Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 3, 2025 10:28:37 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Tue, 22 Apr 2025 18:05:24
To: [redacted]
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Family Class - Sponsor Eligibility - Residency Obligation for PR Sponsor - REP-2025-0516 - Due 18-Mar-25 - REP-B-2025-0196 - 29-Apr-25
Importance: Normal
Sensitivity: None

Good day,

[redacted] **Immigration Representatives Mailbox**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries. If you have case specific questions about a file, you are encouraged to submit a Webform at:

http://www.ircc.canada.ca/english/contacts/web-form.asp

If a sponsorship application has been submitted and the officer determines during processing that it appears that the sponsor does not meet the residency obligation under section 28(2) of IRPA, this would lead to the suspension of processing of the application while the sponsor's permanent residence status was reassessed and a decision rendered.

This could result in the possible revocation or loss of the sponsor's permanent resident status if the sponsor is non-compliant with the residency requirement. This will be assessed on a case-by-case basis and depending on the outcome, could result in the sponsorship eligibility in the application being failed and the application, in turn, refused for not having an eligible sponsor.

As per our complete guide:

If you don't meet the sponsorship requirements

If you don't qualify as a sponsor and chose to withdraw your sponsorship application:

- * you'll get a refund for the principal applicant processing fee and any Right of Permanent Resident Fees you paid.
- * there will be no decision on the application for permanent residence of the person you are sponsoring
- * you will not have a right of appeal.

If you fix the situation that made you ineligible to sponsor, you can reapply at a later date.

If you don't qualify as a sponsor and tell us you want to continue processing:

- * we'll process the application for the person you are sponsoring.
- * we'll likely refuse the application for permanent residence and tell you in writing if you have a right to appeal.

We hope you find this information useful.

[redacted]
The Immigration Representatives Mailbox

From: [redacted]
Sent: [redacted] 26, 2025 9:00 AM

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To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-[redacted]

Subject: Re: Family Class - Sponsor Eligibility - Residency Obligation for PR Sponsor - REP-2025-0516 - Due 18-Mar-25

CAUTION: This email originated from outside the Government of Canada. Do not click on links or open attachments unless you recognize the sender and know the content is safe.
ATTENTION: Ce courriel provient de l'extérieur du gouvernement du Canada. Ne cliquez pas sur les liens et n'ouvrez pas les pièces jointes sauf si vous reconnaissez l'expéditeur et sachez que le contenu est sûr.

Dear Officer,

[redacted] and for the helpful guidance provided.

I would like to follow up with a clarification question based on the information shared.

If a sponsorship application has already been submitted and the processing office later determines that the sponsor does not meet the residency obligation under section 28(2) of the IRPA, would this lead to:

1. 1. The refusal of the sponsorship application; and
2. 2. The possible revocation or loss of the sponsor's permanent resident status due to non-compliance with the residency requirement?

I understand that such matters are assessed on a case-by-case basis, but I would greatly appreciate your general guidance on the potential consequences in this scenario.

[redacted].

Regards,

On Wed, Mar 26, 2025 at 9:00 'a0AM Immigration Representatives / Représentants immigration (IRCC) [redacted] wrote:

Good day,

[redacted] **Immigration Representatives Mailbox**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries but have provided the following information as guidance.. If you have case specific questions about a file, you are encouraged to submit the IRCC Web form.

Please see our response to your question:

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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As per section 13(1) of the *Immigration Refugee Protection Act* (IRPA) and R130(1) of the *Immigration Refugee Protection Regulations* (IRPR), in order to sponsor a foreign national for permanent residence under the family class or spouse or [redacted] Canada [redacted] Canadian Citizen [redacted] Permanent [redacted] the IRPR also stipulates that a sponsor must be a permanent resident or Canadian Citizen who resides in Canada.

Additionally, section 28 of the IRPA outlines the residency obligations that permanent residents must comply with in order to maintain their status as a permanent resident.

As per our Complete Guide: *If any of the situations or circumstances below apply to you, we won't start processing your sponsorship application until a final decision related to the situation has been made.*

- * *Your citizenship is in the process of being revoked;*
- * *You have a removal order against you;*
- * ***You've failed to respect your residency conditions;***
- * *The Minister of Immigration, Refugees and Citizenship and the Minister of Public Safety signed a certificate stating you're inadmissible because of security, human or international rights violation, serious criminality or organized criminality;*
- * *You've been charged with an offence that is punishable by a maximum prison term of ten years.*

If the processing office has concerns that a permanent resident sponsor does not meet their residency obligation under section 28(2) of the IRPA, this may be reviewed at any stage in the processing of the spousal sponsorship application as it relates directly to the eligibility to sponsor.

This will be assessed on a case-by-case basis and depending on the outcome, could result in the sponsorship application being suspended until a final determination is made with respect to the sponsor's residency obligation.

We hope you find this information useful.

Sincerely,

The Immigration Representatives Mailbox

From:
Sent: [redacted] 5, 2025 11:21 AM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Subject: Family Class - Sponsor Eligibility - Residency Obligation for PR Sponsor

Dear Officer,

IRPR 130 requires that the sponsor be a Canadian citizen or permanent resident. R133(1) explains detailed requirements for the sponsor. However, it does not mention whether failing to meet the residency obligation in cases where the sponsor is a permanent resident would disqualify him or her to be a sponsor.

For example, the sponsor resides in Canada. He holds a **valid** permanent resident card. However, he has **failed** to meet the residency requirement for the past 5 years. Would he be able to sponsor a spouse under the Family Class or the SCLPC Class? Or does he have to wait until his residency obligation is fulfilled to proceed with the application?

Please kindly advise. Thank you.

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Regards, s.19(1)