

Sponsoring a member of the family class

This fact sheet is for community workers and advocates working with people who want to sponsor a family member. Throughout the fact sheet, “you” refers to the person wanting to sponsor. This is meant to make it easier to pass the information on to those who need it.

Some relatives or family members can be sponsored to come to Canada as members of the “family class”. For more information see “Who can be sponsored as a family class member” starting on [page 3](#). Sponsored relatives and family members come to Canada with immigrant visas and become permanent residents when they enter Canada.

You will need to prove the relationship between you and the relative or family member you want to sponsor. If you want to sponsor a spouse or partner or an adopted child, you must also show that the relationship is genuine and was not created mainly for immigration reasons.

There may be other ways for your family to immigrate. In this fact sheet, we give only general information. You may want to get legal advice about your own situation.

If you have a spouse, a common-law or conjugal partner, or a dependent child at the time you become a permanent resident, you must tell immigration authorities. If you do not, you will not be able to sponsor them later. **Your own status in Canada could also be at risk.** If this is your situation, you need to get legal advice.

To find out who is considered a spouse, a common-law or conjugal partner, or a dependent child, see “Who can be sponsored as a family class member” starting on [page 3](#).

Who can sponsor?

To sponsor a relative or family member, you must be:

- a Canadian citizen or permanent resident, and
- 18 years of age or older.

You must also be living in Canada. But, if you are a Canadian citizen living outside Canada, you can sponsor a spouse, a common-law or conjugal partner, or a dependent child if you will live in Canada when your family member becomes a permanent resident. In most cases, you will have to meet financial guidelines. See [page 6](#) for more information on these guidelines. You must also meet other

conditions and provide all the information required in the application.

A sponsor must sign a “sponsorship undertaking”. This means that you agree to provide for the basic needs of the people you sponsor from the time they arrive in Canada and for a specified period of time. See “Sponsorship obligations”, starting on [page 6](#), for more information about the sponsorship undertaking and what is included in “basic needs”.

Special rules that apply to refugees

If you are found to be a “protected person” in Canada (someone whose claim for refugee protection has been accepted by the Immigration and Refugee Board) and you apply for permanent resident status, you must list your spouse or common-law partner and your dependent children in your application. You can then choose whether or not to include them in your application. You must list them even if you are not including them in your application for permanent resident status.

If you include them, their applications for permanent resident status can be processed with yours whether they are inside or outside Canada. However, they will not be issued visas to come to Canada until you become a permanent resident. If you are including them and they are outside Canada, they can still be processed as part of your application if they go to a visa office within a year of the day you become a permanent resident.

Although your family members must complete medical examinations, not all the physical and mental health standards that apply to other immigrants apply to them.

Who cannot sponsor?

You cannot sponsor a family member if:

- You are facing serious criminal charges, or immigration or citizenship proceedings that could affect your status as a permanent resident or citizen in Canada.
- You are in jail.
- You are an “undischarged bankrupt”. This means that you filed for bankruptcy and have not yet received an automatic discharge, or an order of absolute discharge from the court.
- You have not paid back a loan from Citizenship and Immigration Canada (CIC) or money you owe CIC on a performance bond.
- You previously sponsored a relative or family member, that person received social assistance benefits before the end of the sponsorship undertaking, and you have not fully repaid the benefits.
- You have not made court-ordered support payments.
- You are on social assistance for a reason other than having a disability. (CIC can make exceptions to this rule for humanitarian and compassionate reasons or public policy reasons, but this is not likely. Try to get legal advice if you think you have strong reasons why CIC should make an exception.)
- You have been convicted of a sexual offence or you have been convicted of an attempt or a threat to commit a sexual offence.
- You have been convicted of a criminal offence resulting in bodily harm against someone who is a member of your family, your spouse’s family, or

your common-law or conjugal partner's family. Or, you have been convicted of an attempt or a threat to commit this kind of offence.

Note: Even if you were convicted, you might be able to sponsor someone if you applied for and got a pardon, or if it has been at least five years since your sentence ended. If you have a conviction that might prevent you from sponsoring someone, you should get legal advice.

Who can be sponsored as a family class member?

The following people can be sponsored as members of the family class.

Your spouse: This is the person you are legally married to.

Your common-law partner: This is a person of the same or the opposite sex who you are in a conjugal (or marriage-like) relationship with and have lived with for at least one year. Or, this is a person who you have been in a conjugal relationship with for at least one year but you could not live with because of persecution. For example, you and your partner might not have been able to live together in a country where common-law or same-sex relationships are against the law or where people are persecuted for being in these types of relationships.

