



---

**POLICY BRIEF**  
**Spousal Sponsorship and Conditional Permanent Residence**  
*January 14, 2016*

---

Produced By: Rupaleem Bhuyan & René Bogovic  
Migrant Mothers Project, University of Toronto

This policy brief presents research on racial and gendered effects of conditional permanent residence (Conditional PR) and related policies that impact immigrants who are sponsored by their spouses or partners to immigrate to Canada. In this report, we focus on data that was retrieved from Citizenship and Immigration Canada for all sponsored spouses, common-law and conjugal partners between October 2012 and December 2014. Our research included conversations with front-line service providers, lawyers and immigrant advocates who were consulted through a series of community forums and individual interviews in Alberta and Ontario.

We join the Canadian Council for Refugees in calling for the repeal of Conditional PR. We also present several policy recommendations to address inequities in spousal and partner sponsorship that create vulnerability for people facing abuse while waiting for their sponsorship applications to be approved.

### **Overview of Immigration through Spousal or Partner Sponsorship**

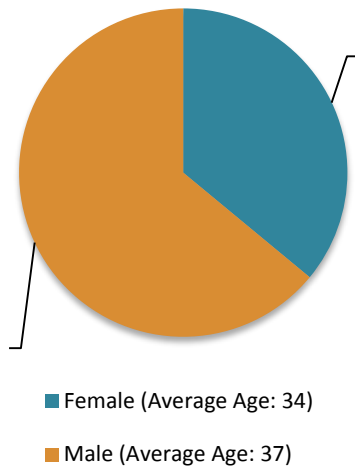
In 2012, the Conservative government created a new immigration status called “conditional permanent residence” as part of their crackdown on the so-called problem of “marriage fraud”. Sponsored spouses and partners, which include heterosexual and same sex relationships, have to undergo extensive scrutiny to prove they have a genuine relationship when applying to immigrate to Canada. Previously, sponsored spouses or partners would receive permanent residence status as soon as their application was approved. Today, people who are granted Conditional PR must cohabit with their sponsor in a “conjugal” relationship for two years. Any suspicion regarding the legitimacy of the relationship or if the relationship dissolves can lead to the sponsored spouse losing their right to remain in Canada.

### **Racial and Gendered Impacts of Conditional PR**

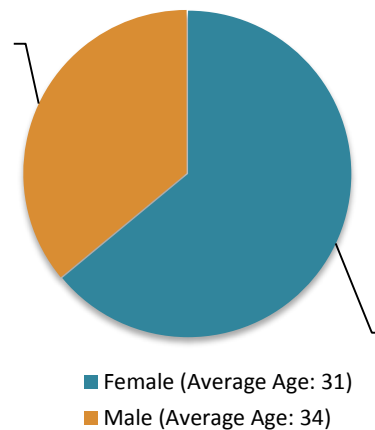
Placing a condition on newly sponsored spouses and partners reinforces gender hierarchies that can fuel domestic violence. In addition to more racialized immigrants receiving the conditional status, 64% of immigrants with conditional status are female, as opposed to 32% who are male.

While on average, 28% of sponsored spouses and 22% of partners are given conditional PR, the percentage of spouses getting this condition is twice as high for people coming from countries in the Middle East and South Asia (e.g. Morocco, Pakistan, Afghanistan). Up to 54% of all spouses from this region receive a conditional status. Considering the disproportionate number of racialized immigrant spouses who received a “conditional status” this policy functions as a form of racial profiling in immigration law. We argue that couples that do not co-habitat before immigrating or who do not have the capacity to document the genuineness of their relationship over time (e.g. same sex couples who live in regions where it is unsafe for them to be open about their relationship), will be more likely to be subject to conditions on their permanent residence.

**Gender of the Sponsor**



**Gender of Spouse/Partner with Conditional PR**



### Longer Processing Times for Sponsorship Applications

While Conditional PR creates uncertainty for sponsored spouses and partners, our research also noted continued hardships for people who are waiting for a sponsorship application to be approved. There are two consecutive steps in processing spousal sponsorship applications. The assessment of the sponsor is done first and averages 63 days, followed by the assessment of the person being sponsored.

**October 25, 2012** – the Canadian Government introduced conditional permanent residence (CPR); applies to couples without children and to those in relationships of two years or less at the time of application.

Between October 25, 2012 and December 31, 2014:

- 28,945 (28%) out of 103,887 sponsored spouses/partners received CPR.
- 1,973 accompanying dependents (children) received CPR.
- 9,891 (34%) sponsored spouses/partners with CPR applied from within Canada.
- 19,054 (66%) sponsored spouses/partners immigrated from abroad.

