

## Residency and Citizenship

### General Principle

An applicant for social assistance must be resident on-reserve at the time of the application. Status, non-status, and non-Indian persons shall normally, if eligible, be granted social assistance by the band administering authority (see Designated Commercial Property below).

### Policy

#### ***Residence On-reserve***

An understanding exists between the Department of Indian Affairs and Northern Development (DIAND), and the provincial Ministry of Human Resources (MHR), that eligible status and non-status persons living on-reserve will be granted social assistance by the band administering authority (funded by DIAND), and that eligible status and non-status persons living off-reserve will be granted assistance by MHR.

#### ***Designated Commercial Property***

Where persons are resident on designated commercial property on reserve land, status Indians shall be granted assistance by the band administering authority, and non-status and non-Indian persons shall apply for social assistance from MHR.

#### ***Residence Criteria***

The following do not meet the on-reserve residency criteria:

- non-status or non-Indian applicants living on designated commercial property on reserve land are not eligible for social assistance through the band administering authority: such applicants should apply for BC Benefits assistance at the local MHR office
- persons who are confined to a federal or provincial corrections institution are not eligible for social assistance during the period of their confinement

- persons who are confined to a hospital, a rehabilitation centre, or a special care facility may be eligible for comforts and clothing allowances, provided that they have permanent residence on-reserve immediately prior to their admission to the facilities. (see Chapter 11.4 Comfort Allowance and Clothing Allowance for Recipients in Special Care Facilities)

## Citizenship

### ***General Principle***

Canadian residency and the citizenship or immigration status of the applicant and adult dependant in a family unit are factors in determining eligibility for social assistance.

An applicant is eligible for social assistance or benefits only if they are one of the following:

- a Canadian Citizen
- authorized under an enactment of Canada to take up permanent residence in Canada, or
- determined under the Immigration and Refugee Protection Act (Canada) or the Immigration Act (Canada) to be a Convention refugee.

If the above requirement is met, social assistance and benefits may be provided to the family unit if each dependant other than dependent child is one of the following:

- a Canadian citizen
- authorized under an enactment of Canada to take up permanent residence in Canada
- determined under the Immigration and Refugee Protection Act (Canada) or the Immigration Act (Canada) to be a Convention refugee
- in Canada under a temporary residence permit issued under the Immigration and Refugee Protection Act (Canada) or on a minister's permit issued under the Immigration Act (Canada)
- in the process of having his or her claim for refugee status determined under the Immigration and Refugee Protection Act (Canada)
- subject to a deportation order under the Immigration and Refugee Protection Act (Canada) that cannot be executed

Dependent children do not affect the eligibility of the family unit due to their immigration status. For the purposes of social assistance eligibility they assume their parents' status.

If the applicant or adult dependant was not born in Canada, proof of immigration status is required as follows:

- Confirmation of Permanent Residence - IMM5292 and Permanent Resident Card (prior to June 28, 2002: Record of Landing - IMM1000)
- Canadian citizenship card or document
- Canadian passport
- Temporary Resident Permit (prior to June 28, 2002: Minister's Permit)
- documentation of claim for refugee status
- documentation of inexecutable deportation order
- documentation of convention refugee status

## Sponsored Immigrants

Sponsored immigrants include family class, assisted relative, private group sponsored refugees, and family sponsored refugees. These persons have been admitted to Canada on condition that another party in Canada has agreed to provide all necessary assistance for a specific period of time.

Sponsored immigrants are not eligible for social assistance unless it is established by Citizenship and Immigration Canada that the sponsors are unable to meet their obligation to support.

If a hardship situation exists, hardship assistance may be issued pending a report from Citizenship and Immigration Canada, if it is confirmed that the applicant has requested them to evaluate the sponsorship.

**Note:** The sponsored immigrant's gaining citizenship does not invalidate the sponsor's obligations.