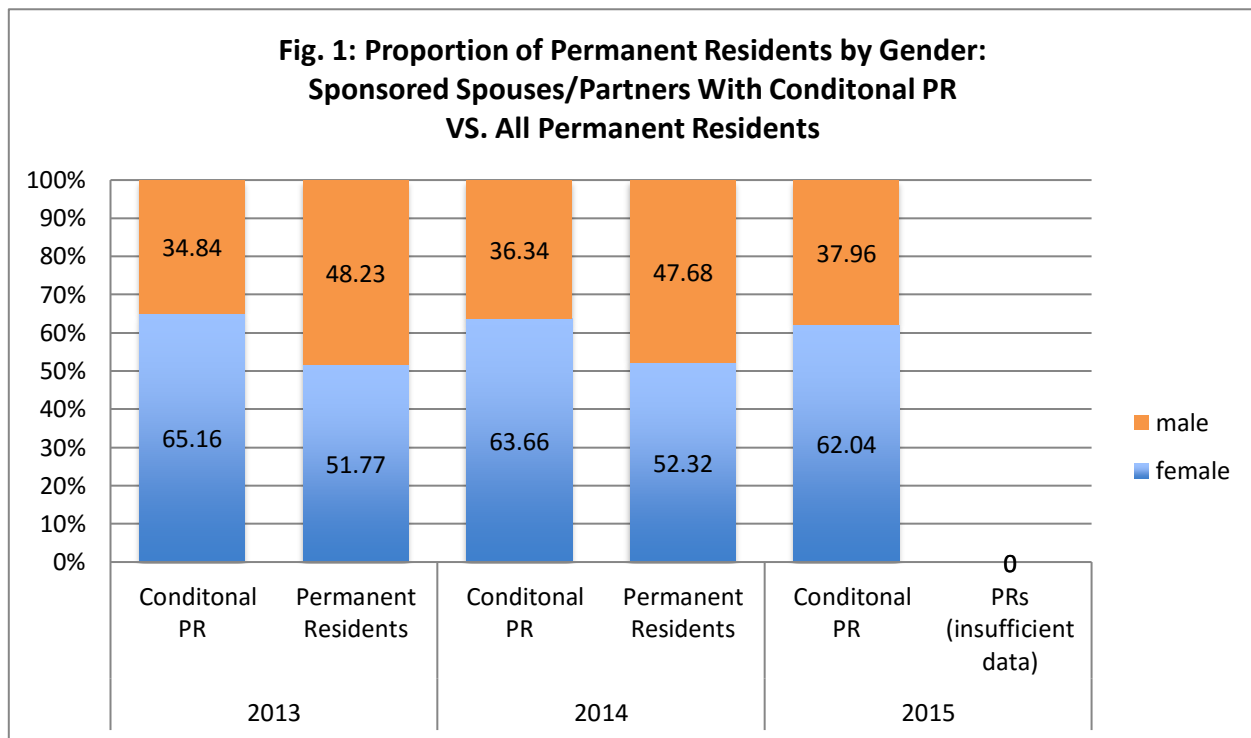


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This policy brief outlines recommendations for the proposed repeal of Conditional Permanent Residence and amendments to the *Immigration and Refugee Protection Act* (published October 29, 2016). We present data requested from Citizenship and Immigration Canada on sponsored spouses (FC1), common-law (FCC), and conjugal partners (FCE) between 2013-2015. Additional immigration statistics were accessed through Open Data, and cited in the Toronto Star. Our research also included interviews with front-line service providers, lawyers and immigrant advocates in Ontario and Alberta.

Background: Gendered and Racial Impacts of Conditional PR

Between 2013 and 2015, the number of sponsored spouses/partners who received conditional PR totaled 53,228. This represents 35% of all sponsored spouses/partners admitted to Canada in the same period. Our analysis shows that female immigrants are disproportionately affected by this regulation, with 63% of those placed under conditional PR being female, compared with an average of 52% for all permanent residents admitted.



Sponsored spouses/partners from some countries were much more likely than the average to receive conditional PR. These countries (see fig. 3) tended to be in the Middle East, North Africa, South East Asia, and East Asia. Considering the number of racialized immigrant spouses who received conditional status, this policy can be seen to perpetuate racial inequities, whereby racialized individuals are targeted for surveillance and enforcement. Our research has shown that the fear of losing PR status creates vulnerability for immigrant women and barriers to seeking support services in situations of abuse.

