

Sponsorship Disputes & Breakdowns

What are *sponsorship disputes*?

Disagreements or misunderstandings between sponsors and newcomers may naturally arise during the course of a sponsorship. Sponsorship disputes can range from disagreements over the terms of the sponsorship, to differences of opinions on various issues. Fortunately, sponsorship disputes do not always result in sponsorship breakdowns.

Sponsorship disputes may be resolved or improved by following the tips about avoiding disputes, breakdowns and defaults found on page 4 of this document. ***Immigration, Refugees, and Citizenship Canada (IRCC)* may also assist with sponsorship disputes through local IRCC offices, which are responsible for managing post-arrival issues.** The local IRCC office will intervene in a sponsorship dispute when:

- one or both parties to the dispute have requested IRCC intervention; or
- an internal resolution has not remedied the situation; or
- the newcomer has approached a social services agency during the sponsorship period, which has approached IRCC to inquire about the case.

What are *sponsorship breakdowns*?

A sponsorship breakdown is an official declaration that an “irreparable failure” to meet the sponsorship arrangement has occurred between the sponsors and the newcomers they have sponsored. In cases of sponsorship breakdowns, IRCC will issue a formal notice of the breakdown in the form of the *Declaration of Sponsorship Breakdown*, effectively cancelling the sponsorship undertaking.

What are *sponsorship defaults*?

A sponsorship default will be declared if the sponsoring group has been found to be responsible for the breakdown and has not attempted to resolve the conflict or the issues that have led to the breakdown. A sponsorship default refers to a breach of the contractual obligations of the sponsorship undertaking itself, or a failure to fulfill a financial or non-financial obligation associated with the Undertaking (form IMM 5373) and/or the Sponsorship Agreement.

Why do sponsorship breakdowns occur?

There are several reasons that a sponsorship breakdown may occur, including:

- There is an unresolvable dispute, such as a personality conflict, unrealistic expectations, or disagreements about the level of support that is provided to the newcomer.
- The terms of sponsorship cannot be fulfilled because of a change in the newcomer’s personal situation. Some examples of this are:
 - Separation or divorce;
 - Secondary migration, or in other words, the newcomers have decided to move to a different region, and sponsors will not or cannot continue to support the newcomer in the new community.
- The sponsors are not fulfilling their obligation of providing financial and/or settlement support.
- The newcomer opts to go on social assistance during the one year sponsorship period and does not inform the sponsor.

What should be done if there is a sponsorship dispute or breakdown?

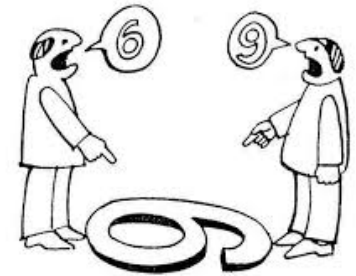
If a dispute has escalated to the point of being irresolvable between parties, and a sponsorship breakdown seems imminent, either the sponsor or the newcomer should contact IRCC by either:



- emailing PSR-PPPR@cic.gc.ca to be connected to the appropriate local IRCC office; or
 - calling the IRCC Call Centre at 1-888-242-2100.
1. Once the local IRCC office is notified of the dispute, a preliminary inquiry involving contacting the representative(s) of the sponsoring group and newcomer family will take place. IRCC will assess the seriousness of the situation and determine if IRCC intervention is necessary.
 2. If IRCC involvement is necessary, an IRCC Officer will attempt to assist the parties in resolving the dispute.
 3. A local IRCC Officer will act as a “mediator.” If a solution is not found, IRCC will act as the final decision-maker regarding next steps.
 4. If, during the mediation process (which can take weeks), emergency settlement assistance and financial support is needed, IRCC may refer the newcomers to the local welfare authorities (for those sponsored by Groups of Five or Community Sponsors) or to Resettlement Assistance Program (RAP) income support (for those sponsored by a Sponsorship Agreement Holder).
 5. If a breakdown has been declared, IRCC will determine which party is responsible. The responsibility for a sponsorship breakdown may rest with the sponsors, the newcomers, IRCC, or none of the parties. If the sponsoring group is determined to be responsible, IRCC will assess if they should be found to be in default of the sponsorship. This assessment will include considering if the sponsors have attempted to rectify the situation.

The sponsoring group should continue to carry out their sponsorship responsibilities throughout the duration of the conflict.

In cases involving a Constituent Group (CG) or a co-sponsor to a Sponsorship Agreement Holder (SAH), it is important to notify the SAH of the dispute so they can attempt to resolve it internally, as they are ultimately responsible for the sponsorship. In some cases, the SAH may consider transferring responsibility for the sponsorship to another CG, or taking on the responsibility itself. The SAH may also consider requesting another SAH to take over the sponsorship for the remainder of the sponsorship period.



