

New immigration rules aim to weed out marriage fraud

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CBC News

Ashpreet Badwal's immigration-sponsorship saga reaches all the way to the top.

The 35-year-old resident of Brampton, Ont., met her future husband, Indian national Manjit Shahi, on an online forum four years ago. After corresponding with him for a year, she flew to India in November 2007 and married him.



Immigration Minister Jason Kenney is considering stiffer rules that would make it tougher to sponsor a spouse to come to Canada. (CBC)

in Canada, with hundreds of reported cases of newly wed foreigners ditching their sponsoring spouse once the permanent residency card arrives.

Immigration Minister Jason Kenney knows of Badwal's story, he told CBC recently. Changes to the Immigration and Refugee Protection Regulations expected to take force next month will give officials more power to weed out such con artists, he said.

Even "far more frequent" than the headline-grabbing tales of bamboozled brides and gulled grooms, Kenney said, are so-called marriages of convenience. These are marriages in which both spouses collude to fake true love so that one can bring the other to Canada, frequently in exchange for cash.

The Canadian immigration office in Hong Kong, with jurisdiction over much of southern China, rejects 50 per cent of spousal-sponsorship applications, the minister said, "because they've detected a wave of fraudulent marriages that are often facilitated by unscrupulous marriage consultants overseas."

'Family-class immigrants have always been seen as a burden of our economy.'

— Avvy Go, immigration lawyer

Immigration staff received about 49,500 spousal-sponsorship applications from various parts of the world last year. While the government doesn't know exactly how many of those were deemed bad-faith marriages, Citizenship and Immigration Canada says "many" of the 10,000 applications that were rejected were turned down because there was evidence of a marriage of convenience.

The new immigration rules will allow officials to reject a spousal-sponsorship application if they determine the relationship either is not genuine or is primarily aimed at getting permanent residency for the foreign spouse. Currently, both criteria have to be fulfilled for an automatic rejection.

Crackdown

Kenney also launched an online survey Monday that asks people about their experience with immigration-related marriage fraud and what they think the government should do about such cases.

The survey is part of a wider government consultation that will likely lead to a crackdown on marriages of convenience and tighter rules on immigration sponsorship.

Badwal said those looking to enter such marriages are after nothing more than a "free ticket" to Canada.

"The law is not hard. It's easy to break in," she said.

But a Toronto lawyer warned that any crackdown would only aggravate a government approach that already sees immigration officers discriminate against aspiring new residents based on their income and culture.

"There's a very strong bias among officers in that they think that immigrants from certain countries ... come here using marriage as a ticket to immigration to Canada, in particular, countries such as India and China," said Avvy Go, director of the Metro Toronto Chinese and Southeast Asian Legal Clinic.

Go said "family class" immigrants — those sponsored by relatives or spouses — constituted half the total migration into Canada in the 1980s but now make up less than a quarter of new arrivals.

"Family-class immigrants have always been seen as a burden of our economy, because these individuals are allowed to come not because they have skills or money but because they have family ties," Go said.

"On paper, family-class membership and family reunification is still one of the core objectives of [the] Immigration Act, but with this government, and even under the Liberal government before, family-class immigrants are frowned upon.

"So, I think it's just another way of reducing the number."

The Canadian Bar Association and the Canadian Migration Institute, an organization of immigration lawyers and consultants, said the new immigration regulations will unfairly add an element of suspicion to arranged marriages, which are common in many parts of the world, including India.

Spouses in arranged unions often don't get to know each other until after they've wed, which can raise red flags with immigration officials — even though such marriages are statistically more likely to hold together than romantic matrimonyes.

The government's online survey is available until Oct. 27. Once the results are in, Kenney said, he will ponder new policies like imposing a probationary period on recently married spouses before they can get permanent residency.

Marital misfortune



(CBC)

In a case brought to public attention by CBC News in June, Kara Dhaliwall of Victoria, right, married Neeraj (Sunny) Kanda in India, only to see him drop her after he got his visa, she alleges.