

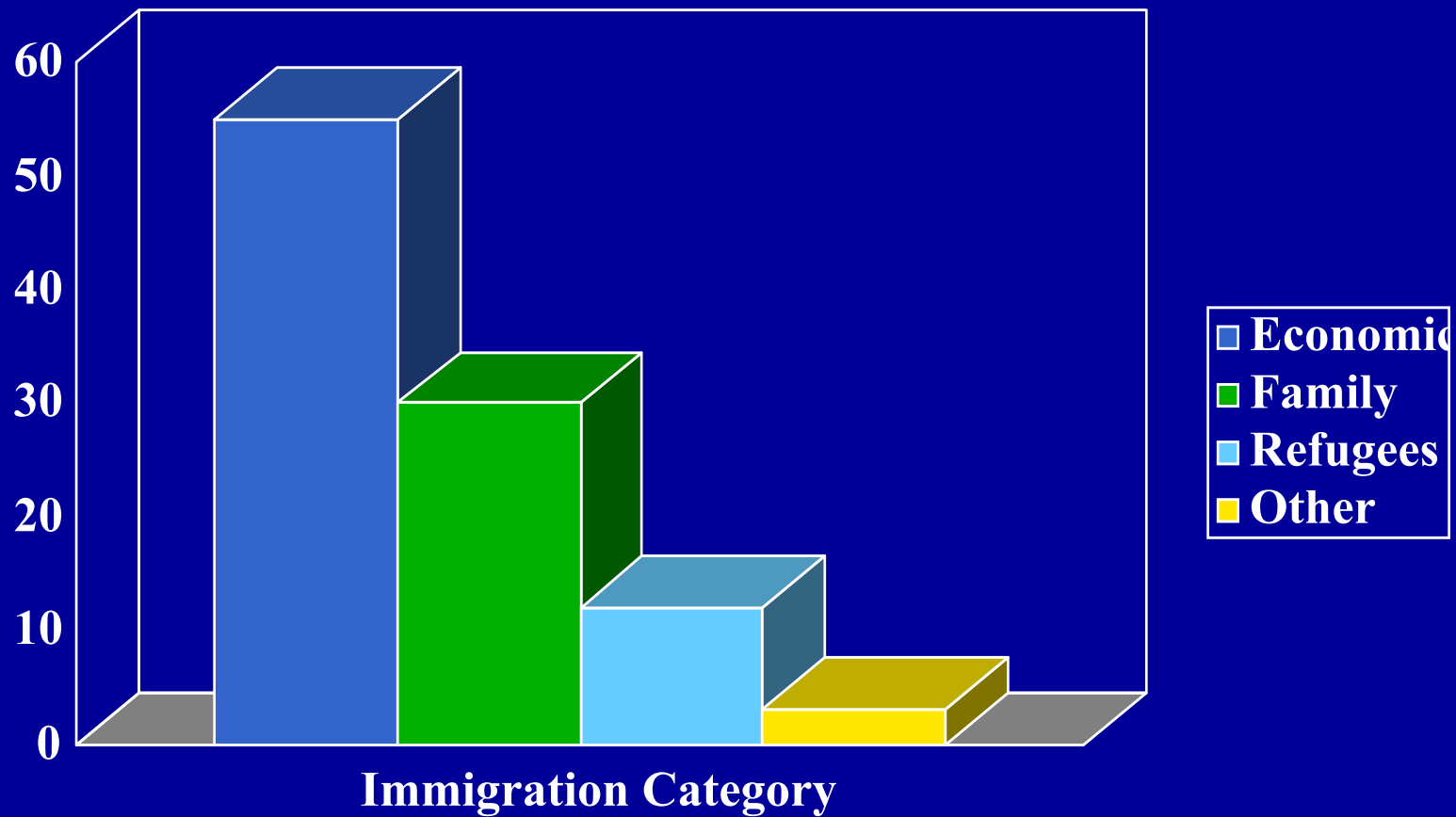
Immigration To Canada Through Transnational Marriages

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



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