



# Pilot for Excluded Family Members

## Practical Information

This document provides basic information for newcomers and those who support them about a pilot project that allows some people to sponsor family members who were not originally declared to immigration authorities (and are therefore Excluded Family Members).

### Who is an Excluded Family Member?

A family member (spouse, common-law partner or dependant child) who was undeclared or unexamined when the person in Canada became a permanent resident is defined as an “Excluded Family Member” under Immigration and Refugee Protection Regulation 117(9)(d). This regulation bars “Excluded Family Members” from being sponsored through the Family Class.

*Example: A person married after being accepted for immigration to Canada. The person traveled to Canada without declaring the new spouse and became a permanent resident on arrival in Canada. Under R. 117(9)(d) the spouse is an “Excluded Family Member” and cannot be sponsored through the Family Class.*

### What is the pilot?

The pilot exempts some people from Regulation 117(9)(d). In other words, family members eligible for the pilot can be sponsored through the Family Class even if they were undeclared.

The pilot opened on 9 September 2019 and will run for two years.

### Who may benefit from the pilot?

Under the pilot, a family member can now be sponsored, despite not having been declared, if the person (now sponsor) became a permanent resident through:

- the Refugee Class (the person was resettled as a refugee, or the person was recognized as a refugee/Protected Person by the Immigration and Refugee Board or in a Pre-Removal Risk Assessment, or the person was a family member of such a person), OR
- the Family Class, as a spouse, common-law partner or dependent child (including the Spouse or Common-Law Partner in Canada Class)

BUT the pilot does NOT apply:

- If the person would not have qualified to come to Canada if the family member had been declared.

*Example: A person came to Canada as a dependent child but was actually married at the time. If the spouse had been declared the person would not have been granted permanent residence, because a married child does not qualify as a dependent child. Therefore the pilot does not apply.*

*Example: A person came to Canada through a World University Service of Canada (WUSC) Refugee Sponsorship program that requires applicants to be single with no dependants. The student had a child. The pilot does not apply because the person would not have qualified for the program if the child had been declared.*

## How to apply for the pilot

There is no special process for sponsoring family members under the pilot project. People simply make a Family Class sponsorship application in the regular way.

## What if an application was submitted before the pilot began?

The pilot applies to applications that were in process as of May 31, 2019 or submitted after May 31, 2019. If the application was refused on or after May 31, 2019 on the basis of R. 117(9)(d), you can request a re-assessment.

## What about other barriers to Family Class sponsorship?

Even if the pilot applies, people may face other barriers to sponsorship through the Family Class, because the rules require that the sponsor show that they can support their family members financially. The pilot does not provide a remedy for these other barriers. It is, however, possible to apply for an exemption from Family Class sponsorship requirements on humanitarian and compassionate grounds.

## One-year window of opportunity (OYW)

The pilot does not apply to the one-year window of opportunity, which offers family reunification to declared family members of a person who became a permanent resident through the Refugee Class (**resettled as a refugee**, or **recognized as a refugee/Protected Person** by the Immigration and Refugee Board or in a Pre-Removal Risk Assessment), if the family members apply within one year. However, immigration officials have discretion to process family members through the OYW even if they were not formally declared. Asking officials to use their discretion on humanitarian and compassionate grounds has sometimes in the past been successful.

## Possibility of inadmissibility based on misrepresentation

People should be aware that the government could investigate them for possible misrepresentation, leading potentially to losing permanent residence, if officials believe that the person misrepresented material facts. This means that they said something – or omitted to say something – that would have changed the immigration decision (for example, they did not declare they were married, and being married would have made them ineligible to immigrate to Canada).

In most cases, people who qualify for the pilot would not be affected, since the pilot excludes anyone who would not have qualified to come to Canada if the family member had been declared.

## Spouse or Common-Law Partner in Canada Class

There is a separate provision in the regulations (R.125(1)(d)) that excludes undeclared and unexamined spouses or common-law partners from sponsorship in the Spouse or Common-Law Partner in Canada Class. The pilot as described above also exempts people from R.125(1)(d).

## For more information

- [IRCC help centre](#)
- [Program Delivery Instructions](#) about the pilot (for immigration officers)
- [Information about “Excluded Family Members”](#)