Your conjugal partner: This is a person of the same or opposite sex who lives outside Canada, and who you have been in a conjugal (or marriage-like) relationship with for at least one year. Usually, conjugal partners have not been able to marry or live together long enough to qualify as common-law partners. For example, one

partner might be married to someone else and come from a country where divorce is not available. Immigration rules might prevent these partners from living together for a year.

Note: A spouse, or a common-law or conjugal partner must be at least 16 years old.

If you apply to sponsor your common-law or conjugal partner and you marry one another while your application is being processed, you will have to start a new application to sponsor your spouse.

If you sponsored a spouse, or a common-law or conjugal partner, and that relationship ended, you have to wait until the sponsorship undertaking has also ended before you can sponsor another spouse or another common-law or conjugal partner.

Your dependent child: This means a biological child as well as a child you have legally adopted. Your child is "dependent" if he or she:

- is under the age of 22 and not married or in a common-law relationship,
- got married or began a common-law relationship before age 22 and has been a full-time student and substantially dependent on you for financial support since the date of the marriage or the beginning of the common-law relationship,
- is 22 or older and has been a full-time student and substantially dependent on you for financial support since before age 22, or
- is 22 or older and cannot support himself or herself because of a physical or mental condition and has been

substantially dependent on you for financial support since before age 22.

Note: If your son or daughter is a full-time student but has taken breaks during their studies or had their studies interrupted, you should get legal advice about how this could affect the sponsorship.

If you are sponsoring a spouse, a common-law or conjugal partner, or an adopted child, you must show that the relationship is genuine and that you did not enter into it for immigration purposes.

Your parents or grandparents.

Your orphaned brothers, sisters, nephews, nieces, or grandchildren: They must be under the age of 18 and not in a marriage or common-law relationship.

Children you became the legal guardian of while they were under the age of 18 or children under the age of 18 if you plan to adopt them: These children can be sponsored only in specific circumstances. For more information about guardianship or international adoption, contact a community legal clinic or a lawyer.

Another relative: This only applies if you have no one in Canada or anywhere else in the world who can qualify as a member of the family class. This person must be related to you by blood.

Sponsored immigrants must meet basic standards of health and character. People who have been involved in criminal activities may not be allowed to come to

Canada. Also, people who have serious physical or mental health problems may not be allowed to come to Canada. But, your spouse, your common-law or conjugal partner, or your dependent child should not be prevented from coming to Canada only because of health problems that might require medical or social services in the future. If an application is refused because of a criminal background or health problems, get legal advice. There is information about how to get legal help on [page 9](#).

How to prove a relationship

You might be able to use documents to prove the relationship. For example, you might rely on a marriage certificate, birth or baptismal records, identity documents, school records, or hospital records. It is best to get as many documents as you can.

If you are not able to get these documents, you might be able to use sworn statements by people who can confirm the relationship between you and the person you wish to sponsor. For example, you might be able to rely on the statement of a religious leader, a police officer, or a bank officer who knows you.

CIC will examine documents very closely to make sure that they are genuine. CIC may also compare documents that you submit with documents or information in your immigration file or the files of other relatives and family members.

If CIC does not believe that you have proved your relationship with a blood relative, such as a child, they may tell you that you will need to do DNA testing to prove the relationship. If CIC recommends DNA

testing, it is a good idea to get legal advice. A lawyer may be able to suggest other ways that you could prove the relationship. DNA testing is very expensive. CIC does consider the results conclusive.

How to prove a marriage is genuine or a couple is in a conjugal relationship

CIC looks for a relationship to have the following characteristics to some degree when they decide whether a marriage is genuine or a couple is in a conjugal relationship:

- The couple is committed to a shared life.
- It is a permanent relationship that is long-term, genuine, and continuing.
- The partners are not in any other conjugal relationships and are sexually intimate only with each other.
- The partners depend on each other physically, emotionally, financially, and socially.
- They present themselves as a couple to other people.
- Other people consider them to be a couple.
- They care for and share responsibility for any children they have.

The type of evidence that will show that a relationship has these characteristics will depend on a couple's personal preferences and cultural traditions. Such evidence could include copies of letters or e-mail messages the couple sent to each other, photographs, proof of money transfers, proof of joint

assets, and letters from friends or family. CIC will want to know the duration of the relationship and the circumstances in which it was formed.

