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Immigration Sponsorship Problems

Ed Corrigan

Many individuals sponsor new spouses or other family members to come to Canada. The sponsorship process is complicated and many sponsorship applications get rejected and the result is either a dropped sponsorship or an expensive and lengthy appeal. If the sponsorship application is rejected an appeal must be filed with the Immigration Refugee Board Appeal Division within 30 days or appeal rights will be lost. Problems that can result in a rejected family class sponsorship include a bad interview, submitting false or incomplete information, and not providing adequate support material. One must also have the ability to financially support a family class member.

There are a number of other problems that can arise. Sometimes Immigration does not recognize a foreign divorce as being legal in Canada. This can lead to a rejection of the Spousal Sponsorship Application. Sometimes individuals get married to a second spouse before the divorce proceedings are complete for the previous spouse. This will also lead to a rejection of the validity of the marriage and the sponsorship will not be considered part of the family class.

If one has defaulted on a previous undertaking of assistance to look after a spouse or other family member and that person is forced to take welfare assistance, a new sponsorship will be rejected. The standard period for such undertaking of assistance is three years for a spouse and ten years for a parent or child. This money is seen as debt owed to Canada for a breach of a promise to support a family member sponsored to immigrate to Canada. A subsequent Sponsorship Application will be rejected until the debt is paid or until repayment arrangements are made satisfactory to the agency which provided the assistance.

Another problem occurs when new immigrants get a landing visa to come to Canada based on the Skilled Worker Program, Business or Investor Program. However, before they become landed immigrants, they get married in their home country just before coming to Canada. When they try to sponsor their new spouse, their application is rejected because they failed to report the change in marital status before they came to Canada. An additional problem exists where there is an unreported marriage. Citizenship and Immigration Canada can revoke the original landed immigrant visa due to the failure to disclose a material fact or change in the application. It is very important to be truthful in answering all questions in an Immigration Application and to report all changes, such as a new marriage or birth of a child. Failure to do so could lead to deportation from Canada. New medicals and security checks must be completed before the application will be approved.

If you are considering sponsoring a spouse or a member of your family, it can be a wise investment to seek legal advice.

Ed Corrigan is a London lawyer and can be reached at corriganlaw@linkd.net or at (519) 439-4015.

ImmQuest – Editorial Board

EDITORS-IN-CHIEF

Cecil L. Rotenberg, Q.C.

Certified Specialist

Toronto, Ontario

Tel: (416) 449-8866 Fax: (416) 510-9090

Mario D. Bellissimo, LL.B.

Certified Specialist

Barrister & Solicitor

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Tel: (416) 787-6505 Fax: (416) 787-0455

ASSOCIATE EDITOR EASTERN CANADA

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CARSWELL

One Corporate Plaza, 2075 Kennedy Road,
Scarborough, Ontario M1T 3V4

Tel: (416) 609-3800 from Toronto

1-800-387-5164 from elsewhere in

Canada/U.S.

Internet: <http://www.carswell.com>

E-mail: carswellorders@thomson.com

Monday through Friday,

8:30 a.m. to 5:30 p.m.

Content Editor: Neil Maunder

Product Development Manager: Ken Murphy

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