Residence Requirement - War Veterans Allowance Program

Issuing Authority: Director General, Policy
Effective Date: 18 May 2012
Document ID: 1101

This policy replaces the following VPPM 3 policies: 2.7 Residence; 2.7.1 Residence - Allied Veterans; 2.7.2 Residence - Temporary Absences; 2.9 Administration of War Veterans Allowance.

Table of Contents

Purpose
Policy
General
Establishing Post-war Residence for Allied Veterans
Allowable Temporary Absences
References

Purpose

This policy provides direction on the residence requirements under the *War Veterans Allowance (WVA) Act*.

Policy

General

1. War Veterans Allowance (WVA) may only be awarded to a qualified applicant who resides in Canada.
2. The following individuals are permitted to assume residence in another country and continue to receive the Allowance if, on the day of departure, the individual is a recipient of the Allowance and has been resident in Canada for twelve months immediately before the day of departure:
    a. Canadian Armed Forces Veterans;
    b. Merchant Navy Veterans;
    c. Civilians;
    d. Allied Veterans of World War II who were domiciled in Canada either at the time of joining the Allied Force or at any time while a member of that Force.

Establishing Post-war Residence for Allied Veterans

3. Unless an Allied Veteran was domiciled in Canada at the time they joined the Allied Force or at any time while a member of that Force, the Allied Veteran must demonstrate that they have resided in Canada for a period of at least ten years post-war to satisfy the residency requirements of the WVA Act. The post-war period of residence does not need to be of a consecutive nature.

4. Section 8 of the *Veterans Allowance Regulations* stipulates that "a person resides in Canada if the person makes their home and ordinarily lives in Canada."
5. Time spent in Canada on "tourist" or "visitor" status is not normally counted towards satisfying the ten-year residency requirement of the *WVA Act*. However, if an individual demonstrated a continuing intention to make Canada their home, as evidenced by ultimately receiving landed immigrant status or Canadian Citizenship, the time counted toward residency in such cases may be considered retroactive to the date of entry to Canada as a non-immigrant.

Allowable Temporary Absences

6. A person is considered to reside in Canada if they make their home and ordinarily live in Canada. There can be only one place of residence at a time.
7. Individuals not identified in paragraph 2 are required to reside in Canada in order to receive WVA. These individuals are not permitted to assume residence in another country and continue to receive the Allowance. However, they are permitted to be temporarily absent from Canada without affecting their Allowance payment for intervals of no more than 183 consecutive days, or 183 cumulative days between July 1 of one year and June 30 of the next year.
8. Notwithstanding the above, absences of any length of time should be examined to determine whether the individual has ceased to be a resident of Canada within the meaning of the legislation.
    a. Example: A person who travelled abroad for seven months and exceeded the 183 days, only because they became too ill to return to Canada, could still be considered a resident of Canada as long as evidence indicates a continuing intention to return.
9. Where the individual has no intention of returning to Canada, payment of the Allowance shall cease effective the first day of the month following their departure.
10. Unusual situations could occur such as where a person leaves Canada intending to take up residence elsewhere, but returns to Canada five months later. Given that their intention to reside elsewhere did not materialize and the absence was within the 183-day time period, the Allowance may be reinstated retroactively.
11. Where the individual has exceeded the permissible period of temporary absences and the specific circumstances are unknown, payment shall be suspended the first day of the month following the period(s) of temporary absence which total 183 days.
12. Where the period of absence is significant and the payment has been cancelled, clients may re-apply for the Allowance should they subsequently return to Canada. Providing all other conditions of eligibility are met, benefits may be resumed with effect from the first day of the month in which Canadian residence is restored.

References

War Veterans Allowance Act

Veterans Allowance Regulations