THE HISTORY OF FAMILY REUNIFICATION IN CANADA AND CURRENT POLICY

ABSTRACT

This article provides a brief overview of the history of family reunification policy in Canada and outlines current policy and procedures with respect to family sponsorship. Interspersed throughout are a few myths about family reunification and some responses. These are included because one impetus for this edition of Canadian Issues was the number of myths surrounding this type of immigration. The article concludes with some current issues of interest on the family reunification front.

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Canada, like Australia and the United States, has a tradition of favouring family reunification with liberal policies. Some have argued that such policies are supported with the understanding that benefits to society will flow to it in the medium to long term.[2] Others have argued recently and strenuously that immigration based on family relationship should not continue in Canada. For example, in a paper published in September 2005 by a senior fellow of the Fraser Institute, it was argued that given recent declining outcomes for immigrants, Canada should only allow immigration for temporary work purposes.[3]

Although no international instruments recognize family reunification as a right, the concept that the family unit should be protected can be inferred from the principles enunciated in international instruments. For example, the *Universal Declaration of Human Rights of 1948, Article 16* states that the "family is the natural and fundamental group unit of society and is entitled to protection by society and the State."[4] Furthermore, there are many more references to the right of family protection in international law. The International Covenant on Economic, Social and Cultural Rights, 1966 acknowledges that, "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society (Article 10)."[5]

In Canadian legislation, the objective of "family reunification" was articulated for the first time in the 1976 *Immigration Act* though, as will be outlined below, the concept of family reunion as an immigration method had existed since 1908. This objective was outlined in the 1976 *Act* under 3(c) as "to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives from abroad." In the *Immigration and Refugee Protection Act (IRPA)*, which was implemented in 2002, the equivalent objective is much simpler in text saying "to see that families are reunited in Canada."

Myth: Family class immigration is based on humanitarian considerations.

Fact: Family class immigration is premised on the importance of family reunification based on family relationships.

Two big themes emerge in a survey of family reunification policy: one is the tension between immigration based solely on family relationship versus immigration for other reasons including, most importantly, fulfilment of labour market needs and secondly, the dispute over how to define "family."

Canada, like other countries makes certain distinctions in treatment between "core" family members or the closest family members like spouses and children and more distant family members such as parents and grandparents. These distinctions will be discussed in greater detail in the portions of the paper dealing with policy and procedures.

History of Family Reunification[6]

The concept of family reunion immigration has had a "strong and durable" position in the immigration framework.[7]

The range of persons who could be included in the family reunion category has varied from only wives and unmarried minors to any relative of any degree. For most of the 20th century, the range of relatives who could be sponsored was fairly broad aside from brief periods of economic decline.

Family reunion immigrants first emerged as a distinct class in 1926 but the concept of family reunification existed as early as 1908 when the first provision for admitting immigrants with relatives appeared. In 1910 the first enumeration of specific relatives who could benefit from family immigration occurred, and wives, children, parents, brothers and sisters were named. The groups eligible for family reunion varied until 1950. For instance, in the 1920s, to boost numbers, unmarried children over 18 and parents were included in this group in addition to core family members and unmarried brothers and sisters whereas during the Great Depression only wives and children under 18 were eligible.

In 1950, the family reunion class disappeared only to be replaced by an expanded class that would include any relative of any degree. This expansion caused administrative problems and the class was reduced in 1951. By 1956, the class had been expanded again to include grandparents.

Again due to economic downturn, the government decided in 1959 to reduce the range of relatives who could be sponsored, removing eligibility from married sons and daughters and all brothers and sisters. However, outcry was great and this decision was reversed.

The admissible classes regulations were recast in 1962 and although requirements changed for some family members, none lost their eligibility. In addition, sons-in-law could be sponsored directly. This was a rare exception for non-blood relatives.

In 1965-66, the government of the day decided that admissions policy should be more labour market focussed and that this would be difficult with the then full range of eligible relatives for family reunification. The government proposed a reduction of those eligible solely through sponsorship to spouses, fiancé(e)s, unmarried children under 21, parents and grandparents not entering the workforce, and orphaned grandchildren, brothers, sisters, nephews and nieces under 21. Previously, eligible relatives would be eligible only if the sponsor was a Canadian citizen of five years residence, and the immigrant would have to meet an educational or occupational requirement. This initiative encountered severe resistance and in the regulations of 1967, the full range of relatives who could be sponsored remained.

