

Submission to Citizenship and Immigration Canada regarding proposed “Conditional Permanent Residence” for sponsored spouses

**Prepared by Sarah Blackstock,
Director of Advocacy & Communications**

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Advocacy | Employment & Skills Development | Girls & Family Programs | Housing & Shelter

80 Woodlawn Avenue East, Toronto, Ontario M4T 1C1 T 416.961.8100 F 416.961.7739
info@ywcatoronto.org www.ywcatoronto.org charitable business number 10822 9865 RR0001

I. Introduction

YWCA Toronto is an association by, for and about women and girls. Our programs promote equality, economic security and lives free from violence. We offer a range of housing options, employment and training programs, community support programs, girls' programs and family programs; we also engage in systemic advocacy.

In all of our programs, we work with many new immigrant women, many of whom are coping with the barriers to employment, poverty – and often, violence.

II. Proposed “conditional permanent residence” for sponsored spouses

YWCA Toronto welcomes the invitation from Citizenship and Immigration Canada to comment on the proposal to impose “conditional” permanent residency on sponsored spouses who have been in relationship for two years or less, as published in the Canada Gazette on March 26, 2011.

YWCA Toronto urges CIC to reconsider this proposal. In our view, imposing such conditionality would endanger women who are in abusive relationships. Put simply, the proposed conditionality will trap women and their children in abusive relationships for fear of losing their status.

For women with children, the fear will be even greater as they will be very hesitant to do anything that might risk deportation and separation from their children.

The proposed conditionality simultaneously empowers sponsors and disempowers sponsored spouses, who are largely women. The sponsor can use the precarious status of his partner to wield power over her. At any time, the sponsor can declare the relationship fraudulent and have his sponsored spouse deported. Living under such threat, is unjust, inhumane and inconsistent with Canadian values.

While we understand that CIC has indicated that there will be a process established to allow sponsored spouses in abusive situations to come forward without facing enforcement action, our experience tells us that such a process will be ineffective. YWCA Toronto works extensively with immigrant women and is painfully aware of how few immigrant women are aware of their legal rights. In fact, we were so concerned about the lack of knowledge that we participated in a large, multi-year public campaign called Family Legal Education for Women (FLEW) in Ontario. During this project, it was very clear that immigrant women know very little of their legal rights and that there remains extensive work to be done before immigrant women do have sufficient knowledge of their legal rights.

CIC has indicated that the proposal is intended to address marriage fraud. YWCA Toronto believes good policy and law should be informed by evidence. However, as far as YWCA Toronto has been able to determine, evidence that marriage fraud is a widespread problem does not exist.

III. Conclusion

Given the lack of evidence that marriage fraud is prevalent, and given the great risk to the lives and well-being of women and children that the proposed conditionality would create, YWCA Toronto urges CIC not to move forward with the proposed conditionality on sponsored spouses.