One third of all spousal applications are submitted within Canada, where the sponsored spouse has a visitor, student or work visa. Nearly two thirds of applicants from within Canada are women. In recent years, the average processing time for applications submitted within Canada has increased, in some cases up to 27 months. This period of uncertainty can contribute to vulnerability in cases of domestic violence or where the relationship breaks down before the sponsorship application has been approved.

If the sponsored person lives outside of Canada, processing times vary widely depending on the overseas office assessing their application. This ranges from 5 months in Sao Paulo, Brazil to 47 months in Islamabad, Pakistan. A large number of countries where processing times are over 20 months are also regions where travelers require a visitor visa to enter Canada. This process keeps partners apart for long periods of time, all the while requiring them to prove the genuine nature of their relationship. For sponsored spouses and partners who are subject to the condition upon “landing”, the combined effect could mean being separated from their spouse or partner for up to four years, in addition to living with a conditional PR for two years.

### **Map of Countries with Processing Times over 20 Months (CIC, 2015)**



## Map of Countries with Processing Times over 20 Months that Also Require a Visa to Visit Canada) (CIC, 2015)

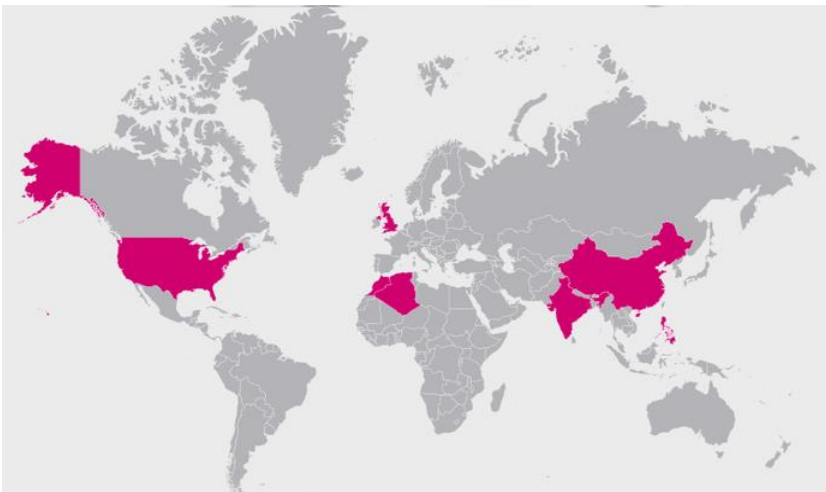


### Uneven Implementation of “Exceptions for Abuse and Neglect”

When the Conditional PR was first introduced, more than 80 organizations that work with women and immigrants across Canada signed a statement opposing the Conditional PR, as it is potentially dangerous to immigrants in abusive relationships. The previous government acknowledged that spousal sponsorship may put people who are vulnerable to abuse in more danger, thus they created an “Exception for Victims of Abuse and Neglect”. As the Canadian Council of Refugees has reported, the exception process that is currently set up has many flaws. From our own research with service providers in Alberta and Ontario, we’ve found that many victims of abuse and neglect are fearful that applying for the “Exception” may jeopardize their immigration status. Exacerbating this fear, are CIC staff who lack the necessary training required to respond to people in times of crisis. As such, investigations into reports of abuse may put victims at further risk.

According to CIC data, in the first two years of the government introducing the “Exception for Victims of Abuse and Neglect”, only 57 women officially submitted applications. Of these 57 women, 75% were successful. The rest of the women had their applications denied, while 10% of the women were suspected of fraud and sent for an inadmissibility review, which could lead to their deportation from Canada. As such, a system that responds to immigrant victims of abuse seeking help with a threat of deportation, only serves to violate their basic human rights.

