendix C, Annex 3</b> ) and when visa office advises local CIC of the status of the application
5 Arrival of refugee(s)	<ul style="list-style-type: none"> <li>• the visa office will send a Notification of Arrival Transmission (NAT) at least ten working days to the Matching Centre prior to the refugee arrival. The Matching Centre will then forward the NAT to the local CIC.</li> <li>• the local CIC will provide the sponsoring group with the travel details and refugees' needs, if applicable.</li> <li>• The local CIC will provide contact information of service providers to sponsors who can offer training and support.</li> </ul>
6 First meeting with refugee(s)	<ul style="list-style-type: none"> <li>• review the refugees' eligibility for the Interim Federal Health program (IFH).</li> <li>• issue the IFH document and input the details in FOSS.</li> <li>• provide information regarding IFH to the refugee(s) and sponsors.</li> </ul>

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### 14. Processing of Visa Office-Referred (VOR) cases

All SAHs have access to the JAS/VOR website and may decide to sponsor one of the VOR cases. If they decide to sponsor a VOR case, the SAH (or CG) will contact their local CIC office to inform them of their intent and to request more information. SAHs may also submit a Request for a Refugee Profile (IMM 5496). The Request for a Refugee Profile kit can be obtained through the Call Centre or from the Website at

<http://www.cic.gc.ca/english/information/applications/ref-profile.asp>

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#### 14.1. Process for Request for a Refugee Profile

The following steps are completed for requests for a refugee profile:

Step	Action
1. Local CIC	<ul style="list-style-type: none"> <li>• After you receive a Request for a Refugee Profile, check the JAS/VOR website to see if there are any cases that require a sponsor</li> </ul>



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	<ul style="list-style-type: none"> <li>When reviewing cases on the website ensure that the sponsor would be a good match for the refugee(s) according to their profile</li> </ul>
2. Local CIC	<ul style="list-style-type: none"> <li>If there are no profiles that match the Request for a Refugee Profile on the website, fax or send a copy of the Request for a Refugee Profile to the MC to request that the MC find a profile of a refugee that the group can review</li> <li>Fax or e-mail a copy of the IMM 5439 (application for SAH or CG), or IMM 5373 (application for G5) along with a copy of the IMM 5438 (form to request cases) to: <ul style="list-style-type: none"> <li>MC, and</li> <li>RHQ (when requested).</li> </ul> </li> <li>Request a Matching Centre file number</li> <li>BF the file for one month.</li> </ul>
3. Matching Centre	<ul style="list-style-type: none"> <li>Assess information on the Request for a Refugee Profile (IMM 5496) against the profiles on the website, if any.</li> <li>If Request for Refugee Profile is for a specific ethnic population, MC will forward request to appropriate visa office(s)</li> <li>If there is no specific ethnic population indicated, MC will contact IR to advise of request who will contact appropriate visa office(s)</li> <li>MC will provide the CIC with an MC file number for easy reference for when the CIC requests a follow-up</li> <li>Once profiles have been referred by visa office directly or through IR, contact the local CIC with the refugees' profile.</li> </ul>
4. Local CIC	<p>Contact the sponsor to determine whether they accept the refugee(s) profile.</p> <p><b>If accepted:</b></p> <ul style="list-style-type: none"> <li>contact the MC immediately to advise of match</li> <li>ensure that the appropriate application forms are completed for that group depending on whether or not they are a SAH, CG, CS or co-sponsor of either of those groups or a G5.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Sponsors who wish to send a letter to the refugees can send an email to the local CIC with the attached letter (copy the Matching Centre)</li> <li>• Local CIC will forward to the visa office</li> <li>• A copy of the application should be sent to the:             <ul style="list-style-type: none"> <li>◆ MC</li> <li>◆ RHQ (when requested), and</li> <li>◆ Visa office (Matching Centre may notify visa office).</li> </ul> </li> </ul> <p><b>If refused:</b></p> <ul style="list-style-type: none"> <li>• advise MC who will advise visa office. A decision may be taken to post on website</li> </ul>
5. Matching Centre	<ul style="list-style-type: none"> <li>• Request an estimated time of arrival from the visa office, and provide this information to the local CIC, if not included on the profile</li> </ul>
6. Local CIC	<ul style="list-style-type: none"> <li>• Provide the estimated time of arrival and other relevant information to the sponsor</li> </ul>
7. Local CIC before arrival	<ul style="list-style-type: none"> <li>• The visa office will send a Notification of Arrival Transmission (NAT) ten working days to the Matching Centre prior to the refugee(s) arrival. The MC will then forward the NAT to the local CIC.</li> <li>• The local CIC will provide the sponsoring group with the travel details and refugee's needs (if applicable)</li> <li>• Provide contact information of service providers who can offer training and support.</li> </ul> <p><b>Note:</b> This information must be given to the sponsoring group as soon as the NAT is received from the MC.</p>
8. Local CIC after arrival	<ul style="list-style-type: none"> <li>• Review the refugees' eligibility for the Interim federal health program (IFH)</li> <li>• Issue IFH document and input the details in FOSS.</li> <li>• Provide information regarding IFH to the refugee(s) and sponsors.</li> </ul>

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### 14.2. Process for VOR cases from the website

The following steps are followed to process an approved undertaking for a VOR case from the website:

Step	Action
1. Local CIC	<ul style="list-style-type: none"> <li>• Contact the Matching Centre to advise of a match and request the full profile</li> <li>• Provide the names, and B numbers to the sponsor for completion of the undertaking</li> </ul>
2. Matching Centre	<ul style="list-style-type: none"> <li>• Remove the profile from the website</li> <li>• Advise the appropriate visa office of a match and provide name of sponsor and location</li> </ul>
3. Local CIC	<ul style="list-style-type: none"> <li>• Will review sponsorship documentation to ensure that the appropriate application forms are completed for that group depending on whether or not they are a SAH, CG, CS or co-sponsor of either of those groups or a G5</li> <li>• Sponsors who wish to send a letter to the refugees can send an email to the local CIC with the attached letter (copy the Matching Centre)</li> <li>• Local CIC will forward to the visa office</li> </ul> <p>A copy of the application should be sent to the:</p> <ul style="list-style-type: none"> <li>• MC,</li> <li>• RHQ (when requested), and</li> <li>• the visa office</li> </ul>
4. Matching Centre	<ul style="list-style-type: none"> <li>• Request an estimated time of arrival from the visa office, and provide this information to the local CIC, if not included on the profile</li> </ul>
5. Local CIC	<ul style="list-style-type: none"> <li>• Provide the estimated time of arrival and other relevant information to the sponsor</li> </ul>
6. Visa Office	<ul style="list-style-type: none"> <li>• Will send a Notification of Arrival Transmission (NAT) ten working days prior to the refugee(s) arrival in Canada to the MC</li> </ul>
7. Matching Centre	<ul style="list-style-type: none"> <li>• Will forward NAT to the local CIC</li> </ul>

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8. Local CIC before arrival	<ul style="list-style-type: none"> <li>• Will provide the sponsoring group with the travel details and refugee's needs, if applicable</li> <li>• Provide contact information of service providers to sponsors who can offer training and support.</li> </ul>
	<p><b>Note:</b>This information must be given to the sponsoring group as soon as the NAT is received from the MC.</p>
9. Local CIC after arrival	<ul style="list-style-type: none"> <li>• Review the refugees' eligibility for the Interim federal health program (IFH)</li> <li>• Issue IFH document and input the details in FOSS</li> <li>• Provide information regarding IFH to the refugee(s) and sponsors</li> </ul>

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### 15. One-Year Window of Opportunity Provision (OYW)

Additional information on OYW can be found in IP3, part 1:

- OYW definition
- Policy context
- Eligibility criteria
- Requirements for OYW
- Relevant OYW forms and guides

This section describes OYW processing procedures for Privately Sponsored Refugees (PSR).

- For Government Assisted Refugees (GAR, please refer to IP3, Part 2, **Section 24**).
- For Joint Assistance Sponsorships (JAS), please refer to IP3, Part 4, **Section 52**.

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#### 15.1. Private sponsorship

Sponsors must be notified of the OYW application to ensure that they are still able and willing to provide settlement support. Under the sponsorship agreement and settlement plan, sponsors are responsible for providing support to all members of a family for the duration of the sponsorship, regardless of the time of their arrival. However, the sponsor is not obliged to provide support if the principal applicant (PA) is self-sufficient and able to provide adequately for his/her family members.

Sponsors should be aware of all family members, accompanying and not, at the time of the original sponsorship application and include them on the sponsorship undertaking. In the event that a family member must be added to the undertaking after approval, local CIC officers are asked to use the Request to Add Dependant (s) to a Private Sponsorship Undertaking under OYW Provisions (IMM5619) for situations when the principal applicant is already in Canada or the

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Request to Add Dependant (s) to a Private Sponsorship (IMM5618) for situations when the principal applicant has not yet arrived in Canada. Both these forms are found on the CIC Intranet website. Either of these forms is to be used as an addendum to the original sponsorship undertaking when the PA is a permanent resident of Canada and has submitted an OYW request to CIC. The form is a written assurance that the sponsorship group agrees to fulfill its obligations to all family members being sponsored, whether they accompany the principal applicant to Canada or not.

The following procedures should be followed when using either of the requests to add dependant(s) forms:

1. The visa office and/or sponsor notifies the local CIC of the new family member by e-mail.
2. The local CIC officer sends, either by regular mail or via e-mail, the appropriate request to add dependant (s) form to the SAH/CG/Group of Five main contact.
3. The SAH/CG/Group of Five/Community Sponsor main contact sends the signed form back to the local CIC.
4. The local CIC keeps the form on file with the undertaking.
5. The local CIC notifies the visa office via e-mail to confirm the decision of the sponsor.
6. The local CIC sends a copy of the form to the Matching Centre so that the dependant(s) can be added to RTS.

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### **15.2. Relevant OYW forms**

The following forms are relevant to processing OYW cases and should be consulted as necessary:

- Request for processing family members under the One-Year Window of Opportunity (IMM5571)
- Application for permanent residence in Canada [IMM 0008 Generic]
- Schedule 1 Background/Declaration [IMM 0008 Schedule 1]
- Schedule 2 Refugees Outside Canada [IMM 0008 Schedule 2]
- Use of a Representative [IMM 5476], if applicable

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### **15.3. Processing non-accompanying family members (NAFs) for PSRs**

While visa officers have the final say in determining if family members meet the requirements outlined in IP3, part 1, local CIC offices are expected to perform initial screening.