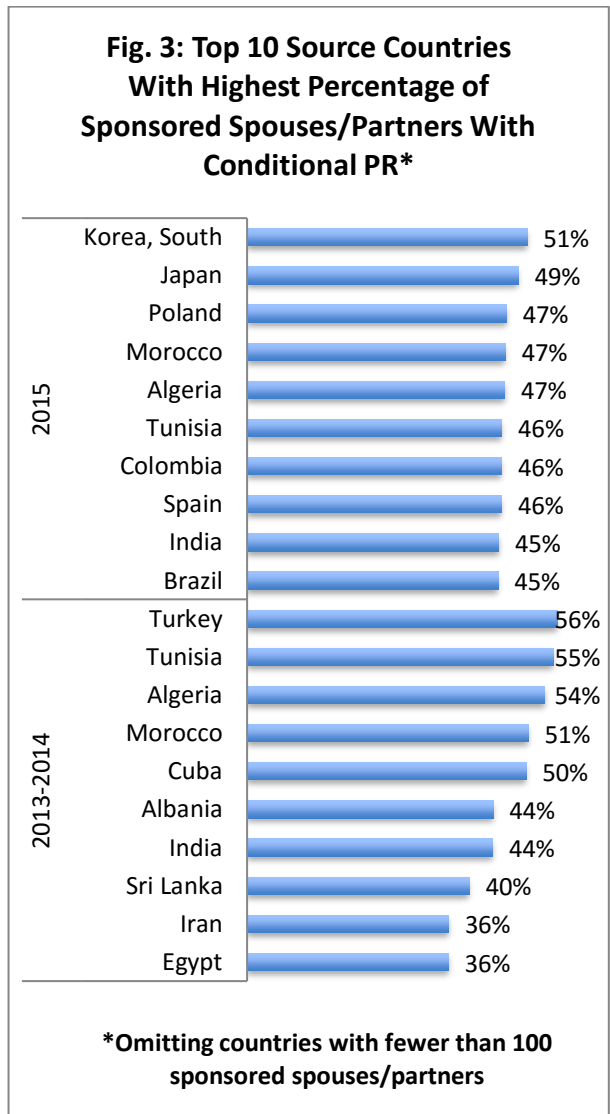
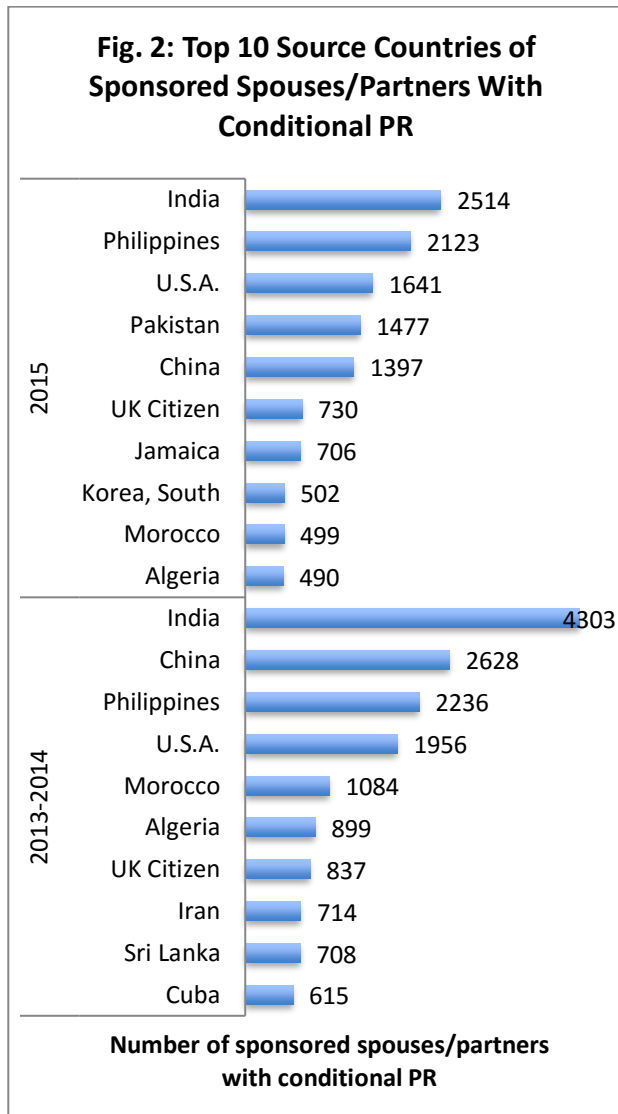
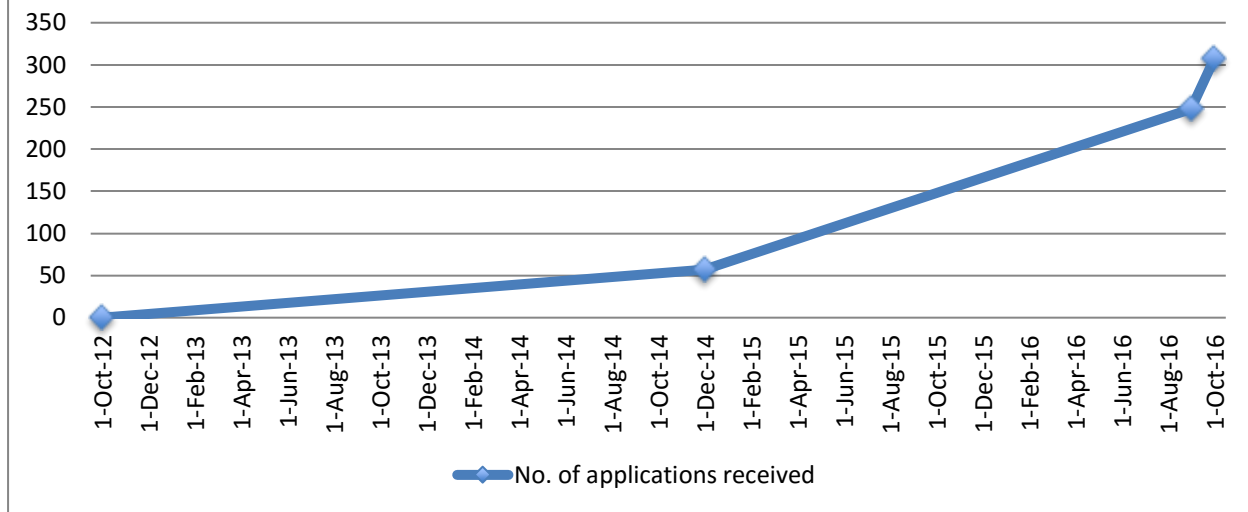