If you obtained permanent resident status because you were sponsored by a former spouse or partner, CIC will look at the duration of that previous relationship. Depending on how long that relationship lasted, CIC may decide to investigate whether or not it was genuine. This will delay consideration of the pending application. The investigation could also lead to proceedings that would result in loss of status if there was a misrepresentation. A misrepresentation can occur when someone gives incomplete information in an immigration application or says something that is not true.

In the case of a common-law relationship, CIC must also be satisfied that the couple has lived together for at least one year or that they could not live together because of persecution.

If other relatives or family members want to immigrate

Relatives or family members who do not qualify as members of the family class may still benefit from having a relative in Canada who is a citizen or permanent resident.

CIC rates independent immigrants under a "point system". In some cases, it is possible to get five points for having a relative or family member in Canada.

Financial guidelines

If you cannot show CIC that you meet its financial guidelines, you may not be allowed to sponsor a relative. CIC uses the “Low Income Cut-offs” published by Statistics Canada to decide whether you can support your relative.

The chart below has the Low Income Cut-off amounts effective *until* **December 31, 2011**. For current amounts, contact the CIC Call Centre at **1-888-242-2100**.

Size of family unit including sponsor	Minimum Necessary Income
2 people	\$27,674
3 people	\$34,022
4 people	\$41,307
5 people	\$46,850
6 people	\$52,838
7 people	\$58,827
Each additional person	\$5,989

The amount of income you must have depends on:

- the number of people you already have to support, including anyone you previously sponsored, unless that undertaking has ended, and
- the number of people you want to sponsor, as well as their dependent family members.

You must show that your income, in the 12 months before you apply, is at least as much as the Low Income Cut-off for the number of people you will be responsible for supporting. For example, if you are a single parent with two children and you want to sponsor your parents, you need the

Minimum Necessary Income for a family unit of five people. If you also have to pay support to a former spouse, you need the Minimum Necessary Income for a family unit of six people.

In deciding whether you meet the financial guidelines, CIC includes your income from Canadian sources only. Benefits such as social assistance, federal child tax benefits, or regular Employment Insurance benefits are not counted as income. Debts, such as loans, credit card debts, property and school taxes, and court-ordered child support payments, are deducted from your income. Rent or payments under a first mortgage on the home you live in are not deducted.

If your spouse or common-law partner co-signs the sponsorship undertaking, CIC includes their income, minus their debts, when calculating whether you meet the financial guidelines. To co-sign, your spouse will have to meet the same requirements as a sponsor.

If you are sponsoring your spouse, your common-law or conjugal partner, or your dependent child who does not have children, you should not have to meet these financial guidelines.

But if you think you might not meet the guidelines, it is a good idea to get legal advice before applying. To get legal advice, you can contact a community legal clinic or a lawyer.

Sponsorship obligations

When you sign the sponsorship undertaking, you agree to provide such things as housing, clothes, and food, or the

money to pay for these things. How long the undertaking lasts depends on which family member or relative you are sponsoring. As a sponsor, you must support your spouse or partner for three years. For children, it can be 10 years or less. For other family members, the time is 10 years. After that, you may still be responsible for financial support under Canadian family law. Someone who co-signs the undertaking is responsible in the same way that you are.

If a sponsored person collects social assistance

If you have sponsored someone and they start collecting social assistance from Ontario Works or the Ontario Disability Support Program while the undertaking is still in effect, this creates a debt that you are responsible for paying. This can mean that you will not receive tax credits or refunds owed to you by the Canada Revenue Agency as they may be used as payments for this debt.

There are some circumstances in which collecting the debt from you can be postponed, for example, if you are on social assistance. But if your situation changes, you will then be responsible for paying the debt. If you are asked to pay back social assistance that was given to someone you sponsored, you may want to contact a community legal clinic for advice and help.

How to apply to sponsor a family class member

Most family class applications are started by sponsors in Canada. To sponsor a member of the family class, you need to get a family class sponsorship application from CIC. You

can call CIC at **1-888-242-2100**. You can also download applications from CIC's web site at www.cic.gc.ca. You can submit your application in English or French.

It is important that you get the right application and all the relevant forms and that you follow the instructions carefully when you fill them out. Some forms are specific to the region in which the sponsored person is living.

