

Conditional Permanent Residence for Sponsored Spouses: What frontline workers should know



In October 2012, the federal government introduced a period of conditional permanent residence for some sponsored spouses and partners. Under the new rules, there is a period of two years during which the permanent residence of the sponsored person is conditional on their remaining in a conjugal relationship and cohabitating with their sponsor. If they don't fulfill these conditions, their permanent residence could be revoked, and they could be deported.

An important exception to the condition is provided for cases of abuse or neglect.

This document is intended to help frontline workers understand the implications of this rule and the abuse exception for their clients, especially for newcomer women in abusive situations.

New risks for sponsored persons resulting from the Conditional Permanent Residence regulation:

- > Citizenship and Immigration Canada (CIC) can determine that the condition was not met.
- > The sponsor can end the relationship at any time during the conditional period and report this to CIC.
- > The request for an exception based on abuse/neglect could be denied.

Any of the above may result in revocation of permanent residence status and removal of sponsored spouse.

Who is affected by this rule?

- > The rule applies to sponsored spouses and partners who were in their relationship for less than two years at the time of application for permanent residence, and who had no children with the sponsor at the time of application.
- > The rule applies to all applications *submitted on or after October 25 2012.*

What is required to fulfill the condition?

The sponsor and sponsored person must live together (cohabit) in a conjugal (interdependent) relationship for two years after the date on which the sponsored person becomes a permanent resident.

How will the regulation be enforced?

Enforcement will be carried out primarily by CIC officers, who may:

- > Do random assessment of couples
- > Investigate tips, complaints, and anonymous reports.
- > Require proof that the sponsor and sponsored person are complying with the condition.

How can compliance be proven?

- > Proof of shared address
- > Shared bills, bank account
- > If there are lengthy separations, these need to be explained (e.g. business travel).

CIC has not stated that it will inform couples when the condition has been met.

If compliance is questioned

- > CIC will investigate
- > The sponsored person may submit evidence
- > CIC may call the person to an interview
- > CIC may write an inadmissibility report

If CIC determines that the condition has not been met, the sponsored person's permanent residence status may be revoked and they may be removed from Canada.

There are **two exceptions** to the condition:

- > The sponsor dies during the two years
- > Cases of abuse or neglect

Exception in cases of abuse or neglect

What cases are eligible?

- > Cases where the sponsor abuses or neglects the sponsored person, a child in the household, or a relative of the sponsored person living in the household.
- > Cases where a relative of the sponsor abuses or neglects, and the sponsor fails to protect either the sponsored person, a child of the sponsored person or sponsor, or a relative of the sponsored person or sponsor who lives in their home.

The sponsored person must have been living with the sponsor until leaving as a result of the abuse or neglect.

What constitutes abuse or neglect?

- > Abuse may be: physical, sexual, psychological, or financial.
- > Neglect is failure to provide the necessities of life such as food, clothing, medical care or shelter, and any other omission that results in a risk of serious harm.
- > It doesn't have to be criminal abuse.

Concerns for frontline workers to be aware of:

- > Abused partners are often women, but they may be men, and may be in either heterosexual or same-sex couples.
- > Abused partners face multiple barriers to accessing the exception:
 - > Lack of information about the regulation
 - > Language barriers
 - > Burden of proof of abuse

Being aware of these barriers will help you to support sponsored newcomer spouses and partners in abusive situations.



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Tips for applying (or supporting someone applying) for an exception

Call the CIC call centre to make an initial request:
1-888-242-2100 (toll free)

- > The sponsored person must have left the home of the sponsor before making a request for exception.
- > The sponsored person should make the call with support and prepare in advance. What they say will follow them through the process. Distress can lead to the caller saying things they may contradict later.
- > The sponsored person should gather evidence before making a claim, and before leaving the sponsor's home, so that a sponsor cannot destroy any proof.
- > Be prepared to provide contact information for a confidential call back.
- > If children are in the household, explain to the sponsored person that any report of abuse of a child, or abuse witnessed by a child, may be reported by CIC to child protection authorities or police, with or without the parent's consent.
- > Be sure to seek legal support.
- > For a webinar with useful information go to: yourlegalrights.on.ca/webinar/85721.

Evidence must prove that the relationship was genuine and that it broke down as a result of abuse or neglect.

Read *CIC Operational Bulletin 480* for examples of what constitutes abuse and neglect, and of accepted evidence of cohabitation, conjugal relationships, and abuse.

Conditional Permanent Residence may trap women in abusive relationships for fear of losing their status.

For concerns with this regulation, visit:

ccrweb.ca/cpr