

Newcomers and the Child Tax Benefit: March 8, 2022 Webinar Questions + Answers

Please note that the information below is legal information and should not to be taken as legal advice. If you asked a question and do not see it below, it is because our presenters were not able to respond. Answers were prepared by Liz Majic and Heather Neufeld from Connecting Ottawa, presenters on the March 8th webinar.

Questions	Answer
Can temporary resident apply for CCB? visitor/work permit/claim refugee?	Only someone who is a temporary resident under immigration law can claim the CCB. This means they must be on a visitor visa, a work visa as a foreign worker, or a study permit as an international student. If they make a refugee claim, they become ineligible for CCB. They must have had temporary residence for at least 18 months to qualify for CCB and be here as a worker, visitor or student. Having a work permit while making a refugee claim or waiting for permanent residence does not make someone qualify.
Are there any exceptions for newcomers (refugee claimants) who live in a shelter?	Unfortunately, no. However, a refugee claimant might be eligible for the Transition Child Benefit .
Does the CRA determine each parent's payment in 50/50 custody?	In a 50/50 shared custody arrangement, each individual will get 50% of the payment they would have received if the child lived with them all of the time. CCB payments for each parent in a shared custody arrangement are calculated based on their respective adjusted family net income.
Does CCB take into consideration a child's physical or mental disability or the needs thereof?	The Child Disability Benefit (CDB) is an additional monthly benefit included in the CCB to provide financial assistance to qualified families caring for children who have a severe and prolonged impairment in physical or mental functions. If you have a child under 18 years of age who is eligible for the Disability Tax Credit (DTC), you are eligible for the CDB.
Can humanitarian & compassionate applicants and people without status apply to CCB?	They absolutely do not qualify for CCB unfortunately.
A Canadian citizen daughter was born in 2019 and moved to Canada by December 2021 (with temporary residency status). Is there any exception for this case, considering the necessity of waiting for 18 months to apply?	There is no exception.
When completing tax forms for women who are still with their partners, the partner needs to be the head of household otherwise by default the CCB will go to the spouse, i.e. if she puts herself as head of household the CCB will go to her partner?	Only one person in the household can apply for the CCB. If the child's parents live together, the primarily responsible parent should apply. By law, the female parent is presumed to be primarily responsible for the care and upbringing of all the children in the home. However, if the other parent (male parent) is primarily responsible, they should apply for the CCB and attach a signed letter from the female parent stating that the male parent is primarily responsible.
Some of my clients do have birth certificates for their children however, they are not translated to English. Will that still be eligible?	The application for CCB clearly states that "If documents are not in English or French, you must provide a translation."

<p>Father is a protected person and Mom and kids are visitors in Canada. Are they eligible for the CCB?</p>	<p>I cannot give a definite eligibility determination since everyone has particular circumstances. However, yes, the father does have a form of immigration status that meets the eligibility requirement related to status. If he meets all other criteria, he should qualify. He would have to be the one to apply for the CCB in this case, not the mom, since she doesn't qualify.</p>
<p>Do work permit residents qualify for CCB for children born in Canada?</p>	<p>It all depends on the type of work permit they have. If it says "does not confer status" then no. It cannot be a work permit they obtain inside Canada to be able to work while waiting for a decision on an application. Their actual immigration status must be as a worker, like someone brought to Canada by a company to work or someone who is on a post-graduate work permit.</p>
<p>Would a refugee claimant receive a refund for CCB after becoming permanent resident for his Canadian born child?</p>	<p>The person may receive a refund for the time between being granted refugee status by the Immigration and Refugee Board and becoming a permanent resident. Once a person receives a positive refugee decision, they qualify as a Protected Person so are eligible from that point. They cannot receive a retroactive payment for any period prior to receiving a positive refugee decision.</p>
<p>What about if a refugee claimant holds a work permit for three years? Can they apply for the CCB in the 19 months?</p>	<p>If someone is a refugee claimant, they are not eligible for CCB. It doesn't matter how long they are in Canada or whether they have a work permit; they simply do not qualify until they receive a positive refugee decision.</p>
<p>According to the law, what is considered a hardship?</p>	<p>The CRA may, in circumstances where there is a confirmed inability to pay amounts owing, consider waiving or cancelling interest in whole or in part to enable taxpayers to pay their account. For example, this could occur when:</p> <ul style="list-style-type: none"> • a collection has been suspended because of an inability to pay caused by the loss of employment and the taxpayer is experiencing financial hardship; • a taxpayer is unable to conclude a payment arrangement because the interest charges represent a significant portion of the payments; or • payment of the accumulated interest would cause a prolonged inability to provide basic necessities (financial hardship) such as food, medical help, transportation, or shelter; consideration may be given to cancelling all or part of the total accumulated interest. <p>For more information on circumstances that may warrant relief: Circumstances that may warrant relief - Canada.ca.</p>
<p>A convention refugee, protected person would qualify for CCB, correct?</p>	<p>That is correct as long as they meet all other eligibility criteria.</p>
<p>In cases where newcomer parents need a letter as proof they reside at the same address as their children, can that letter be provided by the Sponsorship Agreement Holder who sponsored them?</p>	<p>It is best to use a professional like a teacher or doctor. However, if this is not possible, you could try with a letter from the sponsor and explain in detail why the refugee cannot provide a letter from one of the professionals listed.</p>
<p>https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=091&top=11 In follow-up to my question, the IRCC website indicates, "sponsored refugee families with children are eligible for a child tax benefit when they get to Canada. Refugees should apply as soon as they arrive in Canada. It may take up to two months to process the application."</p>	<p>I would include any documentation from IRCC indicating the sponsorship was approved or who the sponsorship agreement holder is if it is a SAH doing the sponsorship. If it is a G5 sponsorship and you don't have any documents, I would try including a letter from the group explaining that they are sponsoring the family. You also need to include the family's confirmation of permanent residence documents and any other proof that they were accepted as refugees. I cannot say with certainty if this will be sufficient.</p>