The following describes the in-Canada and abroad procedures for processing non-accompanying family members. It should be noted that the procedures are different for Quebec. See OP5, Section 26.4, privately sponsored refugees destined to Quebec.

1. The local CIC office receives a copy of the Request to process following family members under the One-Year Window of Opportunity Provisions [IMM5571] or asks the principal applicant to complete the form following an indication of intent to sponsor.

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2. The local CIC screens the identified family members for eligibility. Screening should include:
  - a. determining whether the identified person(s) meet the definition of family member contained in IRPR1(3).
  - b. confirming that the family member was listed on the PA's original application for permanent residence [IMM 0008].

This confirmation may be done by reviewing notes in the Computer Assisted Immigration Processing System (CAIPS). Where it is unclear in the CAIPS notes, the local CIC should contact the appropriate visa office that issued the PA's permanent resident visa in order to confirm that the family member was listed on the IMM 0008. To ensure that the nature of the message is clearly indicated, all such requests should be titled "One-Year Window Case: Eligibility Query."

Visa offices are asked to respond to requests for confirmation within four weeks. In those instances where the visa office does not respond within this four-week period, or in instances where the deadline for the one-year window is fast approaching and a timely response from the visa office is not possible, the local CIC will forward the request form directly to the visa office without confirming eligibility. Where appropriate, the visa office will then ensure that the eligible family members are sent an application for permanent residence.

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**Note:** NAFs may complete an application for permanent residence independently and apply to the visa office without knowledge of the PA or local CIC office in Canada. In this case, the Request to process family members under the One-Year Window of Opportunity Provisions form (IMM 5571) is not required. To verify if the NAFs have applied independently to the visa office, local CIC officers are encouraged to also consult FOSS to determine if an application has already been made.

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- c. consulting FOSS, or the PA's permanent resident card, to establish the PA's date of confirmation of permanent residence in order to determine the qualifying one-year period applicable to the non-accompanying family member.

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**Note:** There may be instances where it is difficult for the local CIC to determine eligibility or where it is believed circumstances may warrant an exception. In these instances, the local CIC should note their concerns in the "Comments" section at the bottom of the request form.

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### 15.4. Procedures for Ineligible Cases

In those cases where family members are found not to meet the eligibility criteria, the local CIC should:

- a) Send a letter to the PA explaining why particular family members listed on the request form were found to be ineligible and advise them that applications for permanent residence in Canada cannot be submitted for these individuals under the one-year window provision (refer to sample letter at **appendix C, Annex 5**); and
- b) Forward both the completed request form and a copy of the letter sent to the PA to the responsible visa office. The visa office may take additional steps to process the identified family member under a different immigration class.

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### 15.5. Procedures for Eligible Cases

In those cases where family members are found to meet the eligibility criteria, the local CIC should:

- a) Send a letter to the PA indicating that their family member(s) have been found eligible and instruct them to make sure their eligible family members abroad obtain an application for permanent residence. If the application is not sent by the sponsor or PA or obtained online, the visa office will mail an application to the non-accompanying family member.
- b) All non-accompanying family members must complete parts B, C, and D of the IMM 0008 Schedule 2, Refugees Outside of Canada. It is not required that Part A be completed since family members derive status from the principal applicant. It is to be noted that this requirement applies to dependent children of any age applying under the OYW.
- c) Determine if PA is financially self-sufficient or whether support of the sponsor is still necessary. If support is not required, inform sponsor that they must still be prepared to assist NAFs if required at some point during the sponsorship period (this is the same length established for original undertaking).
- d) If sponsor support is required, inform sponsor that they are responsible to provide care, lodging and settlement assistance and support to the NAFs upon their arrival in Canada for the duration of the sponsorship period or until they or the rest of the family is self-sufficient, whichever is less.
- e) In cases where the NAFs were not listed on the original undertaking, contact the sponsoring group in order that they may amend the undertaking to include all family members and re-assess the settlement plan.
- f) If sponsor cannot or will not provide support to non-accompanying family member upon arrival in Canada, give the sponsor the opportunity to find a new sponsor to take over the case. If a new sponsor is found, complete an undertaking for the new group, enter details in FOSS, and advise visa office.
- g) If sponsor will not provide support and a new sponsor cannot be found, deal with the sponsor separately under the breakdown and default guidelines (see **sections 46 and 47**).
- h) Advise the visa office that the existing sponsor will not provide support and that a new sponsor cannot be found. In such events, the OYW application will likely be refused on the basis that adequate financial arrangements have not been made (IRPR 141(1)(d)). However, it is possible that the visa office may assess the identified family member as a refugee in their own right. Alternatively, if they do not qualify as a refugee, the visa office may consider recommending a Humanitarian and Compassionate Considerations application or counsel applicant to pursue a Family Class sponsorship.
- i) Forward both the completed request form and a copy of the correspondence sent to the PA to the responsible visa office. A Non-Computer Based (NCB) entry should also be made in FOSS. In addition, email confirmation of the OYW application to the responsible visa office as soon as initial eligibility is determined. It is the PA's responsibility to ensure the completed IMM0008(s) reaches the appropriate visa office. If available, additional documentation that may assist the visa office in processing the application (e.g. photos, marriage certificates, birth certificates) should

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also be included. On exception, the diplomatic bag may be used to forward the IMM0008 to the responsible visa office.

### 16. Extended Sponsorships

In exceptional cases and prior to the arrival of the refugee(s), the sponsorship period may be extended for up to a maximum of **36 months** when the:

- visa office feels additional assistance is required, and
- sponsoring group is willing to provide assistance for the extended period.

#### 16.1. Processing extended sponsorships

To extend a sponsorship, complete the following four steps:

Steps	Description
1	The visa office will contact the local CIC to request an extended sponsorship and will indicate the requested duration and the reasons for the request.
2	The local CIC will communicate to the sponsoring group that: <ul style="list-style-type: none"> <li>• the applicant cannot be approved on the basis of a sponsorship of 12 months, and</li> <li>• the applicant will be approved if the group agrees to provide support for the extended sponsorship period that is recommended.</li> </ul>
3	<p>If the sponsoring group agrees to provide support for the extended sponsorship period, they must either:</p> <ul style="list-style-type: none"> <li>• amend the undertaking so that it clearly indicates the new sponsorship period. The person(s) who signed the original undertaking must initial the amended period of time, this includes the initials of their respective SAH.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• sign a new undertaking that clearly indicates the new length of time of the sponsorship.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• the sponsor may submit a signed statement that indicates that the group agrees to the extension of the sponsorship period identified on the original undertaking.</li> </ul> <p>Please note that Constituent Groups will also require approval from their respective SAH indicating approval for the extended sponsorship period. Therefore the new undertaking, in the case where a new undertaking is submitted, will require signatures of</p>



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	<p>all parties to the sponsorship, which includes the SAH representative.</p> <p>In the case of a Group of Five, the local CIC will request that the group re-submit a Settlement Plan and Financial Assessment.</p> <p>If the sponsoring group refuses to provide support for the extended sponsorship period, the local CIC officer must explain that the refugee applicant's application will be refused.</p>
4	<p>The local CIC communicates the final decision of the sponsor to the visa office, with a copy to the Matching Centre. The Matching Centre will use this information to update RTS.</p> <p>The local CIC office keeps on file a copy of the signed undertaking and updates FOSS accordingly.</p>

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**Note:** For JAS 36-month sponsorships, refer to Joint Assistance Sponsorship (JAS), IP3, Part 4.

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### 17. Monitoring Guidelines for Sponsorship Undertakings

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#### 17.1. What to monitor

Following the arrival of the refugee in the community of destination, local designated officers should monitor some sponsors and refugees to verify that the sponsoring group is fulfilling its responsibilities including:

- financial support
- moral support, and
- settlement assistance as outlined in the Settlement Plan and in the sponsorship undertaking.

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**Note:** If the Settlement Plan of a CG is not on file, the local CIC may request it from the SAH in order to monitor the CG.

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For more information, please refer to:

Appendix C, Annex 6 - Sponsorship Agreement

Appendix C, Annex 7 - Monitoring Privately Sponsored Refugees

Appendix C, Annex 8 - Monitoring Private Sponsors

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#### 17.2. When to monitor private sponsors

Local officers should:

- develop a monitoring plan for new and existing sponsors
- meet with sponsors as issues arise,
- act when situations come to their attention that requires improvement.

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- monitor the sponsorship limits of SAHs that have a limited Sponsorship Agreement, and
- monitor, as requested by OMC, the SAHs that have been experiencing problems identified by OMC.

If the local CIC has a...	Then the local CIC should monitor...
small number of sponsors	all sponsors
large number of sponsors	<ul style="list-style-type: none"> <li>• all new sponsors</li> <li>• all sponsors who are responsible for a case involving a refugee who was a separated minor at the time of resettlement (this will generally refer to a refugee resettled with a minor <i>de facto</i> dependant in his/her care),</li> <li>• approximately 10% of experienced sponsoring groups.</li> <li>• particular SAHs identified by OMC with issues or problems</li> </ul>

---

#### 17.3. Monitoring new sponsoring groups

Local CICs should conduct monitoring interviews with new sponsoring groups to provide them the opportunity to:

- address concerns,
- ask questions, and
- make comments.

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#### 17.4. Monitoring Privately Sponsored Refugees (PSRs)

The monitoring of PSRs should be done

- by the local CIC on selected cases,
- by personal interviews with the refugee(s) whenever possible, and
- with the help of an interpreter when needed, as many refugees are not fluent enough in one of Canada's official languages.
- within four months of the refugee's arrival (or as required) using the questionnaire in Appendix C, Annex 7 - Monitoring Privately Sponsored Refugees, or
- as requested by OMC, in particular circumstances.

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**Note:** The questionnaire was developed based on requirements for monitoring GARs and may be tailored to better fit a local situation, as required. Guidance may be sought from OMC.

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### 17.5. Questionnaire for monitoring sponsoring groups

The questionnaire in **Appendix C, Annex 8, Monitoring Private Sponsorships** has been developed to:

- assist with the interview process
- address the sponsor's point of view,
- be sent to all new sponsoring groups within four months of the refugee's arrival to Canada
- facilitate sponsor comment on the program
- assist in providing a follow-up process for the sponsors, and
- increase sponsor confidence in the program.

