

December 5th, 2020

To: CIMM- Standing Committee of Immigration and Citizenship

We are the Voices4Families Facebook group and we need a pathway to immediate family reunification for families separated by Covid-19. Canadian sponsors have suffered for years, mentally, emotionally, and financially. They have been able to manage by getting around the impositions of the process by traveling to be with their spouses. Now, with Covid-19 we are restricted by border closures and other travel restrictions and we look to the Liberal government to remove the barriers to allow our spouses to join us here in Canada.

We recommend the following, in order to deal with the backlog of 60,000 applications from 2019 and earlier:

1. Immediate reunification by a Ministerial Instruction, which is within the powers of five ministers, Patty Hajdu, Bill Blair, Chrystia Freeland, Justin Trudeau, and primarily Minister Marco Mendicino. The compassionate way to help Canadians cope with the uncertainty of the COVID-19 pandemic is to reunite families where the application has already passed the 12-month processing time. A **special policy will allow the issuance of permanent resident** visa where; the applicant provided a clear police certificate, a legal marriage certificate and the Canadian sponsor has been granted eligibility. To wait any longer to implement a real solution for an immediate approval of applications would only be adding another barrier to the many hurdles in place by the pandemic and the existing process. We are asking for an exemption because this process is supposed to be completed in an approximate 12 months period, and 9 months have passed and little to nothing has been done.
2. Abolish the enforcement of section 179(B). It is a direct barrier and a contradictory directive that puzzles both parties, the applicant, and the officer.
3. Process the files in order. Those that applied in 2019 and earlier should be processed before those from 2020. The logistics of processing outland applications needs to be addressed as visa offices are closed and these files need to be returned to Canada to be expedited.
4. Consider the suspension of the interview process until further review
 - a. Stop the recommendation of interviews.
 - b. Waiver of interviews for all the applications with a recommendation.
 - c. Virtual interviews are impractical in some countries.
 - d. The IRCC does not notify the couple about the delays of their file, or the reason for the interview. This violates the primary elements of procedural fairness. [Procedural fairness -Canada.ca](https://www.proceduralfairness.ca)

5. The IRCC considers using the enclosed “*Family Sponsorship Impact Statement Form*” to gather information about the barriers in this process.

Given the great need for immigration we do not understand what is stopping the government from reuniting families in the spousal sponsorship program.

Sincerely,

Voices4Families, voices4families@gmail.com

Enclosures:

1. Specific Recommendations related to Covid-19 and the impact on Spousal Sponsorship Applications since the announcement of September 24, 2020
2. Table -Summary of Information Collected from 20 completed Family Sponsorship Impact Statement forms
3. Family Sponsorship Impact Statement Form

December 5th, 2020

To: CIMM- Standing Committee of Immigration and Citizenship

Re: Specific Recommendations related to Covid-19 and the impact on Spousal Sponsorship Applications since the announcement of September 24, 2020

We are the Voices4Families Facebook group and we want a pathway to immediate family reunification.

As Canadians separated for years from our families, we wish you would choose a practical solution for immediate reunification by a Ministerial Instruction, which is within the powers of five ministers, primarily Minister Marco Mendicino.

The compassionate way to help Canadians cope with the uncertainty of the COVID-19 pandemic is to reunite families where the application has already passed the 12-month processing time, immediately by **implementing a special policy to allow the issuance of permanent resident** visa where; the applicant provided a clear police certificate, a legal marriage certificate and the Canadian sponsor has been granted eligibility. To wait any longer to implement a real solution for an immediate approval of applications would only be adding another barrier to the many hurdles in place by the pandemic and the existing process. We are asking for an exemption because this process is supposed to be completed in an approximate 12 months period, and 9 months have already passed and little to nothing has been done.

The goal of finalizing 49,000 decisions by the end of 2020 is commendable, but it only addresses 1/3 of the approximate 150,000 pending applications. At this rate of processing, it is possible the backlog of 60,000 will drag on for another 10 or more months, unless a viable solution is found. The paper applications located in overseas visa offices are unable to be completed because 27 foreign offices remain closed and many others are at partial capacity. How will the 66% added decision makers here in Canada access and complete those paper applications?

