



Citation: *AT v Minister of Employment and Social Development*, 2025 SST 335

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: A. T.
Representative: V. T.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated June 10, 2024 (issued by
Service Canada)

Tribunal member: Antoinette Cardillo

Type of hearing: In person

Hearing date: December 6, 2024

Hearing participants: Appellant
Appellant's representative
Interpreter

Decision date: January 30, 2025

File number: GP-24-1419

Decision

[1] The appeal is dismissed.

[2] The Appellant, A. T., is not eligible to receive the Guaranteed Income Supplement (GIS) because she has been admitted to Canada as a permanent resident under a sponsorship undertaking as per the *Old Age Security Act (OAS Act)*.

[3] This decision explains why I am dismissing the appeal.

Overview

[4] The Appellant was born on October 4, 1956 in Armenia. She lived in Greece for a period of time. She then came to Canada on November 2, 2018.

[5] The Appellant filed an application for the Old Age Security (OAS) pension and the GIS on June 8, 2021.¹ The Appellant said that she was a permanent resident, and she was admitted into Canada under a sponsorship agreement.

[6] The Minister approved the Appellant's application for the OAS pension effective November 2021 at the rate of 2/40e. However, the Appellant was not eligible for the GIS. The Minister said that sponsored immigrants do not qualify to receive the GIS during the period of sponsorship.

[7] The Appellant appealed the Minister's decision regarding the GIS to the Social Security Tribunal's General Division.²

Reasons for my decision

[8] The *OAS Act* provides for an income-tested monthly benefit, called the GIS, that can be paid to individuals who receive the OAS pension. However, immigrants admitted

¹ See page GD2-22.

² See notice of appeal at GD1.

to Canada as permanent residents under a sponsorship undertaking, are not eligible to the GIS during the period of sponsorship, except under exceptional circumstances.

[9] Based on the evidence, the Appellant's application for permanent residence in Canada was approved on February 12, 2021. Her sponsorship undertaking period was for 20 years.³

[10] The Appellant's application for the OAS pension and GIS received on June 8, 2021 was approved effective November 2021 (the month after the Appellant turned 65) at the rate of 2/40e.

[11] However, the Appellant was not eligible for the GIS. The Minister said that sponsored immigrants did not qualify to receive the GIS during the period of sponsorship. The Appellant may be eligible for the GIS in February 2031.

[12] The Minister explained that being sponsored meant that a close family member (sponsor), who was a Canadian citizen or permanent resident 18 years of age or older, agreed to financially and physically support that person while living in Canada for the duration of the sponsorship period. However, the Minister informed the Appellant to contact Service Canada should there be a change such as: if the sponsor died, was imprisoned for more than six months, convicted of abusing the sponsored immigrant, or suffered personal bankruptcy. These are the exceptional circumstances specified in the law.

[13] The OAS Act provides that a monthly guaranteed income supplement may be paid to a pensioner except when the pensioner is a person in respect of whom an undertaking by a sponsor is in effect as provided under the *Immigration and Refugee Protection Act*.⁴

[14] The only exceptions are listed in the *Old Age Security Regulations* (OAS Regulations) which are:⁵

³ See pages GD2-33 and 37.

⁴ See section 7(1), 11(7)(e)(ii) and 11(8) of the OAS Act.

⁵ See section 22.1(1) and (2) of the OAS Regulations.

- (a) the death of the sponsor;
- (b) the sponsor's conviction of an offence under the [Criminal Code](#) relating to the sponsored individual;
- (c) a determination that the sponsor is a bankrupt as defined in section 2 of the [Bankruptcy and Insolvency Act](#); and
- (d) the sentencing of the sponsor to a term of imprisonment of more than six months.

[15] At the hearing, the Appellant and her Representative's testimonies were credible and heart felt. They explained the financial stresses of being a sponsor and of being a sponsored immigrant. The Appellant said that her husband tried to work but due to his age and language barrier, no one would hire him. The Appellant said that with the very small OAS pension they receive, it is not enough to buy anything and she and her husband feel that they are a great burden on their daughter who has sponsored them.

[16] I sympathize with the Appellant and her Representative. I am however bound by what the legislation says.

[17] Since the Appellant is still under sponsorship, and she has not reported any exceptional circumstances as per the *OAS Regulations*, she is unfortunately not eligible for the GIS as per the *OAS Act*.

Conclusion

[18] The Appellant does not meet the eligibility requirements to receive the GIS because she has been admitted to Canada as a permanent resident under a sponsorship undertaking and the sponsorship period is not over.

[19] This means the appeal is dismissed.

Antoinette Cardillo
Member, General Division – Income Security Section