The local CIC officer should note any suggestions by sponsors that may improve the program and forward them to:

- RHQ
  - OMC
- 

### 17.6. Monitoring other existing sponsorships

The local CIC office may find it necessary or advisable to monitor refugees arriving under the responsibility of the same sponsoring group. This is done to verify that there are no additional resettlement problems.

When problems are apparent with these sponsorships, they must be investigated and brought to resolution. If defaults or problems are occurring with a number of undertakings for one sponsor, and that sponsor is a SAH, the sponsorship agreement may be considered for review, which could result in its suspension or cancellation. Such problems must be reported to RHQ, who will advise OMC for possible action.

---

### 17.7. Results of monitoring privately sponsored refugees/JAS cases

The results of the refugee monitoring interview or returned questionnaire should be reviewed to:

- verify that proper settlement assistance is being provided
- take action where proper assistance is not being provided
- note any trends within particular groups, and
- note any suggestions by the refugee on improvements for the program.

Once reviewed, the local CIC should prepare a short summary which includes:

- whether or not proper assistance is being given

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- what action is proposed, and
- any trends or comments.

Also:

- Send a copy of the summary report to RHQ and OMC, and
- keep a copy of the questionnaire on file.

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### 17.8. Resolving problems

In all cases where there are problems involving a CG, their SAH should be included in all meetings or correspondence.

When issues cannot be resolved, RHQ should be notified.

For more information, please refer to:  
Section 45 - Sponsorship Withdrawal

Section 46 - Sponsorship Breakdown

Section 47 - Sponsorship Default

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## 18. Guardianship Protocol: Procedures for processing *de facto* dependants and consanguineous minors

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### 18.1. Background

The purpose of this Protocol is aimed at preventing resettled refugee children from becoming victims of abuse and exploitation once in Canada. It addresses the importance of being part of a *bona fide* familial relationship and is intended to mitigate circumstances that give rise to family breakdown and exploitation. It is also intended to ensure that refugee minors are brought into, or are part of a *bona fide* familial relationship that can provide the necessary safety and protection of the minor until the minor reaches the age of majority in the province in which they reside.

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### 18.2. Summary of Protocol

The adult in a *de facto* or a consanguineous situation will be informed of the importance of securing legal guardianship in order to ensure the care and protection of the minor until they reach the age of majority in the province in which they reside.

There are guidelines outlining a travel policy for separated minors under the age of 10.

Mechanisms are introduced to identify trends and keep track of statistics.

The minor is consulted and given the opportunity to express their views about the arrangements being made.

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### 18.3. Current policy on separated minors

The preferred solution for most separated minor refugees is to reunite them with their immediate family.

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Reunification with immediate family relatives in Canada is desirable where there are none abroad. The visa officer should work closely with the UNHCR, RHQ, and NHQ, to determine whether resettlement is an appropriate solution for a separated minor refugee. In such cases the visa officer must ensure that long-term arrangements have been made for the care of the separated minor refugee in Canada.

At the present time, the moratorium on resettling separated minors is still in place, with exceptions being made for minors that are *de facto* dependants, consanguineous minors, or separated minors in exceptional circumstances where resettlement to Canada is in their best interests.

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**Note:** Cases involving separated minors without a *de facto* family or blood relative in Canada are dealt with on a case-by-case basis.

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### 18.4. Travel policy

*Separated minors* and minors accepted under the OYW provision, under the age of 10, are required to be in the care of a responsible adult in order to travel to Canada. In cases where minors under the age of 10 are travelling together with older minor siblings, the care of an adult is still required. There may be exceptions to this policy, determined on a case-by-case basis, to allow minors under the age of 10 to travel with an older sibling, who is 17 for example.

Before finalizing the selection process, family members or relatives in Canada shall be made aware of this policy and where necessary, will sign an Immigration Loan/Contribution IMM 0500E to cover all costs associated with the minor's travel to Canada.

The family member or relative in Canada also has the option of paying for an IOM escort to bring the minor from the point of origin to the final destination. The cost of arranging this escort will include a return ticket, meals and any other expenses including overnight accommodation, where necessary, for the IOM representative. The family member or relative should be aware that this is the most expensive alternative.

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### 18.5. Procedures for processing *de facto* dependants

#### Privately Sponsored Refugees (PSR)

##### Receiving an Undertaking – Local CIC

1. Where the family composition for the undertaking consists of *de facto* dependants, the local CIC confirms with the sponsor that they will be expected to assist the principal applicant (PA) in following through with the responsibility to take on legal guardianship once they arrive in Canada.
2. The local CIC checks the CIC Intranet website for information on the guardianship process and contact information for the province where the PA and minor will reside.
3. The local CIC provides the sponsor with the guardianship information relevant to that province.

##### Arrival of the minor – Local CIC

1. The local CIC checks the CIC Intranet website for information on the guardianship process and contact information for the province where the PA and minor will reside. It ensures the sponsor has this information.

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2. The local CIC informs the provincial director of child welfare that there is a *de facto* minor arriving in their province. It makes sure to specify if the NAT indicates any *concern* for the child's safety.

The visa officer consults the minor about their *prospective* resettlement solution. The minor is given the opportunity to express their views regarding the arrangements.

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### 18.6. Monitoring Special Needs Cases

#### Separated Minors:

If a refugee minor in the care of a PA does not meet the definition of family member, but is considered to be an integral part of the PA's family unit, the visa officer will ensure that the relationship between the minor and the PA is a *bona fide de facto* dependent relationship. The visa officer will note any concerns about the child's safety on the file for protection purposes by the provincial authorities in Canada.

The PA is informed that as guardian of the child, they will be expected to ensure the care and protection of the child until they reach the age of majority. The PA is encouraged to legalize the guardianship relationship once in Canada.

The visa office will have the PA sign the Acknowledgement of Responsible Adult Form [IMM 5590] indicating that they understand their responsibilities as guardian of the minor.

It will be flagged in the subject line of the PA file that the case involves a *de facto* dependant. The case will be referred to the Matching Centre, which in turn will refer the case to the RHQ. The RHQ will ensure that provincial requirements regarding guardianship are met and, where appropriate, arrange a home visit with the provincial authorities responsible for youth protection.

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## 19. Sponsorship Withdrawal

Sponsorship withdrawal is the cancellation of an undertaking to sponsor that occurs **before** the permanent resident visa has been issued. It is the last option when all other attempts to fulfil the conditions of the sponsorship have failed or when situations have changed.

Sponsorship withdrawal:

- should not be confused with sponsorship breakdown (see section 46)
- occurs when the sponsor cancels the sponsorship undertaking prior to the issuance of the permanent resident visa; or
- occurs when the refugee withdraws their application (e.g., resettles in another country).

The local CIC will examine the reasons for requesting a withdrawal to assess whether the circumstances are acceptable or unacceptable.

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### 19.1. Acceptable and unacceptable reasons for sponsorship withdrawals

The following table illustrates acceptable and unacceptable reasons for the withdrawal of a sponsorship undertaking. This table only provides examples and does not exclude other potential reasons for withdrawals.

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Acceptable reasons for withdrawal of a sponsorship undertaking but where a new sponsor must be found	Unacceptable reasons for withdrawal
unexpected changes in the financial status of a sponsoring group that make the group unable to financially support the refugee(s), such as a member losing their job	withdrawing an application for a named refugee in order to sponsor another refugee
loss in the number of members so great that the group is not able to fulfil the obligations of the sponsorship	change in leadership in the sponsoring group
a change in the relationship between a SAH and CG that makes the original undertaking to sponsor not feasible	loss in number of members that does not necessarily impact the group's ability to sponsor
the sponsoring group being unable to meet its obligations after gaining new information about: <ul style="list-style-type: none"> <li>• the refugee or</li> <li>• the family in Canada</li> </ul>	citing delays in processing that do not result in a change of conditions affecting the ability of a group to sponsor; or
delays in processing that result in a major change of conditions affecting the ability of a group to sponsor, such as <ul style="list-style-type: none"> <li>• loss of a member</li> <li>• termination of a group, etc.</li> </ul>	when a group has overextended their ability to support all submitted undertakings, including both <ul style="list-style-type: none"> <li>• financial, and</li> <li>• in-kind assistance.</li> </ul>

#### 19.2. Need to locate a new sponsor

In cases of withdrawal, sponsors are expected to locate a new sponsoring group. However, there are instances where it is not feasible to do so.

Examples of where it is not feasible to locate a new sponsor include:

- the refugee has found another durable solution, such as:
  - ◆ local integration, or
  - ◆ acceptance by another country for resettlement, or
  - ◆ repatriation
- new personal information gained about the refugee that makes the sponsorship no longer viable, such as:
  - ◆ the refugee's real identity
  - ◆ involvement in crimes against humanity

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- ◆ addition of new family members that would put undue strain on the sponsor's resources, or
- the refugee has made no contact with the visa office to return requested information, or to respond to subsequent efforts by the visa office to contact the refugee.

The following are procedures for withdrawal due to unacceptable reasons:

If the sponsor is a...	And it is their...	Then...
SAH	first withdrawal	the local CIC may meet with the SAH to discuss the issue.
SAH	second withdrawal for unacceptable reasons within one calendar year	the local CIC notifies OMC and may recommend a review of the Sponsorship Agreement.
CG	first withdrawal	the local CIC counsels the SAH that future sponsorships with the CG may require a more in-depth review.
CG	second withdrawal for unacceptable reasons within one calendar year	the local CIC may request the SAH to review the relationship with the CG and the SAH assesses whether a review of the relationship with the CG is needed.
G5/ community sponsor	first withdrawal	the local CIC counsels the G5 or the community sponsor that future sponsorship undertakings will be looked at more closely.

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**Note:** Depending on the circumstances and reasons for the withdrawal, sponsorship agreements can be either cancelled or suspended. Withdrawals that are determined not to have been the fault of the SAH will not result in suspension or cancellation of the Sponsorship Agreement.

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**Note:** The relationship between the SAH and CG is outside the scope of CIC's responsibility as the sponsorship agreement is between CIC and the SAH. As such, withdrawals can only be actioned by SAHs. If a CG attempts a withdrawal, the SAH must be notified so that they can make alternative arrangements.