- There is no immediate temporary pathway to reunification. Temporary Resident Visas (TRV) are refused 90% of the time, and those that are approved are accepted as tourists. This is not functional for a couple or a family.
- The promised pilot project for virtual interviews has **not** progressed since the announcement. Couples have been waiting for interviews for over 12-months. Other issues such as unpredictability of internet service, the availability of electricity, digital literacy or access to equipment, all make it impractical.
- In many cases, the interview is not warranted in the first place as all the evidence to support the authenticity has been provided at the time of submission. Couples who have withstood years in this process should be evidence enough of the authenticity of the relationship. This process is wrought with problems and needs to be suspended until evaluated further.

Furthermore, we see that granting sole discretion to a single immigration officer is making Canadian marriage applications into what IRCC refers to as “complex” cases. The IRCC does not notify the couple about the

delays of their file, or the reason for the interview. The IRCC appears to wait past the 12 months to even convoke an interview, leaving the couple in a state of uncertainty for an undetermined period of time. This violates the primary elements of procedural fairness. [Procedural fairness - Canada.ca](#)

The 90% refusal rate of TRV applications is evidence of the problem inherent in this process. It allows interpretation and discretion of a single officer with total impunity. Despite being legally allowed to apply under the concept of “dual intent”, this was ignored by officers 90% of the time, which has wasted everyone’s time and money- the applicant’s and the government’s.

Refusal letters were brought to the attention of the Minister who eventually issued an update, on October 30, 2020, to try to clarify “dual intent” when assessing TRV with open spousal sponsorship applications.

Program delivery update: Dual intent – October 30, 2020 – “This section contains policy, procedures and guidance used by IRCC staff. It is posted on the department’s website as a courtesy to stakeholders. The dual intent instructions have been updated with a section specific to spouses and partners who have an overseas application for permanent residence as a sponsored spouse or partner in progress. The new section includes factors for officers to consider when assessing dual intent for this group of applicants, particularly for those who have also applied for a temporary resident visa.” -www.canada.ca

With section 179(b) still enforce, this does **not** resolve the TRV refusal issue. It is a contradictory directive that puzzles both parties, the applicant, and the officer. We are being asked to provide proof of an authentic marriage, and then prove that those ties are *not* “strong ties” and officers are being asked to assess the contradiction. This must be placing a high level of stress and responsibility on our Canadian officers, who are simply following directives and doing their jobs. Currently, some visa offices take 250 days (8.3 months) to complete an application for a TRV, this is not a solution for reunification.

The lack of accountability of an officer’s actions, whether following orders or using their own discretion, demands the need for an Ombudsman. The opposing opinions of industry experts, immigration lawyers, scholars, MPs and advocacy groups have no way to assist in the just decision-making or handling of cases.

Further to this, out of order processing, delays, outdated technology, and criteria has resulted in discrimination leading to wrongful denials. Please see, a major research paper presented to Ryerson University, 2017 [Canada's spousal sponsorship process: challenges of cross-national couples | Digital Repository \(ryerson.ca\)](#)

Canadian sponsors have suffered for years, mentally, emotionally, and financially. They have been able to manage by getting around the impositions of the process by traveling to be with their spouses. Now, with Covid-19 we are restricted by border closures and other travel restrictions and we look to the Liberal government to remove all the barriers mentioned to allow our spouses to join us here in Canada.

The information we provided was gathered using a questionnaire we created, the “*Family Sponsorship Impact Statement Form*”. Our members submitted specific information about their experiences within this system. We suggest the IRCC consider using the “*Family Sponsorship Impact Statement Form*” to gather an even larger sample of information to assess and address any other barriers in this process from the point of view of the Canadian Sponsor.

Sincerely,

Voices4Families, voices4families@gmail.com

Enclosure:

1. Table -Summary of Information Collected from 20 completed Family Sponsorship Impact Statement forms
2. Family Sponsorship Impact Statement Form

December 3, 2020

Summary of Information Collected from the Family Sponsorship Impact Statement Form

All participants are eligible Canadian/Permanent Resident sponsors who are hard-working, tax-paying and law-abiding person. They are legally married and have provided the documents to prove it.