Notwithstanding the resistance, the government did succeed in creating differentiation between eligible relatives in 1967 when new regulations were passed which created two distinct family reunification categories. One category – "nominated relatives" – was subject to labour-market requirements as well as sponsorship requirements while the sponsored dependents category was subject only to sponsorship requirements.

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1976 *Act*

Until 1976, the legislation did not mention specific categories of immigrants, but the 1976 *Immigration Act* created classes including the family class. The "sponsored dependents category" was renamed the "family class" and the "nominated relative category" became the "assisted relative" category. The 1976 *Act* also articulated the objective of family reunification: "to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives from abroad." By the late 1970s family class immigration had become a dominant migrant flow representing 40-50% of total immigration to Canada.[8]

In 1988, unmarried sons and daughters of any age were permitted to immigrate as dependents of sponsored parents in a program now known as "J-88." Although intake was forecast at 4,000 persons per year, the intake in the family class almost doubled in the four years following this policy change from 53,033 to 104,199 in 1989 with the majority of this increase due to brothers and sisters (accompanying sponsored parents) under the "J-88" program. It took several years for the Department to recover from this backlog of cases. In 1993, the "assisted relative" category was abandoned. One of the reasons was the low acceptance rate for these clients.

In 1994, the government announced a major consultation initiative on immigration which resulted in a strategic framework to guide immigration over the next ten years. In the document produced as a result of these consultations, *Into the 21st Century: A Strategy for Immigration and Citizenship*, many divergent views on family class immigration were presented. Some thought that the family should be restricted to spouses and children while others thought that the current approach of including spouses, children and grandparents and parents was too restrictive.[9]

This report also touched on the theme of the tension of family class immigration versus economic immigration stating that during the consultations, many Canadians asserted that if the country could not afford to provide the services that newcomers need, greater effort should be made to select immigrants who need fewer services with the assumption that persons not selected for their economic contribution to Canada will be the biggest drain on services.[10]

The immigration plan of 1995-2000 made explicit that the balance between economic, family and other immigration components would put greater emphasis on attracting those with an ability to settle quickly in Canada.

In March 2001 during hearings on the proposed immigration bill, the Standing Committee on Citizenship and Immigration requested that the government look at including brothers and sisters as part of the immediate family.

Feedback to this idea was lukewarm at best given the explosion of cases that occurred with "J-88." The then Minister indicated to Standing Committee that there was no consensus across Canada for expansion of the family class. In addition, there were lingering concerns about the ability of brothers and sisters to establish themselves with a degree of success in Canada.

Myth: Sponsorship is a right.

Fact: Sponsorship is a privilege, and sponsors must meet several criteria before being eligible to sponsor.

To quote a 1995 publication of the Department:

"When Canadian citizens or permanent residents sponsor family members to immigrate to Canada, they undertake an important responsibility. A sponsored immigrant is permitted to come to Canada because of the family relationship and the sponsor's commitment to support that immigrant. Sponsorship is a privilege, and sponsors have an obligation to look after their families once they arrive here." [14]

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The Immigration and Refugee Protection Act, 2001

The *Immigration and Refugee Protection Act (IRPA)*, which received Royal Assent in 2001 and came into force in 2002, continued the tradition of recognizing the importance of family reunification "to see that families are reunited in Canada."[11] There are also related objectives, namely, "to permit Canada to pursue the maximum social, cultural and economic benefits of immigration"[12] and "to enrich and strengthen the social and cultural fabric of Canadian society while respecting the federal, bilingual and multicultural character of Canada."[13]

What follows is a discussion of current policy and procedures with respect to family reunification under *IRPA*.

Current Policy

Myth: Sponsored persons do not have to meet any requirements beyond family relationship to immigrate to Canada.