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**Note:** No contact by refugee

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The visa office, via e-mail, should contact the local CIC to contact the sponsoring group when the refugee:

- fails to return a completed IMM 0008 to the visa office within three months
- misses two scheduled interviews after the visa office receives the completed IMM 0008, and/or
- there has been no further contact by the refugee with the visa office or the sponsoring group.

If the sponsor wishes to continue with the sponsorship, they must provide the visa office with updated and correct contact information for the refugee within 30 days.



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### 19.3. Common stages for processing withdrawals

The following table lists the common stages for processing withdrawals. Specific processes for SAHs, CGs, G5s and community sponsor follow.

Stage	Description
1	The sponsor/SAH notifies the local CIC in writing (as outlined in Appendix C, Annex 10 - Details Outlined in Letter of Notification of Sponsorship Withdrawal Where a New Sponsoring Group Has Not Been Located) of their intention to withdraw the sponsorship.
2	The local CIC reviews the reasons for withdrawal to assess whether they are acceptable.
3	The sponsor attempts to locate a replacement sponsor, as required.
4	<p><b>If a new sponsor is found:</b></p> <p>The local CIC:</p> <ul style="list-style-type: none"> <li>• prepares a new undertaking</li> <li>• enters the new sponsorship information into FOSS</li> <li>• notifies the Matching Centre, visa office, and RHQ (if there's a regional requirement to do so).</li> </ul> <p>The Matching Centre (MC):</p> <ul style="list-style-type: none"> <li>• enters the sponsorship change information into the Refugee Tracking System (RTS).</li> </ul> <p>The visa office:</p> <ul style="list-style-type: none"> <li>• notes the changes in CAIPS, and continues processing the refugee</li> </ul> <p><b>If a new sponsor is not found or is not required:</b></p> <p>The local CIC:</p> <ul style="list-style-type: none"> <li>• gives written notice to all groups involved to acknowledge the withdrawal of sponsorship</li> <li>• notifies the following parties of the withdrawal: visa office, Matching Centre, and RHQ (if there's a regional requirement to do so)</li> <li>• closes the file, and</li> <li>• notifies the sponsoring group of the file closure.</li> </ul> <p>The Matching Centre:</p>

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	<ul style="list-style-type: none"> <li>• updates RTS, and closes its file.</li> </ul>
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#### 19.4. Withdrawals where the SAH is the sponsor and reasons are unacceptable

The SAH must:

- attempt to locate another SAH
- inform the local CIC in writing, whether or not a new sponsorship group could be located.

The following table outlines what information the SAH should provide to the local CIC in writing.

If a new sponsoring group...	Then the SAH provides...
was located	information per Appendix C, Annex 9 (Details Outlined in Letter of Notification of a Change in Sponsorship).
could not be located	information and reasons per Appendix C, Annex 10 (Details Outlined in Letter of Notification of Sponsorship Withdrawal Where a New Sponsoring Group Has Not Been Located).

**Note:** If the reasons for withdrawal are unacceptable, the local CIC is to review the status of the SAH and inform OMC. OMC may decide to suspend or cancel the agreement, depending on the situation.

#### 19.5. Withdrawal where the SAH has severed all ties with the CG

In cases where there is a CG, but the SAH severs ties with that CG, an agreement as to which party will continue with the sponsorship and any other existing sponsorships, must be reached among the:

- SAH
- CG and
- local CIC.

**Note:** The local CIC may wish to consult with OMC for guidance.

The following table outlines the steps to take in cases where the relationship between the SAH and CG is severed:

When...	Then...
the SAH assumes responsibility for the sponsorship	<p>the SAH must:</p> <ul style="list-style-type: none"> <li>• take <i>direct</i> responsibility for the sponsorship, or</li> <li>• arrange for another CG to continue with the sponsorship, and</li> <li>• advise the local CIC and CG in writing (<b>per Appendix C, Annex 9 - Details Outlined in Letter</b></li> </ul>

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	<p style="text-align: center;"><b>of Notification of a Change in Sponsorship).</b></p> <p>the local CIC:</p> <ul style="list-style-type: none"> <li>• prepares a new undertaking</li> <li>• enters the new sponsorship and changes into FOSS, and</li> <li>• advises the Matching Centre, and visa office.</li> </ul> <p>The Matching Centre :</p> <ul style="list-style-type: none"> <li>• updates RTS.</li> </ul>
<p>the CG wishes to continue with the sponsorship</p>	<p>the CG must:</p> <ul style="list-style-type: none"> <li>• apply to become a G5</li> <li>• apply to become a SAH, or</li> <li>• locate a new SAH.</li> </ul> <p>the local CIC:</p> <ul style="list-style-type: none"> <li>• prepares a new undertaking</li> <li>• enters the new sponsorship and changes into FOSS, and</li> <li>• advises the Matching Centre, visa office and RHQ (if it's a regional requirement to do so)</li> </ul> <p>the Matching Centre:</p> <ul style="list-style-type: none"> <li>• updates RTS.</li> </ul>
<p>neither the SAH nor the CG is able or willing to assume responsibility for the sponsorship</p>	<p>the SAH must:</p> <ul style="list-style-type: none"> <li>• look for another SAH to take over sponsorship</li> <li>• advise the local CIC and CG in writing</li> </ul> <p>the local CIC:</p> <ul style="list-style-type: none"> <li>• provides written notice acknowledging withdrawal of the sponsorship to all groups involved</li> <li>• enters the withdrawal information into FOSS, including reasons in the remarks box.</li> <li>• sends the details and reasons to the Matching Centre, visa office, and RHQ (if it's a regional requirement to do so)</li> <li>• will advise OMC, via the Regional Headquarters, who will conduct a review of the status of the SAH if reasons for withdrawal were unacceptable.</li> </ul>

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	<p><b>Note:</b>The local CIC may consult with OMC for possible solutions.</p> <p>the Matching Centre</p> <ul style="list-style-type: none"> <li>• updates RTS, and</li> <li>• closes its file.</li> </ul>
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**Note:** If the SAH assumes responsibility for the case, this change in circumstances should not negatively affect other undertakings initiated by the SAH and the other CGs of the SAH.

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#### 19.6. Withdrawal by a CG

The following table outlines the steps to take when a CG or co-sponsor withdraws sponsorship.

Stage	Description
1	<p>The CG notifies the SAH that they cannot meet the terms of the sponsorship.</p> <p><b>Note:</b>If the CG notifies the local CIC instead of the SAH, the local CIC will refer the CG to the SAH before initiating any action.</p>
2	<ul style="list-style-type: none"> <li>• The SAH will assume responsibility,</li> <li>• he SAH and CG will attempt to find a new CG, or</li> <li>• the SAH will find a new SAH.</li> </ul>

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**Note:** It is expected that the sponsor will make an effort to find alternate arrangements. If another sponsor is not able or willing to take over their sponsorship obligations then the SAH in question should not be penalized as a result. Their efforts to make alternate arrangements should be noted.

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The following table outlines what to do based on the ability to locate a new CG:

If...	Then...
a new CG is located	<p>the local CIC:</p> <ul style="list-style-type: none"> <li>• prepares a new undertaking</li> <li>• enters the new sponsorship and changes into FOSS, and</li> <li>• advises the Matching Centre, visa office, and RHQ (if it's a regional requirement to do so).</li> </ul> <p>the Matching Centre</p> <ul style="list-style-type: none"> <li>• updates the RTS.</li> </ul>

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<p>a new CG is not located, and the SAH cannot assume responsibility for the sponsorship</p>	<p>the SAH:</p> <ul style="list-style-type: none"> <li>• informs the local CIC in writing (per Appendix C, Annex 10 - Details Outlined in Letter of Notification of Sponsorship Withdrawal Where a New Sponsoring Group Has Not Been Located) of its intention to withdraw from the sponsorship.</li> </ul> <p>the local CIC:</p> <ul style="list-style-type: none"> <li>• provides written notice acknowledging withdrawal of the sponsorship to all groups involved</li> <li>• enters the withdrawal information into FOSS, including reasons in remarks box</li> <li>• sends the details and reasons to the Matching Centre, visa office and RHQ (as required), and</li> <li>• will advise OMC, via the regional office, who will conduct a review of the status of the SAH if reasons for withdrawal were unacceptable.</li> </ul> <p>the Matching Centre:</p> <ul style="list-style-type: none"> <li>• updates RTS, and</li> <li>• closes the file.</li> </ul>
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#### 19.7. Withdrawal by a G5 or Community Sponsor

The following process outlines the stages in a G5 or Community Sponsors withdrawal:

Stage	Description
1	<p>The G5 or Community Sponsor</p> <ul style="list-style-type: none"> <li>• notifies the local CIC in writing of its intention to withdraw, and</li> <li>• provides reasons for withdrawal (per Appendix C, Annex 10 - Details Outlined in Letter of Notification of Sponsorship Withdrawal Where a New Sponsoring Group Has Not Been Located).</li> </ul>
2	<p>The local CIC</p> <ul style="list-style-type: none"> <li>• assesses the reasons given, and if unacceptable, counsels the G5 or Community Sponsor of possible negative implications of sponsorship withdrawal on any future plans to sponsor.</li> </ul>
3	<p>The local CIC</p> <ul style="list-style-type: none"> <li>• provides written notice acknowledging withdrawal of</li> </ul>

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	<p>the sponsorship to all parties involved</p> <ul style="list-style-type: none"> <li>enters the withdrawal information and reasons into FOSS</li> <li>sends details and reasons by e-mail to the Matching Centre, visa office, and RHQ (if it is a regional requirement to do so)</li> </ul>
4	Matching Centre updates RTS.

### 19.8. Reporting requirements for withdrawals

The following table shows the reporting requirements for withdrawal of sponsorship undertakings:

Group	Requirement
SAH	<p>Reports withdrawals of sponsorship undertakings by the SAH and their CGs:</p> <ul style="list-style-type: none"> <li>to the local CICs as the withdrawals occur</li> <li>in the SAH's annual report to CIC.</li> </ul>
Local CIC	<p>Reports withdrawals to the:</p> <ul style="list-style-type: none"> <li>Matching Centre, OMC and the visa office.</li> </ul>

## 20. Sponsorship Dispute and Breakdown

Sponsorship **dispute**, breakdown and default all happen while in Canada (post-arrival of the refugee).