<p>So, I am wondering how these newcomers indicate they are sponsored refugees? What proof documents are required?</p>	
<p>Is RAP Program eligible to apply for CCB? They have PR card, am asking about Afghan Refugee.</p>	<p>Since they are permanent residents, they meet the eligibility criteria in terms of immigration status. Assuming they meet the rest of the eligibility criteria, they can apply as soon as they get a SIN (or include a letter with their application explaining why they don't have a SIN yet). Most newcomers will include Form RC66SCH with their application for the CCB (Form RC66).</p>
<p>Is there a maximum time limit for retro CCB payment?</p>	<p>If you are late filing your taxes from previous years, the system will automatically calculate your entitlement to the CCB if there is a valid application on file and/or your child is already on your tax account. If you are entitled to CCB, you would automatically receive CCB for the base tax years 2021, 2020, and 2019 if you file your taxes late and are eligible for the benefit. However, if you want to receive CCB payments from base tax years prior to 2019, you must write to the CRA requesting CCB for those tax years (2018, 2017, etc.). If the amount of your retroactive payment is more than \$3,000, it will take an extra month or two before the money is released. Any person in this situation should call the CRA for information.</p> <p>It is a bit different for people who are late <u>applying</u> for the CCB. Your application for the CCB is considered late if it includes a period that started more than 11 months ago. If your application is late, you may not get payments for the entire period requested.</p> <p>If your application is late, you must attach clear photocopies (including both sides of all pages) of all of the following documents for the entire period requested:</p> <ul style="list-style-type: none"> • proof of citizenship status (for example, a Canadian birth certificate) or immigration status in Canada for you and your spouse or common-law partner, if you have one • proof that you resided in Canada, such as a lease agreement, rent receipts, utility bills or bank statements (at least three documents) • proof of birth for each child • proof that you were the person who is <u>primarily responsible</u> for the care and upbringing of the child(ren) (at least three documents) such as: <ul style="list-style-type: none"> ○ a letter from the daycare or school authorities indicating the child's home address and contact information on file ○ a letter from a person in a position of authority (such as a social worker, a band council, or resettlement officer) stating that they have personal knowledge that the child lived with you for the period you indicated ○ a registration form or a receipt from an activity or club the child was enrolled in for the period you indicated ○ a court order, decree, or separation agreement
<p>If parents are separated, and live together because of financial inability to rent two apartments, what happens then?</p>	<p>First, anyone in this position should write a detailed letter to the CRA explaining their situation. As it stands, the CCB is for living expenses for the child. Since you are living under the same roof, the female is going to be presumed to be the primary caregiver unless she waives her entitlement to the CCB. In this situation, the CCB would not be split between the parents and the other parent's income would be considered in determining the amount of CCB the mother gets.</p>