Fact: Although sponsored persons are not subject to selection criteria in the same way as economic immigrants, they are subject to the same health and security criteria as all applicants for permanent residence, with a few exceptions.

What family members can be sponsored?

Myth: I can sponsor any close relative including my siblings.

Fact: You may sponsor your spouse/partner, child, parent or grandparent, child to be adopted and a few other relatives. You may not sponsor your siblings, over-age children, aunts/uncles and other relatives *except in very limited and specific situations* (outlined below).

IRPA outlines who may be sponsored as a member of the family class indicating that "a foreign national may be selected as a member of the family class on the basis of their relationship as the spouse, common-law partner, child, parent or other prescribed family member of a Canadian citizen or permanent resident." [15]

Details on the "other prescribed family members" are provided in the *Immigration and Refugee Protection Regulations*. In addition to the family members outlined above – spouses, common-law partners, children and parents – the following persons are members of the family class (in relation to the sponsor): conjugal partners;[16] grandparents;[17] and persons who are orphaned, unmarried and not in a common-law relationship AND under 18 years of age who are brothers, sisters, nieces, nephews or grandchildren.[18] Persons the sponsor intends to adopt may also be sponsored as may relatives of the sponsor regardless of age if the sponsor does not have a spouse, common-law partner, conjugal partner, child, niece or nephew, mother or father, sibling, grandchild, grandparent or uncle or aunt who is a Canadian citizen or permanent resident you can otherwise sponsor.[19]

Since *IRPA*, there have been two family classes, the Family Class for overseas sponsorship and the Spouse or Common-law Partner in Canada Class for persons already living in Canada who are spouses and common-law partners of citizens and permanent residents. The latter deviates slightly from a key pillar of the immigration system: that immigrants are selected and screened abroad. The Spouse or Common-law Partner in Canada Class was designed, in part, to remove foreign national spouses and partners in Canada from the in-Canada humanitarian and compassionate processing stream and put them into a more regularized and transparent stream, allowing the applicant to apply from within Canada rather than from outside of the country. Prior to this change, persons whose only relationship to Canada was their relationship with a Canadian citizen or a permanent resident could only remain in Canada permanently by requesting humanitarian and compassionate considerations.

Who can be a sponsor?

According to the *Regulations*, sponsors must be at least 18 years of age,[20] citizens or permanent residents of Canada and in most cases sponsors must be residing in Canada and have filed a sponsorship application with respect to a member of the family classes in accordance with the regulations.[21] Canadian citizens not residing in Canada may still sponsor their overseas spouse, common-law partner or dependent child who has no dependent children if the sponsor will reside in Canada when the applicant becomes a permanent resident. Sponsors are also required to meet the eligibility criteria outlined in the regulations.[22] These criteria are discussed in more detail below.

Eligibility criteria which existed pre-*IRPA* and were carried over include the requirement that sponsors not be:

- subject to a removal order
- detained in jail
- an undischarged bankrupt
- in default of an immigration debt
- in default of a previous undertaking (see more information about undertakings below)

Some additional criteria were introduced when *IRPA* came into force in 2002. Sponsors may not have been convicted of a crime of family violence (if the rehabilitation period has not passed or a pardon has not been granted),[23] sponsors cannot be in arrears of court-ordered support payments, and persons cannot be in receipt of social assistance for reasons other than disability.

Undertakings to Support

Sponsors must sign an undertaking with the Minister of Citizenship and Immigration which commits them to provide for the sponsored persons requirements for a set validity period. This means that the sponsor agrees to provide for the basic requirements of the sponsored persons and his or her family members who accompany him or her to Canada, (food, shelter, other health needs not provided by public health care etc.). The sponsor also promises that their family members will not need to apply for social assistance.[24]

Myth: Sponsored persons go on social assistance upon arrival in Canada, costing provincial governments millions of dollars each year, and the federal government is doing nothing about it.

Fact: The federal government is committed to and active in establishing programs with provinces to enforce the obligations of the sponsor and to recover sponsorship default debt.

