

SPONSORSHIP UNDERTAKING AND SPONSORSHIP DEBT

What is a Sponsorship Undertaking?

When a Canadian citizen or permanent resident applies to sponsor their family member(s) to become permanent residents, they must sign something called a “sponsorship undertaking.” This is a promise that a sponsor makes to Immigration, Refugees and Citizenship Canada (IRCC) that they will financially support the person they are sponsoring for a certain period of time.

How long does the undertaking last?

The financial responsibility of the sponsor starts from the day the sponsored person becomes a permanent resident (PR). How long it lasts will depend on who they are sponsoring.

Note: The length of an undertaking is slightly different for Applicants from Quebec. For everyone else, the length of an undertaking is:

- Spouse, Common-law Partner, Conjugal Partner: 3 years
- Dependent child (biological or adopted) or child to be adopted in Canada under 22 years of age: 10 years or until they are 25 (whichever comes earlier)
- Dependent child 22 years of age or older: 3 years
- Parents or Grandparents: 20 years
- Any other relative: 10 years

The undertaking will continue even if you go through the following situations:

- The person being sponsored becomes a Canadian citizen
- The relationship with the sponsored person changes (for example, divorce or separation)
- The sponsor loses their job or goes into debt
- The sponsor tries to withdraw their sponsorship application after the person has already become a PR
- The undertaking will also continue even in cases of abuse. Where a sponsor is abused by the sponsored person and the relationship breaks down, the undertaking will continue for the sponsor (who may be the victim of abuse). It cannot be cancelled if the person already has PR status.

Example: Dhruv is sponsoring his wife Preeti to come to Canada. He has promised to financially support her for three years. After two years Dhruv and Preeti get divorced. Dhruv must still continue to financially support Preeti for another year.

You are legally required to ask for financial support from your sponsor

If your sponsor is not giving you financial support, you may be thinking of applying to the government for social assistance or welfare (for example, Ontario Works). To be eligible for social assistance, you have to first look to all the financial resources you have. This includes the support that your sponsor promised you. You must ask the sponsor for financial support if they have not been supporting you. You won't be turned down for social assistance (example: welfare) if your sponsor is not keeping their promise, but you still have to provide information about your sponsor if you want to apply for social assistance.

In some situations, you may not have to ask for financial support from your sponsor.

Examples of these situations:

- If the sponsor is receiving social assistance
- If the sponsor dies
- If there is family violence and it is not safe for you to seek support from the sponsor

Can an Undertaking be canceled?

An undertaking can only be canceled **before** the IRCC makes a final decision on the permanent residence (PR) application. The sponsor can only withdraw an undertaking if IRCC approves the withdrawal.

You cannot cancel an undertaking after the person you sponsored becomes a permanent resident (PR).

Sponsorship Debt:

If the sponsored person receives social assistance during the sponsorship undertaking period, the sponsor will owe this money to the government.

If the sponsor has sponsorship debt:

- They will not be able to sponsor another family member until the debt has been paid.
- The government will start collecting the money. They may take the sponsor to court or start collection activities. The procedure will be similar to when a credit card bill or mortgage has not been paid. They can also collect the debt from tax rebates owed to you.

Can Sponsorship debt be forgiven?

Sponsorship debt cannot be forgiven. It can only be deferred.

Deferral of Sponsorship debt recovery

There are some circumstances in which the government will defer the collection of debt from the sponsor.

Some examples of these circumstances are:

- The sponsor is incapacitated (they do not have the ability to manage their own care of finances)
- The sponsor is bankrupt
- The sponsor is going through extraordinary circumstances
- The sponsor is facing family violence from the sponsored person.