



# Newcomers + Child Tax Benefits

## Presentation and Q+A

### Speakers:

**Heather Neufeld**, Lawyer, [Connecting Ottawa](#)

**Liz Majic**, Lawyer, [Connecting Ottawa](#)

March 8<sup>th</sup>, 2022



# What you can expect today

## **Lunch and Learn Series, Part 1**

45 minutes in total (presentation and Q+A)

This is legal information, not legal advice.

The information is current as of today's date March 8, 2022

Recording and slides will be sent out afterward.

Subtitles (closed captioning) has been enabled.



# Land Acknowledgement

CLEO's work takes place across the home and traditional territory of the Mississaugas of the Credit, the Haudenosaunee, and the Wyandot peoples, on land that many of us know now as Ontario.

As we provide legal information today, we acknowledge the ongoing impact of colonization and anti-Indigenous racism, built into our laws and legal systems, resulting in devastating pain and inequality for Indigenous Peoples of every generation.

It is the responsibility of non-Indigenous people, particularly those of us who benefit from discriminatory systems, to use our power and privilege to contribute and support initiatives and movements that work toward dismantling colonialism and anti-indigenous racism wherever we can.

# Newcomers and the Canada Child Benefit

March 8, 2022



**ACCESS TO LEGAL INFORMATION & SERVICES FOR THOSE WITH COMMUNICATION BARRIERS**

# Canada Child Benefit (CCB)

- In July 2016, the federal government **replaced** the Canada Child Tax Benefit and Universal Child Care Benefit with the Canada Child Benefit (CCB).

**Income-tested program: entitlement is based on your family's net income, as reported on your tax returns\***

\*Failure to file income tax and benefit return = no money!

# How to apply for CCB if you are a newcomer?

If you are in the following situation:	You need to attach this document to your application:
<p>You answered "no" to either of these questions:</p> <ul style="list-style-type: none"><li>• Have you been a Canadian citizen for the last 12 months?</li><li>• Has your spouse or common-law partner (if you have one) been a Canadian citizen for the last 12 months?</li></ul>	Form RC66SCH, Status in Canada and Income Information
<p>You answered "yes" to either of these questions:</p> <ul style="list-style-type: none"><li>• Within the last two years, did you become a newcomer to Canada or return after an absence of at least six months?</li><li>• Within the last two years, did your spouse or common-law partner (if you have one) become a newcomer to Canada or return after an absence of at least six months?</li></ul>	Form RC66SCH, Status in Canada and Income Information

## Schedule RC66SCH, Status in Canada/Statement of Income Form RC66, Canada Child Benefits Application

# What if my child was born outside of Canada?

- If the Canada Revenue Agency (CRA) has not paid benefits to anyone for the child AND the child is in any of these situations:
  - Is one year of age or older
  - Was born outside of Canada
- You need to attach acceptable proof of birth for the child with your application.

# Canada Child Benefit (CCB)

Every **July**, your benefit payment is recalculated based on:

- Number of children you have
- Age of your children
- Your marital status
- Adjusted Family Net Income (AFNI), as reported in last year's tax return, for both you and your spouse or common-law partner (if you have one)

In other words, a change in your and/or your spouse's or common-law partner's income in 2021 will only be reflected in your payments starting in July 2022.



# How much CCB will you receive?

- AFNI under \$32,028 = maximum payment for each child:
  - **under 6 years of age:** \$6,833 per year (\$569.41 per month)
  - **6 to 17 years of age:** \$5,765 per year (\$480.41 per month)
- Benefits gradually **start decreasing** when AFNI over \$32,028

[Child and family benefits calculator - Canada.ca](https://www.canada.ca/en/social-services/child-family-benefits-calculator)

# Eligibility criteria for CCB

You must meet **all** of the criteria to qualify for the CCB:

- The child under your care is under 18 years of age
- You are primarily responsible for the care and upbringing of the child
- You are a resident of Canada for tax purposes
- You or your spouse or common-law partner must be any of the following:
  - Canadian citizen
  - Permanent resident
  - Protected person (someone granted refugee or person in need of protection status)
  - Temporary resident (visitor, international student or foreign worker) who has lived in Canada for the previous 18 months, and who has a valid work permit in the 19<sup>th</sup> month other than one that states “does not confer status” or “does not confer temporary resident status”
  - Registered, or entitled to be registered under the [Indian Act](#)

# Which parent is primarily responsible?

- The parent who is primarily responsible for the care and upbringing of the children should apply for the CCB.
- When two individuals who are spouses or common-law partners reside in the same home as the child, the **female parent** is presumed by law to be primarily responsible for the care and upbringing of all the children in the home.

She should be the one applying for the CCB.

# Which parent is primarily responsible?

- If the child shares their time about equally between two separated or divorced parents, both parents are considered to have **shared custody** for the purposes of the CCB:
  - The CRA will calculate the amount each parent gets separately, using their respective AFNI
  - Each parent will get exactly 50% of what they would have gotten if they had full custody

# Which parent is primarily responsible?

- **252 (1)** In this Act, words referring to a child of a taxpayer include
  - **(a)** a person of whom the taxpayer is the legal parent;
  - **(b)** a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before the person attained the age of 19 years had, **in law or in fact**, the custody and control...
- In some limited situations, a person other than a legal parent may qualify for the CCB if they are primarily responsible for the care and upbringing of the child(ren).