Prior to April 1997, undertakings were from one to 10 years (at the discretion of the officer). In the five years prior to *IRPA*, all undertakings were for a 10-year period. Under *IRPA*, undertakings vary in length from three to ten years depending on the relationship to the sponsor. Spouses and partners' agreements are for three years and for dependent children, undertakings vary from three to 10 years.[25] Undertakings for parents and grandparents and other family members (other than spouses/partners and dependent children) are 10 years.

The reason that the undertakings for spouses and partners were reduced to three years was principally in recognition of the concerns that domestic violence is aggravated by the relationship of dependency implied by sponsorship arrangements.[26]

Myth: A sponsorship relationship breakdown will result in the sponsored person being removed from Canada.

Fact: Once a person becomes a permanent resident, they gain all the rights and privileges associated with this status. This means that although they can be removed from Canada for certain contraventions of *IRPA*, relationship breakdown is not a reason for removing permanent residents sponsored in the family class from Canada. The sponsorship agreement makes it clear to clients that persons in abusive situations should not remain in those relationships even if it means seeking social assistance and that sponsors cannot force the government to remove someone from Canada.[27]

The Spouse or Common-law Partner in Canada Class was designed, in part, to remove foreign national spouses and partners in Canada from the in-Canada humanitarian and compassionate processing stream and put them into a more regularized and transparent stream, allowing the applicant to apply from within Canada rather than from outside of the country.

Both sponsors and applicants also sign an agreement which confirms that both parties understand the obligations required of each.

Sponsors must also demonstrate that they meet the minimum necessary income requirements (MNI) set out in the regulations, meaning that they have at the time of application, sufficient funds to support their existing family and any family members they wish to sponsor. The MNI requirements are based on Statistics Canada's low income cut off (LICO) figures unless the applicant intends to live in Quebec. For Quebec cases, provincial equivalents of the LICO apply.[28] However, sponsors of close family members are exempted from the need to meet these income requirements.

Current Procedures

The process to sponsor a family member depends on whether the family member is a spouse or partner living in Canada or whether the sponsored family member is living abroad and whether the family member is a close family member or not.

The Spouse or Common-law Partner in Canada Class is, as the name implies, intended for spouses and common-law partners of citizens or permanent residents already living in Canada for a temporary purpose who wish to remain here. Under the regulations, applicants for permanent residence in this class must be living with their sponsor and have temporary residence status in Canada. However, in February of last year, the Department introduced a public policy to waive the requirement for persons to have temporary residence status in this class (the "spousal policy change"). Regulatory changes to reflect this policy change are expected to follow. This policy change was a recognition of the importance of keeping together core family members who are already in Canada.

For this class, the single application package includes both materials for the sponsor and the applicant, which are submitted for processing at the same time to the Case Processing Centre in Vegreville, Alberta. If necessary, the file may be sent to one of the Department's regional offices for continued processing.

For overseas spouses and partners and their children, a single application package is submitted to the Department's Case Processing Centre in Mississauga, Ontario (CPC-M). After the eligibility assessment has been completed by CPC-M, a recommendation on the eligibility of the sponsor is made to the visa office and the visa office determines if the application for permanent residence will be accepted or refused.

Parents and grandparents and other sponsorship applicants continue to be processed under the system which existed pre-*IRPA*, that is, the sponsor first submits the sponsorship application to CPC-M and after this office has made its recommendation, the application for permanent residence is then submitted to the visa office overseas by the overseas applicants.

Despite the differing procedures, the legislative provisions under *IRPA* make it clear that an application for permanent residence in the family class under *IRPA* must be accompanied by or preceded by a sponsorship application.[29]

The Department's current priorities with respect to processing of sponsorship applications are spouses, partners and dependent children.

Myth: It takes a long time to sponsor your spouse, partner or child to come to Canada

Fact: Currently, the Department processes 50% of all overseas family class spouse and partner cases in five months or less.[30]

Recent Developments

In addition to the "spousal policy change" mentioned above, which affected the Spouse or Common-law Partner in Canada class, the Department also made another major reunification announcement in the past year concerning parents and grandparents.