### 20.1. What is a Sponsorship Dispute?

Disputes are a normal feature of human relationships and sponsorship is no different. Disputes can range from disagreements over the terms of the sponsorship to differences of opinions on various issues. Local CICs may find out about disputes between the sponsor and refugee from sources such as the sponsor, the refugee or a service provider organization. Officers should not intervene in day to day exchanges between the sponsor and refugee, since working through minor disagreements can contribute to a deepening relationship between the sponsor and refugee and are most successfully resolved internally. Should a local CIC learn of a dispute from a third party, an officer should contact the sponsor and the refugee to determine whether the situation is in fact true. In cases involving CGs, it is critically important to notify the SAH (if they are not already involved) in order to give them an opportunity to resolve the dispute internally. A sponsorship dispute may lead to a breakdown but not necessarily.

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### 20.2. CIC's Role in a Sponsorship Dispute

The local CIC should intervene in a sponsorship dispute in the following circumstances:

- when one or both of the parties to the dispute have requested CIC intervention;
- when contact with the sponsor, SAH and refugee has confirmed that internal resolution has not remedied the situation; and
- when the refugee has approached a social services agency and that agency in turn has come to the local CIC inquiring about the case.

---

### 20.3. What is Sponsorship Breakdown?

Sponsorship breakdown is an official declaration that an irreparable failure to meet the sponsorship arrangement (care, lodging and settlement) has occurred for refugee applicants listed on the sponsorship undertaking as well as the principal applicant's Application for Permanent Residence [IMM 0008] after the principal applicant (PA) has arrived in Canada. This includes accompanying and non-accompanying family members to Canada e.g. whether the sponsor agrees to assume responsibility for supporting the non-accompanying family members being processed through the One Year Window of Opportunity program. The sponsoring group is obliged to provide support to all family members listed on the undertaking, regardless of the timing of their arrival in Canada. The sponsor is responsible to support the non-accompanying family members under the same terms as in the original settlement plan unless the PA is now self-sufficient and able to provide adequately for his family members.

Responsibility for a sponsorship breakdown may rest with the refugee(s), with the sponsor or with CIC, or it may be attributable to more than one party or not to any party. The results of sponsorship breakdown are serious because they require the introduction of alternative settlement arrangements for the refugee and, should the sponsor be determined responsible, the possibility of default being declared against the sponsor.

A breakdown will be declared rather than a default if the terms of the sponsorship are not being fulfilled due to circumstances beyond a sponsor's control (for example, a change in the refugee's personal situation or the refugee opts to go on social assistance and does not inform the sponsor). CIC's role is to assist the parties in resolving disputes that could lead to breakdown and/or defaults. The objective is for all parties to work together so that:

- the refugees continue to receive the needed care, lodging, settlement assistance and financial support from the sponsor, and
- the sponsor is not hindered or obstructed in its efforts to abide by the terms of the sponsorship undertaking according to the arrangements described in the settlement plan.

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**Note:** The local CIC should first consult with the sponsor and the SAH, then advise RHQ of the disputes serious enough to result in a breakdown and enlist their guidance if needed. RHQ will in turn advise NHQ/OMC of any sponsorship breakdown.

**Note:** It is possible for CIC to find itself responsible for the breakdown. For example, failing to inform sponsors that a refugee has family or close friends outside the community of sponsorship. This could be the determining factor that leads to a breakdown.

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### 20.4. CIC's Role in a Sponsorship Breakdown

As CIC is both responsible and accountable for the administration of the PSR program, it must intervene in irresolvable disputes and ensure a mediated resolution takes place. When a situation requires external intervention (as described above), a local CIC representative will be appointed to work with both parties as a mediator and will act as the final decision maker. A written report of the outcome of mediation will be required.

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**Note:** In cases where CIC may be the cause of the breakdown, a mediator other than the CIC representative involved in the breakdown is required.

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### 20.5. Preliminary Inquiry into a Breakdown Situation

When the local CIC is notified of a dispute and/or breakdown that the parties have been unable to resolve, they are to conduct a preliminary inquiry. This involves contacting the representative of the sponsoring group and the head of the refugee family to gather facts of the situation, gauge the seriousness of the situation and to determine if an external resolution is necessary.

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**Note:** As per above description, this may already have been determined.

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It is important that when an irresolvable dispute involves a Constituent Group, the local CIC notifies the SAH promptly in order that they may be given an opportunity to be involved. Throughout the mediation process, a written record of all telephone calls made or received by the local CIC should be maintained. A separate document should be prepared with major decisions, facts, action items etc. and copied to the SAH, the CG, the local CIC Manager or delegate and a copy kept on file.

The following steps may be followed:

<b>Resolution by CIC intervention</b>	
<ul style="list-style-type: none"> <li>• Confirm if the sponsor and refugee have successfully resolved the dispute or need outside intervention.</li> <li>• Determine if emergency settlement assistance or financial support is needed</li> </ul>	
Decide what type of meeting should be arranged:  (1) face-to-face (2) teleconference (3) local CIC acting as go-between	
Decide on who, when and where of meeting:  Who – balanced between sponsor and refugee sides (include SAH representative if Constituent Group involved) When – within 2 weeks of notification Where – private and neutral area	



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Local CIC preparation: <ol style="list-style-type: none"><li>(1) Identify a translator, if needed.</li><li>(2) Review statements provided by sponsor and refugee telling their “side of the story”.</li><li>(3) Obtain and review original Settlement Plan.</li><li>(4) Write out a few hypothetical solutions to the situation, depending on the direction the negotiations might take.</li></ol>	
Ask sponsor to: <ol style="list-style-type: none"><li>(1) Provide documentation to CIC that shows details of the care, lodging, settlement assistance and financial support that was being provided to the refugee.</li><li>(2) Write out a few acceptable outcomes to the dispute, including the limit to which they are willing to go to in resolving the conflict.</li></ol>	
Ask refugee to: <ol style="list-style-type: none"><li>(1) Provide a statement to CIC showing their current financial and non-financial needs.</li><li>(2) Provide a statement to CIC that addresses their progress towards achieving self-sufficiency and their plans in this regard for the remainder of sponsorship period.</li></ol>	

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#### 20.6. Emergency Settlement Assistance and Financial Support

As part of its preliminary inquiry into a potential breakdown, the local CIC will contact the refugee to assess if the sponsor is still providing financial support and that the refugee’s settlement needs will be met while the situation is being resolved. The officer should consider such needs as rental payment, utility costs, groceries, household products, medication, children’s needs, public transportation and any medical or psychological needs. Since it may take a few weeks to resolve the situation, it is essential that arrangements are made to address the ongoing needs of the refugee before the solution-finding process begins. If the sponsor is no longer providing financial support, the local CIC must determine the reasons why.

If income support is required for the duration of the solution-finding process and:

- a) the refugee is sponsored by a Group of Five or a Community Sponsor, then refer the client to municipal/provincial welfare authority and provide a letter advising that income support is required for a limited period of time.
- b) the refugee is sponsored by a Sponsorship Agreement Holder or a Constituent Group, then refer the client to a Resettlement Assistance Program (RAP) counsellor or service provider with instructions that income support is required for a limited period of time.

If necessary, the officer may also consider referring the refugee on a temporary basis to local social services such as a temporary shelter.

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**Note:** Refugees sponsored by a Group of Five or a Community Sponsor are not eligible to obtain income assistance from RAP as per RAP Terms & Conditions.

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### 20.7. Conducting a Solution-Finding Meeting

#### Mediator

In most cases, the local CIC representative will be the mediator. S/he will attempt to facilitate and mediate a solution, whether it be at the dispute or breakdown stage, which respects the roles and responsibilities of all parties involved – sponsor, refugee and CIC. As the mediator, it is important that the local CIC representative be perceived as neutral by all parties and that the resolution process be fair, impartial and transparent. The local CIC representative is also responsible for ensuring that written notes are taken and kept on the sponsorship file.

Mediators:	Are impartial Use active listening skills Help disputants understand each other's perspectives Help maintain an atmosphere of respect Foster communication Do not impose solutions Help decide on settlement terms
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The mediator, whether appointed from outside or a local CIC representative, will bring the sponsor and refugee together to work out a solution. S/he will set the tone and atmosphere so that participants are encouraged to listen and feel free to communicate. The process will seek a solution that restores the sponsor-refugee relationship.

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**Note:** If the CIC representative is not the mediator, the CIC representative must still attend the meeting.

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#### The Mediation Process

The mediation process outlined below is presented as a guide. The actual mediation process itself may not involve a linear transition from one stage of the mediation to the next. It should, however, include the following steps:

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**Note:** For more information on mediation strategy, consult the website of the *ADR Institute of Canada* at <http://www.amic.org>.

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Mediation Process	
Step 1	Welcome
Step 2	Fact-Finding
Step 3	Dialogue
Step 4	Brainstorming solutions
Step 5	Selecting solution
Step 6	Closure

#### 1. Welcome

Explain the role of the mediator and how the meeting will be conducted;  
Ensure that the translator and parties to the meeting understand each other;  
Explain the 'ground rules' that set clear guidelines for respect (e.g., no interrupting or swearing).

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### **2. Fact-Finding**

Let one participant tell the mediator their side of the story;

Allow the next participant to tell their story;

This is not the time for rebuttal, so instruct the participants to try to listen, understand the other side and not to interrupt until the other is finished speaking;

The mediator will summarize the issues mentioned by all participants.

### **3. Dialogue**

With the assistance of the participants, the mediator should try to determine what the underlying issues/interests are;

Summarize interests and point out where participants agree;

List joint interests and refer to them as a starting point for brainstorming a solution (e.g., resolving the conflict fairly, preserving reputations, etc.).

### **4. Brainstorming Solutions**

Ask participants to brainstorm possible solutions;

Encourage participants to be creative;

Ask participants not to criticize any ideas;

The mediator may assist with brainstorming where participants are stuck.

### **5. Selecting a Solution**

Participants should assess options;

Explore reasons for objections and suggest alternatives;

Mediator should highlight to participants the issues on which there is agreement;

Attempt to come to a resolution;

Seek further detail to any solution decided upon;

Solution should ensure some way to work together so that settlement assistance and financial support continue to be provided to the refugee;

Mediator should ensure the solution is realistic and balanced.

### **6. Closure**

Congratulate the participants for reaching a resolution;

Ensure both parties understand their respective responsibilities and next steps;

If no resolution is found, thank parties for their participation.

