



Citation: *AT v Minister of Employment and Social Development*, 2025 SST 334

## **Social Security Tribunal of Canada Appeal Division**

# **Leave to Appeal Decision**

**Applicant:** A. T.

**Representative:** V. T.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** General Division decision dated January 30, 2025  
(GP-24-1419)

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**Tribunal member:** Kate Sellar

**Decision date:** April 7, 2025

**File number:** AD-25-235

## Decision

[1] I'm refusing to give the Claimant (A. T.) leave (permission) to appeal. The appeal will not go ahead. These are the reasons for my decision.

## Overview

[2] The Claimant was born on October 4, 1956. She came to Canada on November 2, 2018. She filed an application for the Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS) on June 8, 2021 (just after her 65<sup>th</sup> birthday).<sup>1</sup> The Claimant was a permanent resident: she immigrated to Canada under a sponsorship agreement.

[3] The Minister of Employment and Social Development (Minister) approved the Claimant's application for the OAS pension effective November 2021 at the rate of 2/40.<sup>2</sup> However, the Minister also sent a letter to the Claimant explaining that she wasn't eligible for the GIS.<sup>3</sup> The Minister said that sponsored immigrants do not qualify to receive the GIS during the period of sponsorship.<sup>4</sup> The Claimant asked the Minister to reconsider its decision about the GIS. The reconsideration letter explains that the decision cannot change – the Claimant's period of sponsorship isn't yet over, so she isn't yet eligible for the GIS.

[4] The Claimant appealed the Minister's decision regarding the GIS to this Tribunal. The General Division dismissed the Claimant's appeal. The General Division found that the Claimant wasn't eligible for the GIS because her sponsorship period isn't over. The General Division explained that there are some exceptions in the law that allow claimants to receive the GIS during a period of sponsorship, but none of them apply to the Claimant.

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<sup>1</sup> See GD2-22.

<sup>2</sup> See GD2-11 to 14.

<sup>3</sup> See GD2-9 to 10.

<sup>4</sup> See GD1-9.

## Issues

[5] The issues in this appeal are:

- a) Has the Claimant raised an arguable case for an error in the General Division's decision about her application for the GIS that would justify giving her permission to appeal?
- b) Does the application set out evidence that wasn't presented to the General Division?

## I'm not giving the Claimant permission to appeal

[6] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.<sup>5</sup>

[7] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.<sup>6</sup>

[8] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence that would justify giving her permission to appeal, I must refuse permission to appeal.

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<sup>5</sup> See section 58.1(a) and (b) in the *Department of Employment and Social Development Act* (Act).

<sup>6</sup> See section 58.1(c) in the Act.

## **The Claimant hasn't raised an arguable case for an error by the General Division.**

[9] The Claimant states that she accepts the General Division's decision about her eligibility for the GIS. She acknowledges that the law says that sponsored immigrants don't qualify for the GIS during the period of sponsorship. The Claimant says that her period of sponsorship isn't over until February 12, 2031.<sup>7</sup> The Claimant made no argument that any of the exceptions that can make sponsored immigrants eligible for the OAS pension apply to her.

[10] Accordingly, the Claimant hasn't raised any arguable case for an error by the General Division that would justify giving her permission to appeal. She isn't raising a problem with the General Division's decision. She isn't raising an issue with the fairness of the General Division's process, either.

[11] I cannot give the Claimant permission to appeal based on any arguable case for an error by the General Division.

## **There's no new evidence that would justify giving the Claimant permission to appeal.**

[12] The Claimant provided some additional documents with her application for permission to appeal.<sup>8</sup> She provided evidence about her efforts to find work (and her spouse's efforts to find work). She also provided evidence about the amount of partial OAS pension she and her spouse received in 2024.

[13] These documents cannot form the basis for giving the Claimant permission to appeal. This is because they aren't related to the issue on appeal, which is whether the Claimant is entitled to the GIS although she is still in a sponsorship period.

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<sup>7</sup> See AD1-9. The General Division discusses and applies sections 11(7)(e)(ii) and 11(8) of the *Old Age Security Act* (OAS Act) as well as sections 22.1(1) and (2) of the *OAS Regulations* in its decision at paragraphs 8 to 17.

<sup>8</sup> See AD1-10 to 16.

[14] Accordingly, the Claimant hasn't set out any new evidence that would justify giving her permission to appeal.

## Final Notes

[15] The Claimant explained that she and her family need help to manage their basic living expenses. The cost of living has gone up in Canada which has impacted her sponsor and the sponsor's family as well. She asked the Appeal Division for information about other benefits that she and her family might access to improve their quality of life and allow them to live with dignity in Canada.<sup>9</sup>

[16] As the Appeal Division member, my job is to decide whether the Claimant can have permission to appeal the General Division decision about access to the GIS. I need to provide reasons for my decision. I respect the Claimant and her reasons for asking for help. But the Appeal Division isn't the right place to ask for help to find federal or provincial government programs and services to help meet expenses generally. I don't have the information that the Claimant needs. She might consider reaching out to her elected officials both provincially and federally for information and support.

[17] The Claimant also asked the Appeal Division if she could appeal the amount of partial OAS pension she receives.<sup>10</sup> The Claimant said that she knows that the amount of the partial pension does not increase with additional years of residency after she turned 65. However, she asks the Appeal Division to increase her partial OAS pension to reflect the fact that she continued to live in Canada in 2019 and 2021 to 2024.

[18] I cannot increase the amount of the Claimant's OAS pension because my job is only to decide whether she can have permission to appeal the General Division decision. The General Division decision wasn't about the amount of her partial OAS pension. The General Division was deciding an appeal from the Minister's reconsideration letter about the Claimant's eligibility for the GIS.

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<sup>9</sup> See AD1-9.

<sup>10</sup> See AD1-9.

## **Conclusion**

[19] I've refused to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar  
Member, Appeal Division