In April 2005, the Minister of Citizenship and Immigration Canada announced that he would increase the target number of permanent resident visas for parents and grandparents from 12,000 to 18,000 for each of 2005 and 2006. At the same time, the Department announced its intention to be more flexible in providing multiple entry visitor visas to parents and grandparents while their sponsorship applications were in process.

In addition, also in April of last year, the Standing Committee on Citizenship and Immigration participated in cross-country consultations on various topics including family reunification. Many stakeholders including non-governmental organizations (NGOs) and individual citizens made presentations to the committee. The four main issues discussed were regulation 117(9)(d) (the rule that excludes people from being sponsored in the family class if they were not declared as family members when the principal applicant/potential sponsor immigrated), client service issues and proposals to expand the family class. The NGOs were concerned with all four of these issues, while ordinary citizens were most concerned about client service issues.

Various groups across Canada argued that the family class should be expanded to include older children, siblings, extended family and that the family class criteria should be more culturally sensitive to immigrants' needs.

Specifically, regulation 117(9)(d) was deemed by groups across the country to be unfair, and its repeal was supported. Client service was seen by many as inadequate due to long processing times (particularly for parents and grandparents) and the complexity of the application kits. The differential treatment of adopted children vis à vis biological children was a concern in the consultations, specifically the argument that citizenship should be granted to newly-adopted children. Various groups across Canada argued that the family class should be expanded to include older children, siblings, extended family and that the family class criteria should be more culturally sensitive to immigrants' needs.

The "60/40 split," which aims to strike a balance between economic migrants and non-economic migrants (including family and refugees) with the heavier weighting for economic migrants was also criticized. The arguments presented highlighted the importance of reuniting families as a means of guaranteeing economic success since family reunification is a particularly important element in attempting to attract and retain immigrants.

In addition to the issues discussed above which were of greatest interest, a number of other issues were raised with the standing committee:

- Stakeholders argued that DNA testing to verify family relationship should be used as a last resort;
- Concern was raised about how the low-income cut off (LICO) is acting as a barrier to family reunification;
- Stakeholders asked why there are different fees for dependent children depending on circumstance; and
- Stakeholders argued that the health condition of a family member should not override the legislative objective of family reunification.

Conclusion

As the foregoing demonstrates, family reunification has been an important pillar of the immigration program throughout its history, and it continues to be so. The ability to be re-united with family contributes to Canada's immigration objectives by increasing social cohesion.

Given that we are presently in the early days of a new government's mandate, it is difficult to know whether significant changes to the family class will occur. Although we expect that there will be continued pressure from stakeholders to address perceived shortcomings of the current policy, recent media reports suggest that the new government does not currently have plans to significantly restrict family reunification.[31]

Notes

[1] The opinions expressed in this article are those of the author and do not necessarily reflect the views of Citizenship and Immigration Canada or the Government of Canada.

[2] Secretariat on the Inter-governmental consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia. "Report on Family Reunification: Overview of Policies and Practices in IGC Participating States" p.15

[3] Herbert Grubel, "Immigration and the Welfare State in Canada: Growing Conflicts, Constructive Solutions" Public Policy Sources, (Vancouver, 2005), 84.

[4] Michael Molly, Gilles Pelletier, *Reflection on Criteria for Family Reunification: The Definition of Family*. The International Development Research Centre, (Ottawa, 2003), 1.

[5] Molly, *Reflection on Criteria for Family Reunification: The Definition of Family*, 1.

[6] Much of the material in this section is drawn from a comprehensive survey of the history of family reunification was written by Maurice Brush in: *Family Migration Study: The Concept of Family Reunification in the Legislation* (Ottawa, 1988). This document is available at the Department of Citizenship and Immigration's library.

[7] Brush, *Family Migration Study: The Concept of Family Reunification in the Legislation*, p.1

[8] Minister of Supply and Services Canada, Immigration and Demographic Policy Group: Immigration Statistics 1979 (Ottawa, 1981), 50.

[9] The Department of Citizenship and Immigration Canada, *Into the 21st Century: A Strategy for Immigration and Citizenship* (Ottawa, 1994), 42.