If a breakdown has been declared, the sponsor, along with the assistance of the local IRCC office, may attempt to find a replacement sponsor for the newcomers. If a new sponsoring group is not found:

- newcomers sponsored by a SAH (or CG or co-sponsor of the SAH) may be referred to RAP income support for financial assistance until they either become self-supporting or the sponsorship term comes to an end.
- newcomers sponsored by a Group of Five or Community Sponsor may be provided with a *Declaration of Sponsorship Breakdown* and referred to the provincial social assistance authority.

What are the consequences of sponsorship breakdowns for newcomers?

If it is determined by IRCC that the sponsored newcomer caused the breakdown, it is possible that the newcomer will not receive further assistance from a sponsoring group in Canada and from IRCC.

What are the consequences of sponsorship breakdowns for sponsors?

If the sponsoring group is not responsible for the breakdown, the *Declaration of Sponsorship Breakdown* will note a “declaration of no-fault” breakdown and no consequences to the sponsoring group will follow. The sponsoring group will not be declared responsible for the breakdown if it is found that:

- it continues to deliver on its sponsorship obligations;
- unforeseen circumstances affected the sponsoring group’s capacity to fulfill obligations and another group has been successfully located to fill in, or reasonable efforts have been made by the sponsoring group to locate a new sponsor;
- the obligations of the sponsorship are not being fulfilled due to reasons beyond the sponsor’s control (for example, the newcomer voluntarily moves out of the original community of resettlement, not due to any dispute) and reasonable efforts have been made by the sponsoring group to locate a new sponsor.

A sponsorship default will be declared if the sponsoring group has been found to be responsible for the breakdown, and is unwilling to attempt to rectify the problem. The consequences of a sponsorship default may include:

The consequences of a sponsorship default may include:

- not being permitted to submit further sponsorships until the default is resolved.
- For SAHs, their sponsorship agreement may be suspended or cancelled.
- IRCC may conclude that the sponsoring group is unable to fulfill its obligations to cases still overseas, and make a recommendation to revoke the sponsorship approval of the group’s outstanding cases. IRCC may monitor the sponsoring group’s current sponsorships in Canada that are still within the one year sponsorship period to ensure that adequate financial and settlement support are being provided.

A default ends when:

- the group repays the money owed to the government for the government-funding accessed by the newcomer, or
- an IRCC officer determines that the sponsoring group has met the necessary obligations.

Financial defaults may occur for either the entire sponsoring group, or an individual party to the sponsorship.

How can sponsorship disputes, breakdowns, and defaults be avoided?

It is always best to try to avoid sponsorship disputes altogether. The following are important considerations in preventing and managing disputes:

- **Preparedness:** Sponsoring groups should be properly trained and equipped for sponsorship. SAHs are responsible for training their CGs. Groups of 5, Community Sponsors, SAHs, CGs and co-sponsors can access a wealth of resources and training opportunities through the Refugee Sponsorship Training Program (RSTP) website (www.rstp.ca).



- **Communication:** Clear, consistent and effective communication is a vital component to setting realistic expectations. This includes providing a thorough orientation to newcomers shortly after arrival, and continuing communication throughout the duration of the sponsorship. When a language barrier exists, make sure that communication takes place through interpreters that speak the same dialect as the newcomer, and ask the interpreters to communicate the correct information without adding or omitting content.
- **Managing expectations:** Proactively reflecting on sponsor and sponsoring group expectations, and possible newcomer expectations is a very helpful process. It can help to assess whether these expectations are “realistic”. Not having expectations at all, or having only “realistic” expectations may minimize interpersonal conflict or feelings of resentment and frustration arising from unrealistic expectations, which reduces the risk of sponsorships breaking down. For more information on managing expectations, please refer to the information sheet at the following link: <http://www.rstp.ca/wp-content/uploads/2016/07/Managing-Expectations.pdf>
- **Understanding:** Remember that there may be a lot that you do not know about the situation, including why the other party may be reacting in a certain way. Perhaps there has been misinformation or simple misunderstandings that have not yet been discovered. It often helps to remember that you may not always have the whole context. Patience and greater understanding may be needed to improve communication and come to a common resolution.

Where can I find more information and support?

For more detailed information about Sponsorship Breakdowns, you can refer to the *In-Canada Processing of Convention Refugees Abroad and Members of the Humanitarian Protected Persons Abroad Classes – Part 3 (IP-3)*: <http://www.cic.gc.ca/english/resources/manuals/ip/ip03-part3-eng.pdf>

If you are based in Toronto and would like assistance related to a sponsorship dispute, or would like information about upcoming workshops on *Managing Expectations and Sponsorship Ethics*, contact RSTP’s Toronto Refugee Sponsorship Support Initiative (Toronto RSS) at torontorss@rstp.ca or 416-290-1700, ext. 404.

If you are outside of Toronto, please contact the RSTP by emailing info@rstp.ca or calling 1-877-290-1701 to learn more about sponsor and newcomer rights and responsibilities; sponsorship disputes, breakdowns, and defaults; upcoming workshops; and more.

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