Immigration To Canada Through Transnational Marriages

Dr. Noorfarah Merali
University of Alberta
Overview of Canadian Immigration Policy

• Immigration and Refugee Protection Act (2002) outlines each immigration category and its key objectives
• 3 main categories: Family Class, Economic Class & Refugees
• Most recent data from CIC (2005) suggest that the Family Class accounts for the second largest percentage of immigrants
Percentage of Immigrants By Category

- Economic
- Family
- Refugees
- Other
Description of the Family Class

• Includes both family reunifications and new family establishments
• Approximately equal numbers of immigration applications for the two areas
• Key government objective: Recognition of the family as a cornerstone in building a new life in Canada
Criteria for Spousal Sponsorship

• Sponsor is a Canadian citizen or permanent resident of Canada
• The marriage that took place outside of Canada is a legally valid civil marriage under the laws of the jurisdiction where it took place and under Canadian Law
• The marriage is independently judged to be authentic
Sponsorship Criteria Continued

• The sponsor is 18 years of age or older (No age limit for sponsored person)
• The sponsor has an income that is at least equal to the minimum necessary income published by the Canadian government
• The sponsor can provide documents for the last 12 months proving financial capability to care for the spouse for 3 years
Conditions of Sponsorship

• The sponsor signs an undertaking promising to provide for the basic requirements of the spouse for 3 years (until Permanent Resident)

• Basic requirements include: food, shelter, transportation, and health and dental care needs

• The spouse will not be eligible for public health care coverage, social assistance benefits, or any settlement or integration programs (Exception: Domestic Violence)
Ineligible Sponsorship Cases

- Marriages of Convenience
- Sponsor history of domestic violence or criminality (CIC Gender-Based Analysis, 2002)
- Sponsor default of a previous sponsorship undertaking or immigration loan
- Spouse represents a threat to public safety
New Family Establishments

• 55 - 60% of male-initiated immigration applications under the Family Class Category (CIC, 2003)

• Represent 2 primary types of transnational marriages: (1) South Asian arranged marriages & (2) Marriages between non-immigrant men and immigrant women

• Two subcategories of second type: Russian male-order brides and Filipino brides
Key Policy Issues Across Groups

- Challenges with Relationship History and Marriage Authenticity Assessments
- Lack of equivalence between sponsor financial status and being “A Good Provider”
- No government follow-up on spouse’s basic needs
- Legislated Inequality for sponsored women (Lamba & Wilkinson, 1998)
Key Policy Issues Continued

- Third party interpretation of sponsorship documents for non-English proficient women (i.e., husband or in-laws)
- No “Safety Net” for maltreated spouses & no assistance for “roadblocks” to integration
- All documentation is presented in English and is on the World Wide Web
Research Findings

Spouses’ understandings of sponsorship (Cote, Kerisit & Cote, 2001; Husaini, 2001):

• Completely dependant on husband for sustenance
• Must follow all demands and maintain relationship to avoid abandonment and loss of financial/social support
• Sponsor has the right to govern one’s conduct in Canada (prohibit employment or seeing children)
• Sponsor can deport and terminate one’s stay in Canada at will
Research Findings Continued

The “Sponsorship Debt” (Cote et al., 2001):

- Husband and family’s emphasis that spouse “owes” them for bringing her to Canada and keeping her here
- Series of demands for “Pay Back Time”
- Debt can never be fully repaid
- Psychological and Physical Control/Abuse
- Isolation and perceived helplessness
New Research

Three part study at University of Alberta:

• Content Analysis of All Sponsorship Documents
• Comparisons of the marital and integration experiences of English and non-English proficient brides after arrival in Canada
• Interviews with male sponsors about their understandings of sponsorship and each partner’s rights, and effects of sponsorship on marriage
• Discussion of Emerging Findings
Preliminary Policy Implications

• First language translation of all sponsorship documents for foreign brides
• Rights-based orientations for women in countries of origin prior to departure (WHO, 1997)
• Mandatory sponsor orientations
• Financial accountability for spouses’ basic needs: Establishment of “spousal allowance” or “trust”
• At least one pre-arranged contact with settlement agencies as an integration mechanism & safety net