**Top Ten Countries with the Highest Number of Conditional PR**



**Top Ten Countries with the Highest Percentage with PR Condition**



Country	Total Applied	Total with PR Condition	Percentage with PR Condition
Turkey	461	258	56%
Tunisia	976	541	55%
Azerbaijan	29	16	55%
Algeria	1672	902	54%
Nepal	180	94	52%
Morocco	2133	1087	51%
Cuba	1220	617	51%
Albania	261	116	44%
Antigua & Barbuda	18	8	44%
India	9701	4303	44%

Country	Total Applied	Total with PR Condition	Percentage with PR Condition
India	9701	4303	44%
China	9834	2632	27%
Philippines	7214	2236	31%
USA	9084	1956	22%
Morocco	2133	1087	51%
Algeria	1672	902	54%
British Citizen	3085	840	27%
Iran	1961	714	36%
Sri Lanka	1764	709	40%
Cuba	1220	617	51%

## Summary of Key Concerns

- Out of the 10 countries with the highest proportion of Conditional PR, 6 are **Muslim majority** (Turkey, Tunisia, Azerbaijan, Algeria, Morocco, Albania).
- Out of the 10 countries with the highest proportion of Conditional PR, nine are in the **Global South** (Turkey, Tunisia, Azerbaijan, Algeria, Nepal, Morocco, Cuba, Antigua and Barbuda, India) and one is in South-Eastern Europe (Albania).
- Other than Antigua and Barbuda, all of the other 9 countries in the top 10 by proportion of Conditional PR, **require a visa to visit Canada**.
- Muslim majority countries in the Global South requiring a visa to visit Canada, are most disenfranchised in gaining access to Canadian PR, as they are also subject to **long processing times**.
- Conditional PR introduces an overt form of **precarious status**, but longer processing times also have a significant impact on the rights of sponsored spouses/partners who are in Canada or who are waiting for applications to be approved from abroad.
- The compounded effect of Conditional PR and Spousal Sponsorship policies reinforces the policing of racialized communities as suspicious of criminal intent and creates different rights for immigrants based on their country of origin.
- Children might also be at risk of remaining in an abusive situation because of the conditional PR status of their sponsored parent or if they are also granted conditional PR.

## Policy Recommendations

### 1. **Repeal Conditional PR.**

We strongly encourage the Minister to fulfill his promise to repeal the conditional permanent residence measure and grant full permanent resident status to all sponsored spouses and partners who were granted the condition. Removing the conditional status would have an immediate impact on thousands of newly sponsored immigrants who may be tied to a sponsor who is abusive or has left the relationship.

### 2. **Extend support for immigrant victims of abuse or neglect to secure their immigration status.**

Sponsorship breakdown due to domestic violence is a long standing issue in Canada. The “Exception for Abuse and Neglect” that was introduced along with Conditional PR affirms the potential vulnerability that newly sponsored spouses and partners may face, if abuse or neglect is taking place in the relationship. However, the “Exception for Abuse and Neglect” is not working well. We strongly encourage the Minister to develop programs that increase support for all immigrant victims of

abuse or neglect to secure their immigration status. These programs should be designed to recognize the great vulnerability of immigrant women and the many barriers they face to seeking help and safety.

**3. Reduce processing times for in-land and overseas sponsored spouses/partners, especially for regions where the sponsored person requires a visa to enter Canada.**

Requiring some sponsored spouses and partners to wait up to 20 months to receive permanent resident status so they may join their families in Canada is unjust. This period of uncertainty causes detrimental hardship and creates a de facto conditional status. Uneven processing times also produce racialized and gendered inequalities. We encourage the Minister to devote adequate resources to overseas offices that have longer processing times, so as to reduce the constraints on families that wish to establish their lives in Canada.

**4. Extend work authorization to in-land sponsored spouses/partners as they are waiting for their application to be processed.**

We recommend the Minister to extend the pilot program which offers work authorization to Sponsored Spouses or Common-Law Partners in Canada who's applications have been approved in principal. Having work authorization reduces economic dependence and allows newly sponsored spouses/partners to begin to establish a meaningful life in Canada.

## **Data Sources**

Processing times for Sponsors and Applicants within Canada:

<http://www.cic.gc.ca/english/information/times/perm-fc.asp>

Processing times for Overseas Applicants:

<http://www.cic.gc.ca/english/information/times/perm/fc-spouses.asp>

Exception from Conditional Permanent Residence:

<http://www.cic.gc.ca/english/department/media/backgrounders/2012/2012-10-26b.asp>

Incidence of Spousal Abuse in Canada:

<http://www.statcan.gc.ca/pub/85-224-x/2010000/aftertoc-aprestdm2-eng.htm>

Liberal Government's Plan for Immigration Policy:

<http://www.thestar.com/news/canada/2015/10/29/liberals-urged-to-repeal-measure-that-traps-women-in-abusive-relationships.html>

Other: Data retrieved through an Access to Information Request, submitted July 31, 2015 by Rupaleem Bhuyan, University of Toronto. Prepared by the External Statistical Reporting Group, data Management and Reporting Division, Research & Evaluation Branch, Citizenship and Immigration Canada.