[10] The Department of Citizenship and Immigration Canada, *Into the 21st Century: A Strategy for Immigration and Citizenship*, p. 19

[11] *IRPA* 3(1)(d)

[12] *IRPA* 3(1)(a)

[13] *IRPA* 3(1)(b)

[14] Citizenship and Immigration Canada, Strengthening Family Sponsorship (Ottawa, 1995).

[15] *IRPA* 12 (1)

[16] *IRPR* 117(1)(a)

[17] *IRPR* 117(1)(d)

[18] *IRPR* 117(1)(f)

[19] *IRPR* 117(1)(h)

[20] *IRPA* reduced the age requirement for sponsors from 19 to 18 years of age in recognition that some young adults establish themselves independently at an early age. In addition, many provinces have set 18 as the age of majority.

[21] *IRPR* 130(1)

[22] *IRPR* 133

[23] *IRPR* 133(1)(e) and *IRPR* 133(2)

[24] Application to Sponsor and Undertaking (IMM 1344A)

[25] For dependent children under 22 the undertaking is valid for 10 years from the date of permanent residence or until the child is 25. For dependent children over age 22, the undertaking is valid for three years from the date of permanent residence.

[26] More information on the gender based analysis of IRPA and its regulations can be found at the following links: http://www.cic.gc.ca/english/irpa/c11%2Dgender.html and http://www.cic.gc.ca/english/irpa/gender%2Dirpa.html.

[27] See Sponsorship Agreement (IMM 1344B) available at http://www.cic.gc.ca/english/pdf/kits/forms/IMM1344EB.pdf.

[28] Under the *Canada-Quebec Accord*, Quebec is responsible for determining the financial criteria for sponsorship of foreign nationals intending to live in Quebec.

[29] *IRPR* 10(4)

[30] More information on the Department's overseas processing times for permanent residents can be found on its website: http://www.cic.gc.ca/english/department/times-int/05-fc-spouses.html

[31] Bruce Cheadle, "Ottawa looks at changing immigrant mix," *Globe and Mail* (15 February 2006) p. A10.

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SPONSORSHIP AGREEMENT

Quebec residents need not complete this form

The sponsor and, if applicable, the co-signer must, before a sponsorship undertaking can be approved, enter into a written agreement with the person to be sponsored (i.e. the principal applicant) if this person is 22 years of age or older or, if less than 22 years of age, is the sponsor's spouse, common-law partner or conjugal partner. This agreement lists the obligations and responsibilities that fall unto the sponsor and, if applicable, the co-signer as well as unto the person being sponsored and his or her family members.

Sponsor's details

Family name

Given name(s)

Date of birth (Day / Month / Year)

Co-signer's details (if applicable)

Family name

Given name(s)

Date of birth (Day / Month / Year)

Sponsored person's details

Family name

Given name(s)

Date of birth (Day / Month / Year)

OBLIGATIONS OF THE SPONSOR AND, IF APPLICABLE, THE CO-SIGNER

As sponsor or co-signer, I promise to provide for the sponsored person and his or her family members' basic requirements for a period that begins the day on which the sponsored person enters Canada with a temporary resident permit or, if already in Canada on the day on which the sponsored person obtains a temporary resident permit following an application to remain in Canada as a permanent resident, and in any other case on the day on which the sponsored person becomes a permanent resident and ends:

A. if the sponsored person is the spouse, common-law partner, or conjugal partner of the sponsor, on the last day of the period of 3 years following the day on which they become a permanent resident;

B. if the sponsored person or family member is a dependent child of the sponsor or of the sponsor's spouse, common-law partner or conjugal partner and is less than 22 years of age when they become a permanen resident, on the earlier of

- the last day of the period of 10 years following the day on which they become a permanent resident, or
- the day on which they reach 25 years of age;

C. if the sponsored person or family member is a dependent child of the sponsor or of the sponsor's spouse, common-law partner or conjugal partner and is 22 years of age or older when they become a permanent resident, on the last day of the period of 3 years following the day on which they become a permanent resident; and

D. if the sponsored person or family member is a person other than a person referred to above, on the last day of the period of 10 years following the day on which they become a permanent resident.

Basic requirements include food, shelter, clothing, fuel, utilities, household supplies, personal requirements and health care not provided by public health, including dental care and eye care.