# What does it mean to be “resident” for tax purposes?

- In general, an individual’s residence for Canadian tax purposes is a factual determination based on the person’s residential ties with Canada.

# What does it mean to be “resident” for tax purposes?

## Do you need help determining your residency status?

- If you are not sure whether you were a non-resident of Canada for tax purposes in 2021, complete [Form NR74, Determination of Residency Status \(entering Canada\)](#), or [Form NR73, Determination of Residency Status \(leaving Canada\)](#), whichever applies, and send it to the CRA as soon as possible.
- The CRA will provide you with an opinion on your residency status based on the information you provide.

# What if my spouse is a non-resident of Canada?

- If your spouse or common-law partner is a non-resident of Canada during any part of the year, you must fill out [Form CTB9, Canada Child Benefit – Statement of Income](#) for each year, or part of a year, that they are a non-resident of Canada.



# Scenario

Your client is an immigrant single mother with a 5 year old child. She was advised to apply for the Canada Child Benefit (CCB) soon after her child was born in Canada. She had previously been married to a Canadian citizen but the marriage broke down shortly before the child's birth. Your client is still waiting for a decision on her application for permanent residence on humanitarian and compassionate grounds. For several years, she received the CCB, always submitting a copy of her new work permit each time it was renewed. This year, she was informed that she had never been eligible for the CCB and that she must repay thousands of dollars. Due to her initial eligibility for the CCB, she was deemed eligible for provincial child benefits, thereby incurring an overpayment of those benefits as well.

# What parents are not eligible for the CCB?

- **What parents are not eligible for the CCB for their children?**
  - Parents who are refugee claimants
  - Parents who are failed refugee claimants
  - Parents who have no status while awaiting a decision on a humanitarian and compassionate application
  - Parents who were approved in principle on humanitarian and compassionate grounds and are awaiting permanent residence
  - Parents who are without status but cannot be removed because they are from countries such as the Democratic Republic of Congo (moratorium countries), to which Canada does not currently deport people due to generalized risk
  - Parents who have no status because they overstayed a visa or who have never had legal status in the country
  - Parents who have resided in Canada as temporary residents (visitors, international students or foreign workers) for less than 18 months

# What happens if you have a CCB overpayment?

- If a recalculation shows that you were overpaid CCB, the CRA will send you a notice with a remittance voucher attached to inform you of the balance owing.
- The CRA may keep all or a portion of future CCB payments, income tax refunds, or goods and services tax/harmonized sales tax (GST/HST) credits until your balance owing is repaid.
- This may also apply to other federal, provincial, and territorial programs that the CRA administer.

# How do I object to a CCB overpayment decision?

- Contact the CRA by phone to try to resolve the issue before submitting a notice of objection to a decision denying you CCB or assessing an overpayment.
- If unsatisfied with the response, submit a notice of objection within 90 days of the mailing of the notice of assessment.
- Submit your notice of objection online, by mail or by fax. Include as many details as possible about why you object to the CRA's decision.
- The CRA will mail you a letter confirming the original assessment or varying it.

<https://www.canada.ca/en/revenue-agency/services/about-canada-revenue-agency-cra/complaints-disputes/file-objection-cppei-appeal-minister/income-tax.html>

# What if I am late filing my objection?

- If you did not file your objection on time because you tried to resolve your issue with the CRA, or because of circumstances beyond your control, you can apply for an extension at the same time as you file your notice of objection.
- You can apply for an extension up to one year after the deadline for filing an objection by writing to the Chief of Appeals at your Appeals Intake Centre.

# How do I object to a CCB overpayment decision?

- You have the right to appeal to the Tax Court of Canada if you are unsatisfied with the CRA's final decision about your notice of objection.
- If you have to repay CCB amounts you received in error, you can negotiate a monthly payment plan with the CRA.
- You can also explain to the CRA if paying back the money right now would cause you undue hardship, making it impossible for you to pay for things like rent and food – CRA must consider any \$ hardship.

<https://www.canada.ca/en/revenue-agency/services/about-canada-revenue-agency-cra/complaints-disputes/file-appeal-in-court/income-tax-gst-hst.html>



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario

# Resources and supports:

## Steps to Justice

[Child tax benefits \(3\)](#)

[Transition child benefit](#)

[Can I appeal a decision about child tax benefits?](#)

## CLEO Connect Inventory Tool

[Income benefits during COVID-19](#)

## Government of Canada

[Who can apply - Canada child benefit \(CCB\) - Canada.ca](#)

[Child and family benefits calculator](#)

[Get your taxes done at a free clinic](#)

## Prosper Canada

[Benefits Finder](#)

## Find your Community Legal Clinic

<https://www.legalaid.on.ca/legal-clinics/>



# Calls to action: Truth and Reconciliation

## [Truth and Reconciliation Commission of Canada: Calls to Action](#)

### [Settlers Take Action](#)

Learn about where you are situated, information for land acknowledgements and learn about the treaties and agreements signed across Canada.

### [Whose Land?](#)





**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario

# Thank you for joining us!

Subscribe – [cleoconnect.ca/subscribe/](https://cleoconnect.ca/subscribe/)

Steps to Justice – [stepstojustice.ca/covid-19](https://stepstojustice.ca/covid-19)

**Contact me!** Karen Dick at CLEO  
karen.dick@cleo.on.ca

