



Memorandum

Date: December 30, 2004

To: Community Social Services
Supervisors – EIA and
EIA Rural Program Managers

From: Pam Goulet, Executive Director
Adult and Children’s Programs,

John Petersen, Executive Director
Employment and Income Assistance
Programs

Telephone:

Subject: **Immigrants and Sponsored Immigrants**

As you are aware, all EIA offices are now providing intake services to all applicants, including immigrants. Accordingly, this directive is to familiarize EIA staff with the categories of immigrants, their documentation, and the procedures related to sponsored immigrants applying for EIA.

As you may know, federal immigration laws changed in 2002. On June 28, 2002, the *Immigration and Refugee Protection Act* replaced the *Immigration Act*. The following table summarizes categories of immigration, SAMIN codes, immigration codes and sponsorship status, including two categories that have not been used since June 28, 2002:

<u>IMMIGRATION CATEGORY AND SAMIN CODE</u>	<u>IMMIGRATION CATEGORY CODES</u>	<u>SPONSORSHIP STATUS Sponsored? (Yes/No)</u>
Assisted Relative (ASRE)	AR1, AR4 or AR7	Yes. As of June 28, 2002, the Assisted Relative category is replaced by the Family Class category (see note 1 for details).
Convention Refugee (CORE)	CR1, CR2, CR3, CR4, CR5, CR8, or CRX; RS1, RS3, RS4, RS5, or RSX	Most likely. Forms will indicate if sponsor is an organization. Length of sponsorship is usually 1 to 2 years.
Designated Class (DECL)	DC1, DC2, DC3, DC4, DC5, DC8	Most likely. Forms will indicate if sponsor is an organization. Length of sponsorship is usually 1 to 2 years.
Dependent of Convention Refugee (DECR)	DR1, DR2	Most likely. Forms will indicate if sponsor is an organization.
Family Class (FACL)	FC1 to FC7; FC9	Yes (see note 2 for details).
Investor Class (INCL)	NV1 to NV4	No.
Live-In Care Giver (LICG)	LC1, LC2	No. Must be employed under contract or on EI (and seeking employment) as a condition of work visa.
Other Independent Immigrant (OTII)	EN2, EN3, ND2, ND3	No.
Post Determination Refugee Class (PDRC)	PD1, PD2	Possibly. Immigration forms will indicate if sponsor was an organization, and if the sponsorship is still in effect. After June 2002, CIC no longer used the Post Determination Refugee Class category

		(see note 3 for details).
Provincial Nominee (PRNO)	PV2	No

NOTE 1:

The Assisted Relative category has not been used since June 28, 2002. Formerly, people entering Canada under this category were generally sponsored for up to ten years. Accordingly, staff should note that EIA applicants who entered Canada under the Assisted Relative category might still be sponsored up to 2012.

The Sponsorship Undertaking was somewhat different under the former immigration laws, and this will affect the wording in correspondence to the sponsor. These changes have been incorporated into the Sponsorship Breakdown letter.

NOTE 2:

The current legislation includes a new Family Class, and increases the age for dependent children from under 19 years of age to under 22 years of age. When a Family Class sponsorship occurs, the sponsor signs an Undertaking (form IMM 1344). The undertaking states that the sponsor must provide for the basic requirements of the sponsored person and his or her family members. If any sponsored person receives social (income) assistance during the validity period of the undertaking, the sponsor will be in default. The procedures related to responding to an application when a sponsorship is still active are discussed later in this directive under EIA Application Procedures for Sponsored Immigrants.

The length of the undertaking varies according to the age of the sponsored person and the relationship of the sponsored person to the sponsor:

- A. If a sponsored person is a spouse, common-law partner or conjugal partner of the sponsor, the undertaking is in effect until three years after the sponsored person acquires permanent residency, which is the date of landing. If the spouse was sponsored before June 28, 2002, and the undertaking is for 10 years, it will remain at 10 years and will not be reduced to three years.
- B. If the sponsored person or family member is a dependent child of the sponsor or of the sponsor's spouse or partner, and is less than 22 years of age when s/he becomes a permanent resident, the undertaking ends on the earlier of: ten years following the acquisition of permanent resident status, or on his/her 25th birthday.
- C. If the sponsored person or family member is a dependent child of the sponsor or of the sponsor's spouse or partner, and is 22 years of age or older when s/he became a permanent resident, the undertaking will be in effect for three years following the acquisition of permanent resident status.
- D. If the sponsored person or family member is a person other than a person referred to in A, B or C above, the undertaking ends ten years after the sponsored person became a permanent resident.

NOTE 3:

The Post Determination refugee class was eliminated under the new legislation. Since sponsorships under this category were limited to two years, the sponsorship status of EIA applicants who entered Canada under this category is no longer relevant to determining eligibility.

Immigration Documentation

Before June 28, 2002, a successful landing application process resulted in the issuing of an IMM 1000 Record of Landing form. With the new legislation, the IMM 5292 Confirmation of Permanent Residence replaces the Record of Landing, and contains the same personal information, including immigration details.

As well, Citizenship and Immigration Canada (CIC) began issuing Permanent Resident cards to new permanent residents on June 28, 2002, as part of the immigration process. Personal data and a photo are confirmed at the point of entry into Canada and a card is issued automatically.