There is a question on the sponsorship application that asks what you want to do if you are "found ineligible", in other words, if you do not qualify to sponsor. You can choose to withdraw your sponsorship or to go ahead with the application. If you say you want to withdraw, you will get a refund and the application will not go ahead. In this case, you will not have the right to appeal. Sometimes the decision to refuse an application because the sponsor was found ineligible can be successfully appealed. But if you choose to withdraw the sponsorship, you will not be able to appeal.

If you give incomplete or false information on your sponsorship application, CIC can refuse your application and you could be convicted of an offence and fined or sent to jail.

If you are a permanent resident and you give incomplete or false information on your sponsorship application, CIC can also take steps to remove you from Canada. If your relative or family member has already immigrated to Canada, you could both be removed from Canada along with any other family member or relative who came to Canada with either one of you.

When you submit your sponsorship application, you must include proof that you have paid the processing fee. You can figure out how much you have to pay by following the instructions that come with the application. These instructions also tell you how to make the payment and what proof you must include.

There is also a Right of Permanent Residence fee for most adult applicants. This fee does not have to be paid when the application is made. But it must be paid before CIC will issue a visa to the family class member.

Your relative or family member may be interviewed outside Canada at a Canadian embassy or consulate. They must pass a medical examination, and criminal background and security checks. If all goes well, they will be issued an immigrant visa. The visa will have an expiry date. Your relative or family member must travel to Canada before that date.

Sponsorship applications take months to process, sometimes even longer. This is especially the case if you are sponsoring someone other than a spouse, partner, or dependent child. If things seem to be taking too long, you can contact a community legal clinic, a lawyer, or your federal Member of Parliament (MP). To find out who your MP is, call Elections Canada at **1-800-463-6868** or visit the Parliament of Canada web site at www.parl.gc.ca.

Major changes in the lives of people you want to sponsor must be reported to CIC or the appropriate Canadian embassy or consulate. For example, the person you want to sponsor may have had a change in marital status, a baby, or a criminal conviction. There can be serious problems later on if you do not report these types of changes. Failing to report changes is the same as giving incomplete or false information on the application.

If CIC refuses the application

In most cases, if CIC refuses your sponsorship application, you can appeal to the Immigration Appeal Division of the Immigration and Refugee Board. Appeals can be filed in English or French. But you cannot appeal if CIC refuses the application because your family member is not admissible for security reasons, for human rights violations, or for serious criminality. And if CIC refuses the application because they believe that you or your family member gave incomplete or false information, you can appeal the decision only if the family member is your spouse, common-law partner, or child.

You must appeal within 30 days after the day you receive written notice from CIC of the reasons for the refusal. This time limit can be extended by the Appeal Division. If you want to appeal, it is a good idea to get legal help.

If a relative or family member is already in Canada

Usually, applications for permanent residence are made outside Canada. But, if you want to sponsor your spouse or common-law partner who is living in Canada, you may be able to do this under a special category called the *Spouse or Common-law Partner in Canada Class*. However, some people who do not have temporary status in Canada could still be removed while their application is being processed. Examples of people who do have temporary status for a period of time specified by CIC include people who have work or study permits and those who were allowed to enter Canada as visitors.

It is a good idea to get legal advice before starting an application under the *Spouse or Common-law Partner in Canada Class* if your spouse or partner does not have temporary status in Canada.

If you would like to sponsor another relative, such as a child or a parent, who is living in Canada, CIC may make an exception for humanitarian and compassionate reasons. You should get legal advice if you want to make an application for humanitarian and compassionate

reasons. It can be difficult to succeed on these applications. Speak to a lawyer who knows immigration law or contact a community legal clinic.

Getting legal help

For legal advice, you can contact a community legal clinic or a lawyer. Community legal clinics give free legal advice to people with low incomes, but not all clinics deal with immigration issues. You can check with the clinic in your area to see if they can help you. If not, they may be able to refer you to someone who can.

To find the nearest community legal clinic go to the Legal Aid Ontario web site at <www.legalaid.on.ca>. Click on "Contact LAO" then "Community legal clinics". Or you can call Legal Aid Ontario at:

Toll-free..... **1-800-668-8258**
Toll-free TTY **1-866-641-8867**
Toronto area TTY **416-598-8867**

CLEO produces a booklet called *Getting legal help: A directory of community legal clinics in Ontario*. To order a copy or view it online, please see the contact information on the [back cover](#).

Notes

Notes

This publication contains general information for people in Ontario. It is not a substitute for getting legal advice about your particular situation.

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