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## **20.8. Follow-up to Solution-Finding meeting**

### **Solution Found – next steps**

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Obtain the local CIC Manager's approval of the solution in writing; likewise, obtain written approval from the sponsor and the refugee. A copy of the resolution, including the timeframes for actions, respective responsibilities, and a follow-up schedule, should be sent to all parties and RHQ.

### No Solution Found- Next Steps

If the mediation process does not result in a mutually agreed upon resolution, the local CIC Manager, in consultation with the sponsor and refugee, will decide how the matter should be dealt with. Decisions taken by local CIC staff in assessing breakdown situations should be realistic in their expectations of sponsors and also take into consideration the role played by the refugee in the success of the sponsor-refugee relationship.

### No Solution Found – next steps (SAH/CG Sponsorship)

Where no solution is reached between the sponsor and refugee, CIC will meet with the SAH to determine how to deal with the sponsorship. This includes the SAH transferring responsibility for the sponsorship to another CG, taking on the responsibility itself, or not taking any further responsibility for the sponsorship.

If the SAH takes over the responsibility for the refugee from its CG or transfers the responsibility to another CG, the SAH may recommend that the original CG be examined for sponsorship default (section 46.15).

If the SAH takes no further responsibility, CIC declares a breakdown (section 46.3) and assesses the SAH for sponsorship default (section 46.15).

### No Solution Found – next steps (Group of Five or Community Sponsor)

CIC will declare a breakdown.

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## 20.9. Criteria to Use in Assessing Responsibility for Breakdown

The local CIC representative is responsible for determining who bears the responsibility for the breakdown. This assessment should be conducted in consultation with the local CIC manager and regional program specialist. It will be based on all information related to the breakdown, including the initial fact-gathering stage as well as the solution finding meeting, how the refugee, sponsor or third party have contributed to the breakdown, how each has tried to make the sponsorship work, and how each attempted to find a resolution. The assessment may find that more than one party is responsible and that one party is more responsible than the other. Responsibility must be determined so that CIC can decide what consequences will follow the breakdown.

Given the potential impact of breakdown on sponsors (e.g., default, cancellation of pending cases, suspension of Sponsorship Agreement, etc.), it is critical that the method for determining responsibility for breakdown be as transparent, fair and uniform as possible.

The chart below contains sample criteria to consider when assessing which party is responsible (or most responsible) for the breakdown. The criteria are presented in the form of positive and negative factors. The officer is to reflect on actions and communication by each party which demonstrate both their role in causing the dispute and in seeking a satisfactory solution. Reflections should be recorded in writing. Determining responsibility should weigh out each party's responsibilities and actions based on evidence gathered throughout the process. It is hoped that the sample criteria will allow the officer to more clearly review all factors in order to conduct a more objective assessment when making a final determination of responsibility with respect to the breakdown.

POSITIVE FACTORS
demonstrated respect for other parties

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worked toward (and assisted to work toward) independence
fulfilled obligations
fulfilled responsibilities
maintained open communication
displayed cooperation in attitude and actions
accepted responsibilities
participated in finding solutions
was open and honest in presenting facts
<b>NEGATIVE FACTORS</b>
neglected to fulfill an essential obligation or expectation of sponsorship without consent of CIC
clearly caused a breakdown situation that other party could not (within reason) rectify
demonstrated abusive attitude or exhibited hostile behaviour towards other party
committed an error or showed bad judgment that directly led to breakdown
neglected to communicate properly or sufficiently with other party
neglected to cooperate with other party in support of sponsorship
neglected to responsibly act upon information pertinent to the breakdown situation
neglected to make reasonable efforts to sustain sponsorship or resolve breakdown
made unreasonable demands of the other party

When the assessment has been completed, the local CIC will draft a Statement of Responsibility. This statement will specify which party is determined to be mostly responsible for the breakdown but will also address, where applicable, how each party is partly responsible. The statement will conclude with recommendations for consequences for the breakdown (refer to section 46.15). The Statement of Responsibility will be sent to the SAH, the sponsor and the refugee and a copy of the statement will be kept on file at NHQ.

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### 20.10. Resolving Potential Breakdowns

The sponsoring group will not be declared responsible for the breakdown if:

- after meeting with the sponsoring group, it continues its settlement obligations as set out in the undertaking and settlement plan;
- unforeseen circumstances affected the sponsoring group's capacity to fulfil its obligations as set out in the undertaking and settlement plan, and the sponsoring group successfully located another replacement group;
- the obligations of the sponsorship are not being fulfilled due to reasons beyond the sponsor's control. (for example, the refugee moves out of the original community of resettlement) and reasonable efforts have been made by the sponsoring group to locate a new sponsor.

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### 20.11. Breakdown is Declared

If efforts to resolve the dispute have not been successful, a formal sponsorship breakdown will be declared. In such circumstances, the local CIC may attempt to find a replacement sponsor.

It is important to remember that, unless the local CIC issues a formal notice of sponsorship breakdown, which effectively cancels the sponsorship undertaking, sponsored refugees are not entitled to obtain income support through provincial or municipal social assistance programs or the Resettlement Assistance Program during the sponsorship period (normally 12 months). Furthermore, sponsoring groups may, under certain circumstances, be liable for reimbursing the government concerned for income support issued to refugees under the group's sponsorship.

Sponsorship breakdown scenarios:

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1. Unresolvable dispute
2. Secondary migration
3. Separation

A sponsorship default is a consequence of a breakdown. Refer to section 47 Sponsorship Default for more information.

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The local CIC representative should take note of the following special circumstances:

**Secondary Migration:** It may happen that, at some point during the sponsorship period, the refugee decides to move out of the host community. This is referred to as “secondary migration”. If this happens to a group sponsoring under a SAH, the group is advised to discuss the situation with the SAH. Whatever the case, sponsors are encouraged to maintain open lines of communication with both the refugee and the local CIC, especially when problems arise.

### Scenarios

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- If the refugee is able to support himself or herself in the new community for the remainder of the sponsorship period, the sponsoring group has no further obligations.
- If the sponsoring group is willing to maintain the sponsorship from a distance, the group should notify the local CIC of the relocation and continue the sponsorship.
- If the sponsoring group wishes to transfer the sponsorship to another group in the new community or if the group is not willing or able to continue providing material assistance to the refugee in the new location, the local CIC must be contacted immediately. Normally, the SAH makes the contact.

In a transfer of sponsorship, the new group signs a sponsorship undertaking for the remainder of the sponsorship period. The new undertaking cancels the first. The original group is no longer considered the sponsor. Where the sponsor has decided that it will not or cannot continue to support the refugee in the new community, the sponsorship is in danger of breakdown. In this case, the local CIC, the sponsoring group (including the SAH, if applicable) and the refugee will meet to try to resolve the sponsorship breakdown and, if applicable, to ascertain responsibility. If the sponsor is found responsible, the group must continue to support the refugee in the new community. If it is not held responsible, it is released from all further obligations. In the case of a SAH being released from further obligation, the refugee may be referred to RAP under exceptional circumstances. In the case of a Group of Five, the refugee would be referred to provincial social assistance.

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**Note:** Secondary migration when carried out voluntarily by the sponsored refugee on its own would not normally constitute “exceptional circumstances” under these procedures. They may include, but are not limited to, situations such as when the relationship between the refugee and sponsor has been exploitive or abusive, and the refugee has absolutely no other means to sustain basic needs of himself or herself and family members, etc. RAP entitlements are given in situations of sponsorship breakdown only rarely and may require the local CIC office to refer the refugee to a service provider for orientation on income support and financial responsibilities, if required. Local CICs are asked to consult first with their RHQ representatives about any sponsorship breakdowns serious enough to result in the refugee(s) potentially needing RAP support. In turn, RHQ should turn to OMC-NHQ for guidance.

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**Marital or couple separation:** In situations where the family undergoes marital or household separation, the sponsoring group is not held responsible for supporting two separate households. The sponsor is

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expected to continue to support the household with the higher number of people. The other household is to be processed for breakdown and referred to a new sponsoring group, RAP or social assistance.

### 20.12. Locating a New Sponsoring Group

The local CIC may assist the original sponsoring group, either SAH, CG, Group of Five or Community Sponsor, in attempting to locate a new sponsoring group to assume the role of the sponsor for the remainder of the original sponsorship period. In the case where the refugee has relocated to a new community, the local CIC may coordinate its efforts to find a new sponsor with the local CIC in the refugee's new community. However, the primary responsibility for locating a new sponsoring group lies with the original sponsor whenever possible.

In the case of a G5 or Community Sponsor, a SAH could be asked to take on the responsibilities for providing support to the refugee(s) for the remainder of the sponsorship period.

### 20.13. When a New Sponsoring Group is Located

When a breakdown has been declared and a new sponsor has been found, the local CIC will perform the following steps.

Step	Action
1	Update the FOSS record of the original sponsoring group. The details which should be included in the Sponsorship Information Screen (CS) include: <ul style="list-style-type: none"> <li>• in the STATUS field – select WITHDRAW</li> <li>• under REMARKS field, indicate that a breakdown has occurred, the reasons for the breakdown and information on the new sponsoring group (name/client ID)</li> </ul>
2	New sponsoring group signs an undertaking for remaining sponsorship period.
3	Create a FOSS record for the new sponsorship in the Sponsorship Information screen. In REMARKS specify length of sponsorship since it is likely to be less than 12 months and cross reference with original sponsorship record.
4	Notify Matching Centre of the sponsorship breakdown. The Matching Centre will update RTS record for original sponsorship and include data for new sponsoring group.
5	Advise RHQ of final outcome of breakdown. RHQ will advise NHQ/OMC.
6	Assess responsibility for breakdown (section 46.9)
7	Determine consequences of breakdown (section 46.15)
8	If applicable, apply default guidelines (section 47)

### 20.14. When a New Sponsoring Group is Not Located

When a breakdown has been declared and a new sponsor has been not been found, the local CIC will perform the following steps.