The Record of Landing (IMM 1000), the Confirmation of Permanent Residence (IMM 5292), and the back of Permanent Resident Card contain the Category of Immigration and the date the individual became a permanent resident. The name and address of the sponsor is recorded on both the Record of Landing and the Confirmation of Permanent Residence (Item 15 on both forms) as well as the length of the sponsorship.

EIA Application Procedures for Sponsored Immigrants

Sections 13.3.1, 13.3.2 and 13.3.3 of the policy manual are being updated as follows:

13.3.1 IMMIGRANTS

Some immigrants enter Canada on the basis of another person or an organization sponsoring them into the country. The sponsor undertakes to financially provide for the sponsored person(s) for various lengths of time. Under the current federal legislation, the Immigration and Refugee Protection Act, when a sponsorship is in place it may be for a period of one to ten years.

13.3.2 APPLICATIONS FROM IMMIGRANTS

When a person who has been in Canada for less than 10 years applies for EIA benefits, it is necessary to determine if there is an active sponsorship for that person or any of the dependants for whom EIA benefits are being requested. This requirement is not waived if the applicant or any of the applicant's dependants are Canadian citizens, as a person may be both a sponsored immigrant with an active sponsorship and a Canadian citizen.

If a review of the immigration documents indicates that an active sponsorship is in place, EIA staff must determine why the person finds it necessary to apply for assistance as the sponsor has a legal obligation to provide for their basic needs. The applicant must sign a release that authorizes EIA to contact the defaulting sponsor, authorizes the sponsor to provide information relevant to the person's application for assistance, and advises the applicant that the Department may take legal action against the sponsor to recover any assistance that is provided for the applicant and his/her dependants (if the dependants are also sponsored). EIA staff must contact the sponsor and explore the sponsor's ability to honour the legal undertaking. Please note that the requirement for the applicant to sign the release, and for staff to contact the sponsor, may be waived by the director when the situation suggests that there is a potential for family violence.

If the applicant's sponsor is unable or unwilling to honour the sponsorship undertaking, and the applicant is otherwise eligible for assistance, the director may approve enrollment.

13.3.3 RECOVERY OF ASSISTANCE FROM DEFAULTING SPONSORS OF IMMIGRANTS

Immediately following enrollment, the director must send, by registered mail, a letter to the recipient's sponsor advising that legal action may be taken to recover assistance issued as a result of the sponsor's breach of the Sponsorship Undertaking. The approved letter must be used, and staff must verify from the Acknowledgement of Receipt Card issued by Canada Post that the correct person received letter. The acknowledgment card must be retained. If the sponsor did not sign the acknowledgment card, efforts must be made to contact the sponsor to confirm that s/he received the letter and understands the contents. If the sponsor denies having received the letter, the EIA staff must advise the sponsor of the purpose and general contents of the letter and make arrangements to ensure that the sponsor receives an additional copy. Information regarding the date of contact with the sponsor and any outcomes are to be entered on the EIA participant's SAMIN case note.

The director must review the situation and, in consultation with Civil Legal Services, determine if legal action will be undertaken.

Directive 2002-14 "Sponsored Immigrants - Notification of Sponsors - Revised" outlines the manner in which EIA notifies sponsors who have breached the terms of their immigration sponsorship and remains in effect. The Sponsorship Breakdown letter has been revised, is attached to this directive, and is to be used immediately. Any other notification letters should now be destroyed.

***Original signed by John Petersen
For Pam Goulet***

Executive Director
Adult and Children's Programs

Original signed by John Petersen

Executive Director
Employment and Income Assistance Programs

cc: Gerry Schmidt
John Leggat
Janet Wikstrom
Community Area Directors
FSH Area Directors
Regional Directors
Distribution List



Family Services and Housing

Employment, Income and Housing

<Address>
Winnipeg, Manitoba, CANADA
<Postal code>
Telephone: (204) 948-XXXX

REGISTERED MAIL

DATE:

TO: Sponsor Name
Address

Dear:

Re: Participant's Name(s): d.o.b: CIC ID N°:

Please be advised that the above named person(s) whom you sponsored into Canada has (have) recently applied for income assistance benefits from the Employment and Income Assistance program ("the EIA Program") of the Department of Family Services and Housing, Province of Manitoba. In reviewing the EIA application, it has been determined that an active immigration sponsorship is still in effect.

This letter is to remind you that the "Undertaking of Assistance" that you signed under the *Immigration and Refugee Protection Act* is a legal commitment. Under this commitment, you agreed to provide adequate lodging, care, maintenance and financial assistance to the person(s) you sponsored for a specified period of time. This undertaking includes a commitment to provide financial assistance so that the person(s) you sponsored does (do) not require financial assistance from any federal or provincial assistance program such as the EIA program.

When sponsored immigrants receive payments from any provincial assistance programs, including the EIA program, such payments are considered to result from a breach of the sponsorship undertaking. The assistance provided can be recovered from the sponsor through legal action by either the Government of Canada or the Government of Manitoba.

Please be advised that the Government of Manitoba may pursue legal action to recover from you any amount of EIA benefits issued to the person(s) you sponsored.

Please contact this EIA office if you have any questions or concerns regarding this notice.

<Signatory>
Employment and Income Assistance

cc: Recovery and Collections Unit, Central Directorate
Civil Legal Services, Manitoba Department of Justice IDF
Canada Immigration – FAX (204) 983-3176