I promise that financial obligations or other personal circumstances over the applicable period referred to above will not prevent me from honouring this agreement and the sponsorship undertaking I signed or co-signed;

I promise that the sponsored person and his or her family members will not need to apply for social assistance benefits; and

I promise to respond promptly to requests for help from the sponsored person and his or her family members by giving money, buying items or providing services for their living expenses.

OBLIGATIONS OF THE PERSON TO BE SPONSORED

As the person to be sponsored, I promise to make every reasonable effort to provide for my own basic requirements as well as those of my accompanying family members;

I promise to ask the sponsor and co-signer (if applicable) for help if I or my family members are having difficulty supporting themselves or meeting their own basic requirements.

IMPORTANT INFORMATION

Elderly parents or grandparents who are sponsored are not expected to look for a job to care for themselves.

Sponsored persons and/or their family members who are being abused or assaulted by their sponsors should seek safety away from their sponsors even if this means that they will have to apply for social assistance benefits. A sponsor cannot force Citizenship and Immigration Canada to remove you from Canada.

An undertaking is unconditional and may not be terminated. Under no circumstances does the granting of Canadian citizenship, divorce, separation or relationship breakdown, financial deterioration or moving to another province cancel the undertaking.

LEGAL AND FINANCIAL CONSEQUENCES

The co-signer, if applicable, is jointly and severally or solidarily bound with the sponsor to perform the obligations of the sponsorship undertaking and is liable with the sponsor for any breach of those obligations. If the sponsor and, if applicable, the co-signer do not provide support as required, the sponsored person can take legal action.

AUTHORIZATION FOR DISCLOSURE OF PERSONAL INFORMATION

The sponsored person consents to the release to the sponsor or co-signer of information concerning social assistance the sponsored person or his or her family members applied for or received during the validity period of the sponsorship undertaking.

DECLARATION

I understand the contents of this agreement, having asked for and obtained an explanation on every point that was not clear to me.

Signature of sponsor

Date (Day / Month / Year)

Signature of co-signer

Date (Day / Month / Year)

Signature of sponsored person (principal applicant)

Date (Day / Month / Year)

This form is made available by Citizenship and Immigration Canada and is not to be sold to applicants.

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PROTÉGÉ LORSQUE REMPLI - B

ENTENTE DE PARRAINAGE

Les résidants du Québec n'ont pas à remplir ce formulaire.

Avant qu'un engagement de parrainage ne puisse être approuvé, le répondant et, le cas échéant, le cosignataire doivent conclure une entente écrite avec la personne qui est parrainée (c'est-à-dire le requérant principal) si cette personne a 22 ans ou plus ou, si elle a moins de 22 ans, est l'époux, le conjoint de fait ou le partenaire conjugal du répondant. Cette entente énonce les obligations et les responsabilités du répondant et, le cas échéant, du cosignataire, de même que celles de la personne qui est parrainée et des membres de sa famille.

Renseignements sur le répondant

Nom de famille

Prénom(s)

Date de naissance — Jour Mois Année

Renseignements sur le cosignataire (le cas échéant)

Nom de famille

Prénom(s)

Date de naissance — Jour Mois Année

Renseignements sur la personne parrainée

Nom de famille

Prénom(s)

Date de naissance — Jour Mois Année

OBLIGATIONS DU RÉPONDANT ET, LE CAS ÉCHÉANT, DU COSIGNATAIRE

En qualité de répondant ou de cosignataire, je promets de subvenir aux besoins fondamentaux de la personne parrainée et des membres de sa famille pour une période commençant le jour où la personne parrainée entre au Canada munie d'un permis de séjour ou, si elle est déjà au Canada, le jour où elle obtient un permis de séjour temporaire à la suite d'une demande de séjour au Canada à titre de résident permanent, et dans tout autre cas, la date à laquelle la personne parrainée devient résident permanent et prenant fin

A. si la personne parrainée est l'époux, le conjoint de fait ou le partenaire conjugal du répondant, la date d'expiration de la période de trois ans suivant la date où elle devient résident permanent;

