

Parkdale Community Legal Services deplores new restriction on immigrants:
Regulation change would create 2-year conditional resident status for sponsored spouses
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For more information contact Geri Sadoway, Staff Lawyer, 416-531-2411, ext 229

This proposal, if adopted, will place sponsored immigrant women and children at risk:

In 2001 the Status of Women Canada produced a research study on spousal sponsorship: “Sponsorship...For Better or For Worse” which demonstrated how the immigration spousal sponsorship regime, then in place for reuniting immigrant women with spouses in Canada, resulted in a situation of **inequality** for the sponsored spouse during the duration of the sponsorship undertaking, “reinforcing traditional roles of domination and sexual subordination within a marriage”.. and that “although not all sponsored women are negatively affected by the legal relationship, ...often sponsorship seems to be a source of conflict, tension, blackmail and at times abuse”.ⁱ

The study recommended that the sponsorship agreement (to financially support the sponsored spouse for 10 years) be abolished completely, or reduced considerably. Parliament decided on a reduction of spousal sponsorship agreement from 10 to 3 years: this change was implemented in the *Immigration and Refugee Protection Act* of 2001.

The current proposal, to introduce a **conditional resident status** for sponsored spouses, for a period of **2 years or more** after ‘permanent’ resident status is granted, is a step in the opposite direction, increasing the vulnerability and the inequality of the sponsored spouse, even after being landed in Canada. This proposed **probationary period** for sponsored spouses, ostensibly intended to discourage fraudulent immigration marriages, will have the very serious effect of undermining the equality rights of immigrant spouses, increasing the power imbalance caused by the sponsorship agreement and potentially placing immigrant spouses and their children in danger of abuse, without recourse to the law except at the risk of losing their resident status in Canada.

This measure would result in a serious reduction in the equality rights for immigrant spouses, who are **genuine spouses**. It will do absolutely nothing to prevent marriage fraud. Marriage fraud should be prosecuted as such, not by making all sponsored spouses **suspects** - “conditional immigrants” without equal protection of the law, vulnerable to every kind of abuse by their sponsor, and denied the access to our society’s legal provisions to protect spouses from abuse.

As advocates we have often been involved in the situation of assisting immigrants who are in the process of being sponsored for permanent resident status, and who find themselves in abusive relationships. They are afraid to contact police or to escape from the abuse due to fear of their sponsor not going through with the spousal sponsorship. Loss of the sponsorship may include losing their children and facing deportation. Currently the sponsorship process in Canada can easily take two or three years before the sponsored spouse is “landed” as a permanent resident.

Because of the vulnerability of spouses in this process, we have pushed for and obtained immigration policy guidelines to address the sponsorship breakdown and family violence situation – to encourage a sponsored spouse who is not yet a landed immigrant to leave an abuser, and become a permanent resident without the sponsorship.

However, this proposed change, creating a two year or longer **conditional residence status** for the sponsored spouse, would increase the vulnerability of sponsored spouses by significantly increasing the length of time of insecure immigration status. This change would greatly increase the number of members of our society who have no option of calling 911 in an emergency due to fear of immigration deportation proceedings, and would in fact make all immigrant spouses more vulnerable to spousal abuse.

This is an attack on immigrants that will directly endanger immigrant women and children in Canadaⁱⁱ

ⁱ "Sponsorship for Better or for Worse: the Impact of Sponsorship on the Equality Rights of Immigrant Women. Andre Cote, Michele Kerisit, and Marie-Couise Cote, Status of Women Canada, March 2001 at page 1.

ⁱⁱ According to CIC "Facts and Figures", 38,223 family class immigrants became permanent residents of Canada in 2009. A high proportion of these family class immigrants would be "conditional" residents under this regulation change.