Step	Action
1	Update the FOSS record of the original sponsoring group. The details which should be included in the Sponsorship Information Screen (CS) include: <ul style="list-style-type: none"> <li>• in the STATUS field – select WITHDRAW</li> <li>• under REMARKS field, indicate that a breakdown has occurred, the reasons for the breakdown and what measures were taken (e.g., client referred to RAP or breakdown letter issued so that social assistance could be accessed)</li> </ul>
2	Refer the refugees for ongoing settlement assistance as follows:

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	<p>Upon NHQ approval, refugees sponsored by a <b>SAH</b> or <b>CG</b> are to be referred to a RAP service provider for assistance until they become self-supporting, or the end of the sponsorship term.</p> <p>Refugees sponsored by a <b>Group of Five</b> or <b>Community Sponsor</b> are to be provided a letter from CIC indicating that the sponsorship has officially been declared a breakdown, and referred to the local municipal or provincial social assistance authority.</p> <p>Refugees sponsored by G5s and Community Sponsors are not eligible for RAP as per the RAP Terms and Conditions.</p> <p>For more information, please refer to:  <a href="#">Appendix C, Annex 11 – Sponsorship Breakdown letter.</a></p>
3	Notify Matching Centre of the sponsorship breakdown. The Matching Centre will update RTS.
4	Advise RHQ of final outcome of breakdown. RHQ will advise NHQ/OMC.
5	Assess responsibility for breakdown (section 46.9)
6	Determine consequences of breakdown (section 46.15)
7	If applicable, apply default guidelines (section 47)

### 20.15. Consequences of Sponsorship Breakdown

Since there are three parties involved in any sponsorship, each of which bear responsibility for the success of a sponsorship, a breakdown inevitably entails consequences for all parties, as outlined below.

#### Consequence to the Sponsoring Group

The Statement of Responsibility will outline whether or not the sponsoring group was primarily responsible for the breakdown and will recommend consequences. These consequences are categorized into four areas:

1. Declaration of No Fault Breakdown
2. Review of Sponsoring Group's Other Undertakings
3. Suspension/Cancellation/Amendment of Sponsorship Agreement for SAHs
4. Declaration of Default

#### 1. Declaration of No Fault Breakdown

When the decision maker (local CIC manager) has determined that the sponsoring group was not responsible for the breakdown, no consequences to the sponsoring group will follow. The decision will take into consideration not only the degree of the sponsoring group's responsibility for the breakdown, (e.g., refugee made unilateral decision to move to another community) but the group's overall track record, the extent and breadth of its involvement in private sponsorship, the role of the group in its network of sponsoring groups and the impact of enforcing consequences on sponsored refugees both at home and abroad. The Statement of Responsibility will indicate the sponsoring group was not responsible for the breakdown.

#### 2. Review of Sponsoring Group's Active Undertakings

In the case of a SAH or G5, the local CIC will conduct a review of the sponsoring group's active sponsorship undertakings – covering both refugees already in Canada and the group's cases still in process overseas.



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In the case of a CG, the SAH is responsible to conduct the review in consultation with CIC. Communication from OMC to other regions will be necessary to ensure that all CGs are reviewed if necessary.

Cases in Canada: The local CIC might decide to conduct monitoring of the group's current cases in order to ensure that adequate settlement assistance and financial support are being provided (refer to Appendix C, Annex 7 – Monitoring PSR cases).

Cases Overseas: The local CIC may conclude that the sponsoring group's ability to fulfill its obligations to cases still overseas is in doubt and will make a recommendation to NHQ that some or all of the group's outstanding cases be revoked.

### **3. Suspension/Cancellation/Amendment of Sponsorship Agreement**

This consequence only applies to sponsorships submitted or approved by a SAH. Where it was determined that a SAH handled a breakdown situation in an unsatisfactory manner (not necessarily leading to default), the local CIC can recommend that the group's Sponsorship Agreement be suspended, amended or even cancelled. The SAH must be given 90 calendar days to respond in all such cases. The decision to suspend, amend or cancel an Agreement will be taken by the Director of Integration and Refugee Program Delivery Division at OMC/NHQ.

The procedures for recommending action against a SAH are found in section 39.1.

### **4. Declaration of Default**

Detailed guidelines for administering sponsorship default are found in section 47.

Normally, when the decision maker determines that the sponsoring group is responsible for the breakdown, the consequence will be to declare a sponsorship default. However, if a SAH picks up the sponsorship from its Constituent Group, CIC will first consult the SAH before determining if the CG is to be found in default. If the CG is found to be in default, they should be prevented from sponsoring.

For more information about sponsorship default, refer to section 47.

#### **Consequence to the Refugee**

The consequence to the refugee of causing a breakdown may likely be that the refugee will have no further assistance from a sponsoring group in Canada and from CIC.

#### **Consequence to CIC**

When the review process has indicated that CIC has played a role in causing a breakdown, this matter will be referred for internal review/investigation by CIC in order to recommend actions which will prevent breakdowns in the future. The Regional Manager and/or Regional Program Advisor should be involved in the review. The result of this review with recommendations and follow-up actions should be copied to the sponsoring group and a copy kept on file

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## **21. Sponsorship Default**

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### **21.1. Sponsorship Default versus Sponsorship Breakdown**

Sponsorship default is a consequence of a sponsorship breakdown, when the sponsoring group is found to be responsible for the cause of the breakdown. Sponsorship default can only be declared against a sponsoring group, not against a refugee. Sponsorship default refers to a breach of the contractual obligations of the sponsorship undertaking itself or, specifically, the failure to fulfill a financial or non-financial obligation associated with the undertaking and/or Sponsorship Agreement.

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Sponsorship default differs from breakdown in that once a sponsoring group has been determined to be in default, they are not permitted to submit further sponsorships until the default is resolved (refer to section 47.13, Ending Default Status).

Sponsorship breakdown is reserved for situations where the refugee is found to have caused the breakdown or where the terms of the sponsorship are not being fulfilled due to circumstances beyond a sponsoring group's control (for example, the refugee opts to go on social assistance and does not inform the sponsor).

### **Default on sponsorships**

#### **QUESTIONS:**

- When is a sponsorship in default?
- When does a default end?

The regulations do not contain information regarding the discovery or reporting of groups in default. At present, most cases of default are brought to the attention of local CIC offices through various and informal channels.

The regulations do not define what it means to be in default, but they imply that a sponsorship is in default if any obligation of the undertaking or settlement plan has been breached. This can include both financial and settlement obligations (cf. IRPR 135(a) for family class examples).

Regulations governing the end of defaults are found in IRPR 153(4).

A default occurs when any obligation of the undertaking or the settlement plan has been breached. Defaults can occur in respect to financial obligations or settlement assistance (non-financial obligations).

The regulations address defaults for sponsors in general (i.e.: groups of five, a corporation or an unincorporated organization or association; IRPR 138). IRPR 153(4)(a), (b) and (c) refer to defaults for all sponsors. IRPR 153(4)(d) refers only to Sponsorship Agreement Holders.

In the case of financial defaults, a default can occur for either the sponsor as a whole or a party of the sponsor.

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### **21.2. Potential Defaults**

Once a breakdown has been declared and the sponsoring group is found to be responsible, the local CIC must assess if the sponsoring group should be found in default of the sponsorship.

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### **21.3. Defaults involving a Sponsorship Agreement Holder (SAH)**

SAHs can be considered in default as a result of their own actions or the actions of one of the CGs. Recall that SAHs are bound by their sponsorship agreements to:

- assist their CGs in maintaining their sponsorships and
- provide for the refugees sponsored under their CGs if the CG cannot fulfil its responsibilities

When a SAH is declared to be in default, their sponsorship agreement may be cancelled, suspended or amended. The local CIC must inform their RHQ as well as NHQ when there is a situation of potential default. Written notification must be sent to the SAH to outline the concerns. The SAH must be given 90 calendar days to respond in all such cases. The decision to suspend,

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amend or cancel an agreement will be taken by the Director of the Integration and Refugee Program Delivery Division at NHQ-OMC.

When a SAH is involved in a default, the local CIC will conduct a review of the sponsoring group's active sponsorship undertakings – covering both refugees already in Canada and the group's cases still in process overseas.

**Cases in Canada:** The local CIC might decide to conduct monitoring of the group's current cases in order to ensure that adequate settlement assistance and financial support are being provided (refer to Appendix C, Annex 7 – Monitoring PSR cases).

**Cases Overseas:** The local CIC may conclude that the sponsoring group's ability to fulfill its obligations to cases still overseas is in doubt and will make a recommendation to NHQ that some or all of the group's outstanding cases be revoked.

If a SAH meets one of the conditions for ending the default and wishes to sponsor again, it will be required to sign a new sponsorship agreement with CIC, after a financial and settlement assessment has been completed by NHQ (refer to section 47.13, Ending Default Status).

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**Note:** Default status is declared on SAHs by the Director of the Integration and Refugee Program Delivery Division, OMC-NHQ at the recommendation of the local CIC manager.

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### 21.4. Defaults involving a Constituent Group (CG)

In the case of a CG, the SAH is responsible to conduct a review in consultation with the CIC. Communication from OMC to other regions will be necessary to ensure that all related CGs are reviewed if necessary.

Where the sponsoring group is a CG, the SAH must be:

- contacted where CIC is aware of a problem which might lead to a default situation and
- involved in meetings between CIC and the CG.

Where no resolution is found and the CG is unable/unwilling to continue the sponsorship, the SAH:

- must be consulted in determining whether CIC should declare default status on the CG,
- is responsible for finding an alternative solution to enable the refugee to continue to receive settlement support, i.e., the SAH may find another CG to continue support, or
- may take on settlement support themselves.

Where the SAH is unable/unwilling to find an alternative, they may also be declared in default.

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**Note:** Default status is declared on a CG by the local CIC manager at the recommendation of the local CIC officer and SAH. OMC/NHQ must be notified as well.

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### 21.5. Defaults involving a Group of Five (G5)

Where defaults by the G5 occur, default is declared on the group as a whole.

Although legally possible, it is not expected that CICs will declare defaults on only one individual to the G5. Situations where this might occur include:

- after complaints by group members and after an investigation by CIC, the individual is found to be in clear breach of settlement duties outlined in the Settlement Plan;

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- where one individual is not able to meet their obligations, attempts should be made to locate another member to join the group. If it is not possible to find another member, the other individuals must find an alternate solution to ensure that the refugee continues to receive settlement support the group committed to provide in the undertaking and settlement plan.

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**Note:** Default status is declared on a G5 by the CIC manager of the local CIC at the recommendation of the local CIC Officer. OMC-NHQ must be notified as well.

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### 21.6. Defaults involving a Community Sponsor (CS)

The organization or association is considered to be in default.

If this happens, the individual should be refrained from submitting future sponsorships under different associations.