<p>Does the 18 months start from the time the person gets convention refugee status, or when they were a refugee claimant counts as well in the 18 months?</p>	<p>When determining whether a refugee claimant or accepted Convention refugee is eligible for CCB, you don't need to worry about the 18 months. That is only a rule that applies to visitors, students and foreign workers. A refugee claimant is not eligible for CCB. A refugee claimant becomes eligible when they receive a positive refugee decision from the Immigration and Refugee Board. Once they get that positive decision, they can apply immediately.</p>
<p>What is a positive refugee claim decision? (What is the resulting status called?)</p>	<p>Someone makes a refugee claim from inside Canada and has a hearing before the Refugee Protection Division of the Immigration and Refugee Board. If the person's refugee claim is accepted, they receive a decision saying that they are a Convention refugee or a person in need of protection. To prove that someone received a positive refugee decision, include a copy of their notice of decision from the Immigration and Refugee Board that says they are now a Convention refugee or person in need of protection. The group of people who have won their refugee claim are called Protected Persons.</p>
<p>I think CRA is misleading a lot of Convention Refugees. Some Convention refugees were paid retroactive payments after their positive decision (since the time they entered Canada) while some got payments from only the month when they got their positive decisions onward.</p>	<p>They should only receive payments from the date of their positive decision onward. There is a lot of confusion by those working for CRA and it causes a lot of misery for newcomers.</p>
<p>What if a refugee claimant holds a work permit for three years? Can they apply for the CCB in the 19 months?</p>	<p>Absolutely not. Refugee claimants never ever qualify. It doesn't matter if they have a work permit or not. They do not qualify until they receive a positive refugee decision.</p>
<p>I had a CRA officer that said a refugee claimant is only eligible after a positive IRB decision and after 18 months. So, they have to collect their 18 months after they got the Convention refugee status. Is that right?</p>	<p>This is completely wrong. The officer is mixing together two different forms of status. If the person receives a positive refugee decision, there is no 18-month wait. The 18-month wait is only for someone whose status is temporary resident, meaning visitor, worker or student. I would take the officer to the wording in the <i>Income Tax Act</i>. I recommend contacting a local community legal clinic if possible.</p>
<p>What about a refugee claimant who previously had a student permit, and has kept that status?</p>	<p>Once someone makes a refugee claim, they now have a conditional removal order against them that comes into affect if they are unsuccessful on their claim. I would be nervous about submitting an application for someone who is a claimant even if their study permit is still valid because their formal status is now really refugee claimant rather than temporary resident. They could end up owing the benefit back.</p>
<p>In your opinion, should newcomers wait for 183 days before applying for CCB, or should they apply for it as soon as they receive SIN?</p>	<p>A newcomer should apply for the CCB if they meet <u>all</u> of the eligibility criteria, including being a resident of Canada for tax purposes. The date you become a resident of Canada is the date you establish significant residential ties in Canada. This date is usually when you arrive in Canada. Newcomers – as long as they meet the rest of the eligibility criteria – do not have to wait 183 days before applying for the CCB. Rather, they can apply as soon as they are eligible for the CCB and get a SIN. Most newcomers will include Form RC66SCH with their application for the CCB (Form RC66). Form RC66SCH provides information about you and your spouse or common-law partner's residency status, citizenship and immigration statuses, and income from all sources not reported on a Canadian tax return (converted to Canadian dollars) that were earned one year before you became a resident. This information allows the CRA to determine your child and family benefits and credits. To continue receiving the CCB, you have to file your income tax and benefit return on time every year, even if you have no income in the year. If you have a spouse or common-law partner, they also have to file a return every year.</p>

<p>If custody isn't settled through courts yet and one child resides with each parent at separate homes due to recent separation would mom be asked to repay CCB she receives even if both parents agree mom will keep it for the time being?</p>	<p>You should tell the CRA immediately about certain changes, as well as the date they happened or will happen. The CRA may recalculate your benefit payments based on new information, including when a child for whom you are getting benefits no longer lives with you on a full-time basis or stops living with you.</p> <p>If both parents agree that mom will keep the CCB for the time being, this information should be communicated to the CRA as soon as possible. The CRA may require proof that both parents agreed to let the mom keep the CCB until custody is settled through the court before rendering a decision on your entitlement to CCB.</p>
<p>A child's father is a citizen, the child is born in Canada, at the time of birth the mother did not have status. They were separated due to domestic violence. Child stays with mother because they are so young. Mother did not receive CCB at all till she got PR.</p>	<p>Unfortunately, that is correct, no CCB until you get PR if you had no status before that.</p>
<p>Person is married to a spouse who is not a Canadian resident and does not reside in Canada, but they have a child together.</p> <p>Ongoing support is provided to the spouse and child who both reside outside Canada.</p> <p>In this situation, could the person (here in Canada) apply for CCB for the child, even though the child resides with the mother, outside Canada? If not, what options is there to ensure the child can receive CCB, since the person is a Canadian Citizen?</p>	<p>The child must physically reside with the parent applying for CCB. Also, the parent who is primarily responsible for the CCB should apply for the benefit. In this case, in addition to not residing with the child, it appears that the person is not primarily responsible for their care and upbringing either.</p>