Fig. 4: Applications for Conditional Exception Received - R72.1(6) Abuse and Neglect



Summary of Key Concerns

- As noted in the “Regulatory Impact Analysis Statement”, imposing conditions on permanent residents, to cohabit with one’s sponsor, places newcomers who are in abusive relationships with their sponsor at risk for further abuse.
- Through interviews with service providers and immigration lawyers in Calgary and Toronto, we learned that numerous women who may be eligible to apply for the “Exception for Abuse and Neglect” decided to remain with their abusive spouse/partner for fear of jeopardising their immigration status.
- 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.
- Conditional permanent residence disproportionately impact women from the Global South, thus reproducing gendered and racial inequality.
- Sponsored spouses/partners who originate in South Asian countries or the Middle East are twice as likely to be granted the condition (because their relationship was two years or less at the time of applying for sponsorship); this reinforces cultural bias against immigrants who are seen as more suspicious of their intentions to immigrate to Canada due to varying marital and family migration practices.
- Conditional permanent residence was compounded for in-land sponsored spouses who must wait on average 2-years for their application to be processed; during which time they may also face a risk for domestic violence and fear seeking help due to their precarious immigration status.

Recommendations

- 1) We fully support the repeal of SOR/2002-227.
- 2) In recognition of the thousands of people who currently have or previously had a condition on their permanent residence status, we recommend for IRCC to send clear documentation to each individual who has received the condition (including those who have completed the initial two years), informing them that the regulation has been repealed.
- 3) For individuals who applied for an exception and were denied the exception and referred for inadmissibility review, we recommend that IRCC discontinue inadmissibility review as these individuals would now be recognized as permanent residents without a condition.
- 4) In consideration of the vulnerability for sponsored spouses and their children who currently have a condition on their permanent residence, we strongly recommend that the regulations come into force as soon as possible. Waiting until the Spring of 2017 would place an undue burden on sponsored spouses/partners and their children who are in abusive relationships. Waiting until the Spring of 2017 will also place an increased administrative burden on IRCC staff who are responsible for reviewing and processing applications for the Exception AND upon non-governmental organizations that support victims of domestic violence who apply for the Exception, due to the required documentation of abuse, access of services, and affidavits from support workers and social workers.

Data Sources

Permanent resident admissions by category

http://www.cic.gc.ca/opendata-donneesouvertes/data/IRCC_PRadmiss_0002_F.xls

Canada – Permanent residents by gender and category, 1989 to 2014

<http://www.cic.gc.ca/english/resources/statistics/facts2014/permanent/01.asp>

Liberals Announce Changes to Spousal Sponsorship Rules

<https://www.thestar.com/news/immigration/2016/10/31/liberals-announce-changes-to-spousal-sponsorship-rules.html>

Other: Data retrieved through an Access to Information Request, prepared by the External Statistical Reporting Group, data Management and Reporting Division, Research & Evaluation Branch, Citizenship and Immigration Canada.