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**Note:** Default status is declared on a CS by the local CIC manager at the recommendation of the local CIC Officer. OMC-NHQ must be notified as well.

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### 21.7. Defaults involving partnerships

Where settlement responsibilities are shared through a sponsorship partnership between co-sponsors, any one sponsor may be considered in default independently of the other sponsors.

When one co-sponsor is declared in default:

- the other parties to the undertaking are legally bound to cover the first party's responsibilities, including financial and/or emotional and social support.

Where the other parties will not or cannot cover the responsibilities, inform them they may also be declared in default should breakdown remedies not proven successful.

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**Note:** Default status is declared on a co-sponsor by the local CIC manager at the recommendation of the local CIC officer. OMC-NHQ must be notified as well.

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### 21.8. Declaring a sponsorship default

All attempts should first be made to resolve a situation which may lead to a default situation.

If a breakdown has been declared and a default is being considered against a sponsoring group, the steps in the table below should be followed:

STEP	ACTION
1	The local CIC officer should prepare a report that includes: <ul style="list-style-type: none"> <li>• events leading to default</li> <li>• efforts made at resolving default</li> <li>• recommendation (default be declared/not be declared)</li> <li>• reasons for recommendation.</li> </ul>
2	The local CIC officer should send a letter to the sponsoring group

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	(and the SAH where the CG is involved) in question: <ul style="list-style-type: none"> <li>• summarizing the information contained in the report,</li> <li>• outlining the recommendation, and</li> <li>• stating that the sponsor has two weeks to respond to the letter.</li> </ul>
3	The local CIC officer should provide their manager: <ul style="list-style-type: none"> <li>• the report</li> <li>• a letter of response from the sponsor, if applicable and</li> <li>• a list of the sponsor's existing and outstanding cases (see Managing existing and outstanding cases in section 47.10)</li> </ul> <p><b>Note:</b> In the case of CGs, G5s, CSs, and partnerships, the CIC manager makes the determination; for SAHs it is the Director of Integration and Refugee Program Delivery/OMC-NHQ.</p>
4	The CIC manager will make a decision on default status and issue a letter to the sponsor to reflect the decision. Copies will be sent to RHQ and OMC-NHQ.

### 21.9. Ensuring refugees receive support

If after two weeks of declaring a default, a new sponsoring group cannot be found, it is important to ensure that the refugee receives continued support.

SAH or CG sponsored refugees are to be referred to:

- RAP until they become self-supporting or until the end of the sponsorship term. OMC-NHQ approval required.

G5 or CS sponsored refugees are not eligible for RAP, they should be:

- provided a letter from CIC indicating that the sponsorship has officially been declared a default (regardless of who is responsible), and
- referred to the local municipal or provincial welfare authority.

### 21.10. Managing existing and outstanding cases

Where a sponsor has been found to be in default of a particular sponsorship, the local CIC should prepare a list of cases:

- currently under the sponsor's care,
- where a visa has been issued, but the refugee has not traveled to Canada (since processing has been completed ), and
- where a visa has not yet been issued.

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For cases under the sponsor's support currently, and for cases where visas have been issued:

- assess whether or not the sponsor is able to fulfil their obligations to these cases,
- where they are not, follow steps above to find alternate solutions to ensure refugees continue to receive support.

Where a visa has not been issued, notify the visa office, copying the Matching Centre, of the default and to suspend processing until:

- alternate arrangements are made, or
- the case is processed under another refugee category.

Failing this, the case will be withdrawn.

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### 21.11. Updating Electronic Records

It is important to update databases and to send all needed reports of the case.

**Update FOSS** by entering the details in the sponsorship information screen, including:

- the date of default
- the reasons for the default
- how the situation was resolved (i.e., new group found).

Where a new sponsoring group is found:

- create a new sponsorship screen, and
- enter the details of the new sponsoring group and refugee.

**Ensure RTS is updated** by sending the following information to the Matching Centre:

- information on the sponsorship default
- the original sponsoring group
- if applicable, the new sponsoring group, and
- if applicable, a copy of the new sponsorship undertaking.

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### 21.12. Reporting

Final reports should be:

- sent to the regional program advisor,
- sent to OMC-NHQ and
- kept on file at the local CIC.

Final reports should contain:

- reports used by the CIC authority to make a determination on default status

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- the recommendation of the delegated authority, and
- how existing and outstanding cases were managed.

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### 21.13. Ending Default Status

A default occurs when any condition of the settlement plan has been breached and breakdown remedies have not proven successful. Defaults can occur in respect to financial obligations or settlement assistance (non-financial obligations).

In the case of financial defaults, a default can occur for either the group as a whole or a party of the group.

- *In the event of a FINANCIAL default for the GROUP as a whole*, a default ends when the group repays the appropriate government for the amount paid by that government (either the whole amount or an agreed upon sum) (IRPR 153(4)(a)).
- *In the event of a FINANCIAL default for a PARTY of the group* (i.e.: between group members), a default ends when the group member in default has repaid the group member who paid on their behalf (either the whole amount or an agreed upon sum) (IRPR 153(4)(b)).

In these instances, the consequences of the default are clear. The group or party is expected to repay monies owed. The default ends when this has been done.

- *In the event of a NON-FINANCIAL default for the GROUP*, a default ends when the sponsor satisfies an officer that they have met the obligation (IRPR 153(4)(c)). In the event that the group fails to meet a condition of the settlement plan, yet the condition is met by the refugee themselves or another organization (e.g.: the refugee found their own accommodation as the sponsoring group failed to do so), the application and resolution of default is left to the discretion of the officer. The intent of the group in not meeting the condition of settlement is important in this determination.
- *In the case of an organization or association that was a party to a sponsorship and defaulted for any reason*, a default ends five (5) years from the date of the default (IRPR 153(4)(d)). IRPR 153(4)(d) refers only to Sponsorship Agreement Holders.

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### 21.14. Roles of Regions and NHQ in the event of a sponsorship default

See the following table for references to the appropriate sections for roles and responsibilities.

For the responsibilities of	See this section
Regional program manager or delegate	47.15
Role of Regional Director or delegate, RHQ	47.16
Role of Director of Resettlement Integration & Refugee Program Delivery (IRPD-OMC), OMC	47.17

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### 21.15. Regional program manager or delegate

The regional program manager or delegate should perform the following steps when the local CIC recommends in their sponsorship default report:

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- suspension of sponsorship privileges for any group, or
- cancellation of a sponsorship agreement.

Step	Action
1	Review sponsorship default report provided by local CIC manager.
2	Advise the concerned local CIC to cease taking sponsorships from the identified sponsoring group.
3	<ul style="list-style-type: none"> <li>• review any outstanding sponsorship where there is a refugee or refugee family in Canada.</li> <li>• prepare a list of sponsorships in process (i.e., not yet arrived).</li> <li>• forward this list to OMC-NHQ for review along with recommended next steps and sponsorship default report.</li> </ul>
4	Provide a written recommendation of suspension or cancellation of sponsorship privileges or SAH agreement to the Regional Director, RHQ, for signature. Include: <ul style="list-style-type: none"> <li>• any details of the case (and of previous defaults, if applicable), and</li> <li>• a list of all outstanding cases managed by the same sponsor.</li> </ul>

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**Note:** If alternate sponsorship arrangements cannot be made or refugee(s) cannot be processed under another category, the application will be withdrawn.

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#### 21.16. Role of Regional Director or delegate, RHQ

The Regional Director or delegate should perform the following steps when the local CIC recommends in their sponsorship default report

- suspension of sponsorship privileges for any group, or
- cancellation of a sponsorship agreement.

Step	Action
1	Review the recommendation of the regional program manager.
2	If in agreement, proceed as follows: <b>In the case of SAH and/or CG:</b> <ul style="list-style-type: none"> <li>• forward all of the case details including the recommendation and supporting documentation to</li> </ul>



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	the Director of Integration and Refugee Program Delivery, OMC NHQ for action
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#### 21.17. Role of Director of Integration and Resettlement Program Delivery, OMC/NHQ

The Director of Integration and Resettlement Program Delivery, OMC-NHQ or delegate, should perform the following steps when the local CIC recommends in their sponsorship default report

- suspension of sponsorship privileges for any group, or
- cancellation of a sponsorship agreement.

Step	Action
1	Review the recommendation of the Regional Director, RHQ.
2	Consult the Legal Department at NHQ to determine if the <ul style="list-style-type: none"> <li>• resolution of the issue should be determined through legal processes, and</li> <li>• sponsoring group has clearly acted against the spirit of the agreement.</li> </ul>
3	Provide written notice to the SAH of the: <ul style="list-style-type: none"> <li>• concerns with their sponsorship activities that may lead to suspension or cancellation of their sponsorship agreement, and</li> <li>• provide them the opportunity to respond to this notice within 90days, rectifying the situation as per the sponsorship agreement</li> <li>• Provide copies to the local CIC manager and Regional Director, RHQ</li> </ul> <p><b>If a CG case, send a similar letter to the CG, with copies to the:</b></p> <ul style="list-style-type: none"> <li>• SAH</li> <li>• Local CIC manager</li> </ul> <p>If the group is a CG, inform the SAH of the following:</p> <ul style="list-style-type: none"> <li>• the reasons given by the local CIC in recommending suspension of the CG</li> </ul>

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	<ul style="list-style-type: none"> <li>• why the CG did not fulfill its obligations, and</li> <li>• why the relationship between CIC and the SAH may be jeopardized if steps are not undertaken to prevent future problems.</li> </ul> <p><b>If a G5 case or community sponsorship:</b></p> <ul style="list-style-type: none"> <li>• send letter(s) to the main contact of the group with copies to the local CIC manager</li> </ul>
4	<p>If the SAH has requested reinstatement:</p> <ul style="list-style-type: none"> <li>• review any submission for reinstatement from the SAH and</li> <li>• make a decision based on that submission and/or other related information</li> </ul>
5	<p><b>IF</b> a group is</p> <ul style="list-style-type: none"> <li>• under recommendation for suspension, and</li> <li>• has sponsorships in place for eligible refugees who have yet to be issued their visas</li> </ul> <p><b>THEN</b> notify the visa office to suspend processing until</p> <ul style="list-style-type: none"> <li>• alternate sponsorship arrangements are made, or</li> </ul> <p>until the visa office can consider the case for processing under another refugee category.</p>