

Conditional Permanent Residence: Towards vulnerability and violence



What is being proposed?

A regulatory amendment stating that sponsored spouses and partners who have been in a relationship for two years or less at the time of applying for sponsorship would be subject to a period of conditional permanent residence.

If the sponsored partner doesn't stay in the relationship for at least two years following receipt of their permanent residence status in Canada, they will lose that status, and could be deported.

What is this proposal for?

According to the government notice, the amendment would address cases of "marriage fraud", that is:

- > Foreign nationals marrying Canadian residents in order to obtain Canadian permanent resident status and abandoning them on arrival in Canada, or
- > Sponsor (Canadian resident) and sponsored partner agreeing to marry as a means to obtain permanent residence in Canada for the sponsored person.



Lucia came to Toronto from Bolivia in 2008 as a sponsored spouse. After 18 months, Lucia's partner – a Canadian citizen – abandoned her without reason. Lucia was left unemployed and with little money, only the \$400 her husband was required to pay her. Lucia refused to sign papers so that her husband could retract

his legal responsibilities to her as a sponsor. She had to rely on friends for help. Lucia has been traumatized by this and chose to stay in Canada due to the stigma and shame she would face if she were to return to Bolivia because of her failed marriage. Since her husband left her, Lucia has been doing an internship and perfecting her English, in order to integrate into Canadian society.

If the period of Conditional Permanent Residence is applied, women like Lucia will be deported, regardless of the impacts and through no fault of their own. Lucia feels that this proposal will allow men to use of women from other countries, only to have Canada deport them.



Soo-Yon, from South Korea, met her husband, Chin, on the internet in July 2008. They got married after talking online, and a couple of visits in South Korea. Until then Chin had been very kind, but on their honeymoon Chin began to verbally and psychologically abuse Soo-Yon. In Canada, Chin told Soo-Yon to be subservient.

Feeling like his slave, she had to do all the housework, and serve her husband first. He often yelled and threatened to send her back. She received just enough money to buy food, but wasn't allowed to buy or do anything for herself. Divorce is frowned on in South Korea, so Soo-Yon knew it would be very difficult for her to return alone to live there.

After an explosive outburst from Chin, Soo-Yon left and went to a shelter. As she has permanent residence in Canada, she is able to continue her life here. She is taking French classes, works in a flower shop run by a Korean family, rents a room, and is happy to have left her abusive home. If the proposal for conditional permanent residence passes, women like Soo-Yon will be forced to choose between remaining with abusive husbands, or being deported.

Will it be effective?

No. There is no evidence indicating that those individuals or couples who intend to contract marriages purely for immigration purposes would be daunted by the prospect of remaining in the relationship for two years in order to obtain legal status in Canada.

Is it necessary?

No. For several reasons:

- > It is not clear that "marriage fraud" is a substantial problem. Even the government notice of the proposal acknowledges that there is a lack of evidence regarding the extent of marriage fraud.
- > Canadian visa offices abroad already devote considerable resources to screen relationships to be sure they are genuine.
- > Canadian law has provisions to charge immigrants (even criminally) for misrepresentation in their applications.

Who will the measure affect?

This measure will affect sponsored partners in situations of violence and abuse.

There is no indication if it will affect “fraudulent” partners, who may choose to simply wait out the two-year period.

Why should it be opposed?

Abused partners - most often women – will be victimized by this amendment. If it is passed, they will no longer have the option of escaping their abusers, for fear of deportation.

The government proposes to exempt abused or neglected partners. Abused partners face three obstacles that will render the exemption ineffective:

- > Lack of information and language barriers
- > The burden of proof of abuse is on them
- > The cost of providing evidence of co-habitation and abuse. Abused partners often don't have their own resources.

Making permanent residence for the sponsored partner conditional puts all the power into the hands of the sponsor, who can use the precarity of the partner's status as a tool for manipulation – at any time, the sponsor can declare the spouse fraudulent.



Promita's family arranged her marriage in 2009 to Bitan, a Bangladeshi with permanent residence in Canada. Bitan also agreed to sponsor Promita's family to come to Canada. Promita did not want to marry Bitan, but she had no choice.

In Canada, Bitan told Promita to work 60 hours per week at two manufacturing jobs, and some paid sewing on the side, as well as all of the housework. She had to give him all of her earnings. He forbade Promita to talk to anyone or stop anywhere after work or he would become physically violent. Promita learned to rush home, but she could not always avoid being beaten. She began to have panic attacks.

Promita's family gave her no sympathy, as they were relying on her husband to come to Canada. In their view, leaving Bitan was not an option.

After speaking with a co-worker, Promita called a domestic violence hotline and went to a shelter the same day. When she called her family, they were furious. Promita found it difficult to lose them and to be alone, but she could not go back to Bitan. She stayed at the shelter until she found a new job and an apartment. If the proposal for Conditional permanent residence passes, women like Promita will not be able to escape exploitation and abuse.



Laila met Rayan at university in Algeria. They discussed politics and women's rights, and seemed to share the same values. Rayan had already applied to come to Canada as a skilled worker. Six months after arriving he went back to Algeria to marry Laila. She moved to Canada as a sponsored spouse in May 2010.

Things were good at first, but Rayan's beliefs had changed. One day he asked Laila to wear a hijab, and she was surprised by his new attitude. He asked her to walk behind him rather than beside him to show respect, and he became increasingly controlling. Their arguments were frequent, and when Laila refused to wear the hijab he slapped her. Laila tried to comply with his rules to preserve their marriage, but it was difficult to go against her own values. She begged him to stop his demands, but Rayan became cold with her and told her to leave if she didn't like it.

Laila did leave eventually, but was heartbroken. She returned to Rayan after a few weeks, but when he cut up the clothing he didn't approve of, Laila found he was no longer the man she had fallen in love with. She left Rayan in August 2011, went to a women's centre, and now works for Amnesty International. If the proposal for Conditional permanent residence passes, women like Laila will be forced to stay with their abusive and controlling husbands, or leave Canada.

This can be a constant threat and source of fear for the sponsored person, who faces the risk of being deported.

Children will also be hurt, for example when they remain with their parent in an abusive home, or if they face being separated from one parent if the sponsored parent is removed from Canada.

Canada is already committing resources to prevent marriages of convenience at the source, and it is difficult to justify a measure that will be so harmful to a particularly vulnerable group.

Oppose spousal abuse.

Oppose the proposal for Conditional Permanent Residence.

For more information: ccrweb.ca/en/conditional-permanent-residence



Canadian Council for Refugees
Conseil canadien pour les réfugiés