

SPONSORSHIP DISPUTE

Definition: Disputes are disagreements which may lead to a sponsorship breakdown, but not necessarily so.

Examples:

- disagreements over the terms of the sponsorship
- difference of opinion on various issues

Procedures: Generally, CIC officers do not intervene; sponsors and refugees are expected to work through disputes internally. CIC officers will intervene when their intervention has been requested by the sponsor, the sponsored person(s) or an SPO and/or the internal resolution has not remedied the situation.

SPONSORSHIP BREAKDOWN

Definition: Sponsorship breakdown is an official declaration that an irreparable failure to meet the sponsorship arrangement (care, lodging and settlement) has occurred for the sponsored person(s) after their arrival in Canada. A breakdown is declared when the terms of the sponsorship are not being fulfilled due to circumstances beyond a sponsor's control. However, responsibility for a breakdown can rest with the sponsored person, the sponsors or CIC. A formal notice of sponsorship breakdown, issued by CIC, effectively cancels the sponsorship undertaking.

Examples:

- terms of the sponsorship cannot be fulfilled because of a change in the refugee's personal situation
 - Marital or couple separation
 - Secondary migration, where the sponsors will not or cannot continue to support the refugee in the new community
- the refugee opts to go on social assistance and does not inform the sponsor
- unresolvable dispute
- CIC fails 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 and CIC would be responsible.

Procedures: CIC must intervene in irresolvable disputes that could lead to breakdown and/or defaults, and ensure a mediated resolution takes place.

1. 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, gauge the seriousness of the situation and to determine if an external resolution is necessary.
2. If an external resolution is necessary, a CIC representative will be appointed to work with both parties as a mediator and will act as the final decision maker. In cases where CIC may be the cause of the breakdown, a mediator other than the CIC representative involved in the breakdown is required. 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/obstructed in its efforts to abide by the terms of the sponsorship undertaking according to the arrangements described in the settlement plan
3. A sponsorship breakdown requires the introduction of alternative settlement arrangements for the sponsored person(s) and, should the sponsor be determined responsible, the possibility of default being declared against the sponsor.

4. If, during the mediation process (can take weeks), emergency settlement assistance and financial support is needed, CIC will refer the refugees to the local welfare authorities (for those sponsored by a Group of Five or Community Sponsor) or to the local RAO Service Provider (for those sponsored by a Sponsorship Agreement Holder organization).
5. Where no solution is reached, 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. If the SAH takes no further responsibility, CIC declares a breakdown and assesses the SAH for sponsorship default.
6. Once a breakdown has been declared and the sponsoring group is found to be responsible, the CIC must assess if the sponsoring group should be found in default of the sponsorship.

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 and reasonable efforts have been made by the sponsoring group to locate a new sponsor.

SPONSORSHIP DEFAULT

Definition: Sponsorship default is a consequence of a sponsorship breakdown, when the sponsoring group is found to be responsible for the cause of the breakdown. It 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.

Examples:

- in respect to financial obligations - a financial default can occur for either the sponsor as a whole or a party of the sponsor
- or settlement assistance

Procedure:

- Once a sponsoring group has been determined to be in default, they are not permitted to submit further sponsorships until the default is resolved. Their sponsorship agreement may be cancelled, suspended or amended.
- 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 in default 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
- If after two weeks of declaring a default, a new sponsoring group cannot be found, CIC will refer the refugees to RAP (if sponsored by a SAH or CG) to ensure they receive continued support.
- A default ends when:
 - the group or group members repays the monies owed to the government (Financial Default), or
 - sponsor satisfies an officer that they have met the obligations (Settlement Assistance Default)