B. si la personne parrainée ou le membre de la famille est l'enfant à charge du répondant ou de l'époux, du conjoint de fait ou du partenaire conjugal de ce dernier et est âgé de moins de 22 ans lorsqu'il devient résident permanent, celle des deux dates suivantes qui est antérieure à l'autre :
- celle où expire la période de 10 ans suivant la date où il devient résident permanent,
- le jour où il atteint l'âge de 25 ans;

C. si la personne parrainée ou le membre de la famille est l'enfant à charge du répondant ou de l'époux, du conjoint de fait ou du partenaire conjugal de ce dernier et est âgé d'au moins 22 ans au moment où il devient résident permanent, la date d'expiration de la période de trois ans suivant la date où il devient résident permanent;

D. si la personne parrainée ou le membre de la famille n'est pas une personne visée ci-avant, la date d'expiration de la période de 10 ans suivant la date où il devient résident permanent.

Les besoins fondamentaux comprennent la nourriture, le logement, les vêtements, le combustible, les services publics, les articles ménagers, les articles personnels et les soins de santé non couverts par le service public de santé, y compris les soins dentaires et les soins oculaires.

Je promets de respecter cette entente et l'engagement de parrainage que j'ai signés ou cosignés pendant la période en cause précisée ci-dessus, et ce, malgré l'évolution de ma situation personnelle ou mes obligations financières;

Je promets de faire en sorte que la personne parrainée et les membres de sa famille n'aient pas à demander des prestations d'aide sociale; et

Je promets de donner suite sans tarder aux demandes d'aide de la personne parrainée et des membres de sa famille en leur donnant de l'argent, en achetant des choses nécessaires ou en fournissant des services pour la vie courante.

OBLIGATIONS DE LA PERSONNE PARRAINÉE

À titre de personne qui est parrainée, je promets de faire tout en mon possible pour subvenir à mes besoins fondamentaux et à ceux des membres de ma famille qui m'accompagnent;

Je promets de demander de l'aide au répondant ou au cosignataire, le cas échéant, si moi-même ou les membres de ma famille avons de la difficulté à assurer notre subsistance ou à subvenir à nos besoins fondamentaux.

RENSEIGNEMENTS IMPORTANTS

Le père ou la mère âgés ou les grands-parents qui sont parrainés ne sont pas tenus de chercher un emploi pour subvenir à leurs besoins.

Les personnes parrainées et(ou) les membres de leur famille qui sont victimes d'actes de violence commis par leurs répondants doivent essayer de chercher refuge ailleurs, même si cela signifie qu'elles doivent demander des prestations d'aide sociale. Le répondant ne peut obliger Citoyenneté et Immigration Canada à vous renvoyer du Canada.

Un engagement est inconditionnel et il n'est pas possible d'y mettre fin. L'octroi de la citoyenneté canadienne, le divorce, la séparation, la rupture d'une union, la détérioration de la situation financière ou le déménagement dans une autre province n'annulent en aucun cas l'engagement.

CONSÉQUENCES JURIDIQUES ET FINANCIÈRES

Le cosignataire, le cas échéant, est solidairement responsable avec le répondant, de l'exécution des obligations de l'engagement et de tout manquement à celles-ci. La personne parrainée peut intenter une action en justice contre le répondant et, le cas échéant, le cosignataire lorsque ces derniers ne respectent pas leur engagement.

AUTORISATION DE COMMUNIQUER DES RENSEIGNEMENTS PERSONNELS

La personne parrainée autorise la communication au répondant ou au cosignataire de renseignements ayant trait à l'aide sociale que lui ou les membres de sa famille demandent ou reçoivent pendant la période de validité de l'engagement de parrainage.

DÉCLARATION

J'ai bien compris les termes de la présente entente, ayant demandé et obtenu des explications sur tous les points qui me semblaient obscurs.

Signature du répondant

Date — Jour Mois Année

Signature du cosignataire

Date — Jour Mois Année

Signature de la personne parrainée (requérant principal)

Date — Jour Mois Année

Citoyenneté et Immigration fournit gratuitement ce formulaire aux demandeurs.

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