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Community Groups and Women's Organizations Oppose Conditional Visa for Sponsored Spouses

April 25, 2011 – Toronto refugee and immigrants rights groups, legal clinics, and women's organizations are calling on all federal parties to reject a proposed change to Canada's immigration law that will make women more vulnerable to violence and abuse.

The proposal by Citizenship and Immigration Canada will impose a "conditional" permanent residence period of two years or more on sponsored spouses and partners, who have been in a relationship of two years or less with their sponsors. The majority of sponsored spouses and partners are women. Even if the relationship is abusive, violent or unhappy, the sponsored immigrant will be forced to stay in a relationship with the sponsor for a minimum of two years.

"This proposal represents a major step backwards in Canadian immigration policy. It would increase inequalities in the relationship between spouses, and would put women in particular at heightened risk of violence" said Avvy Go, Clinic Director of Metro Toronto Chinese and Southeast Asian Legal Services. "We are also concerned about the potential impact on children born into these relationships. Will the children be forced to choose between staying in Canada with one of the parents, or leave with the one who is being deported?" she asked.

"The proposal appears to be the Government's response to the lobbying efforts by certain groups of sponsors - most of whom are male - who allege that they have been victims of marriage fraud; yet investigation of many of these cases reveal "fraud" is often not at play while spousal abuse is," said Shalini Konanur, South Asian Legal Clinic of Ontario. "Since the Government is unable to verify the real extent of 'marriage fraud', we question the necessity for having yet another requirement attached to spousal sponsorship and how much it will cost to enforce it."

"Making permanent residency for the sponsored partner conditional puts all the power into the hands of the sponsor, and forces the sponsored immigrant woman to live in constant threat and fear of deportation," said Sarah Blackstock, Director of Advocacy & Communications, YWCA Toronto.

Citizenship and Immigration Canada has suggested that a process would be developed to allow sponsored spouses in abusive situations to come forward without facing enforcement action.

"Justice Canada itself has acknowledged that spousal abuse is often hidden and that a person who is abused may take a long time before seeking support. Further, many women sponsored as spouses are often unaware of their rights and may face other challenges in reporting abuse. Therefore it is unrealistic to think that they would come forward to the immigration authorities to report an abusive relationship", said Debbie Douglas, Executive Director of the Ontario Council of Agencies Serving Immigrants. "We urge Citizenship and Immigration Canada to turn its attention instead to reducing the existing barriers to family reunification, including the unacceptably long processing delays in too many regions of the world," she added.

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