They have applied as a sponsor honestly, and swear their marriage is genuine.

All 20 respondents have indicated they have experienced health concerns ranging from depression, anxiety, mental/psychological, emotional stress. Some have started taking medication and started therapy with a psychiatrist.

The total financial impact reported is \$432,600.00. This averages approximately \$20,000 per Canadian.

The participants that indicated they were recommended for an interview mentioned they had reason to believe they were flagged for one or more discriminatory criteria.

Summary of Information Collected from the Family Sponsorship Impact Statement Form

	# of Months in Process	Interview Recommended	Visa Office	TRV	Contacted MP	Financial Impact	Medical Evaluation completed	Biometrics	Police Certificate	# of times applied+ refused	Children involved	Health Concerns
#1	15	Yes, in July 2020 (3-year relationship)	New Delhi	1 -pending	Yes	\$18,000	Yes	Yes	Clear	1	n/a	Yes
#2	29	Yes, and the recommendation expired April 4th, 2020)	Mexico City	n/a	Yes	\$32,000	Yes	Not required	2x, Clear	1	n/a	Yes
#3	29	Yes (3-year relationship couple)	Cairo/Le Caire	1 x refused	Yes	\$30,000	Yes	Yes	Clear	1	n/a	Yes
#4	16	Yes (2-year relationship)	New Delhi	n/a	Yes	\$6,000	Yes	Yes	Clear	1	n/a	Yes
#5	53	Yes (5+1/2-year relationship)	London/Londres	2 x, refused	Yes	\$50,000	Yes	Yes	2x, Clear	2x, Re-applied	Yes	Yes
#6	13	No (4+1/2-year relationship couple)	Cairo/Le Caire	2x, refused	Yes	\$5,000	Yes	Yes/oui	Clear	1	Yes	Yes
#7	6	NO FILE (3-year relationship)	Sydney, NS/N-E	n/a	Yes	\$3,000	n/a	n/a	n/a	1	n/a	Yes
#8	21	Yes(8-years in relationship)	Cairo/Le Caire	1 x refused	Yes	\$18,000	Yes	Yes	Clear	1	Yes	Yes
#9	67	No (15-year relationship)	Mexico	n/a	Yes	\$30,000	3x Yes	Yes	4x Clear	1	Yes	Yes
#10	50	Yes (interview (6-year relationship/	Re-applicati on nouvelle soumissi on Sydney, NS/N-É	n/a	Yes	\$20,000	Yes	Not required	Clear	3x, Re-applied/#de soumissions (second application returned after 17 mos	Yes	Yes

Summary of Information Collected from the Family Sponsorship Impact Statement Form

	# of Months in Process	Interview Recommended	Visa Office	TRV	Contacted MP	Financial Impact	Medical Evaluation completed	Biometrics	Police Certificate	# of times applied+ refused	Children involved	Health Concerns
#11	22	Yes- interview passed-Pre-PR received - (12+1/2-year relationship)	Dakar - holding passport for the last 9 months/ Retient le passeport depuis 9 mois	4x refused	Yes	\$5,500	2x, yes	Yes	Clear	1	Yes	Yes
#12	15	Yes (4-year relationship)	Bogota	n/a	No	\$1,200	Yes	Yes	Clear	1	Yes	Yes
#13	18	No (3-years in a relationship)	Havana to Mexico/ L'Havane ensuite Mexico	n/a	Yes	\$18,000	Yes	Yes	Clear	1	Yes	Yes
#14	22	Yes (2+1/2-years in relationship)	Vienna/ Vienne	n/a	Yes	\$30,000	Yes	Yes	Clear	1	n/a	Yes
#15	31	n/a (5-year relationship)	London/ Londres	n/a	Yes	\$7,500	Yes	Yes	Clear	1	Yes	Yes
#16	14	Yes/oui (4-years in relationship)	New Delhi	n/a	Yes	\$55,000	Yes	Yes	Clear	1	Yes	Yes
#17	15	n/a (15-year relationship)	Amman	n/a	Yes	\$2,400	Yes	Yes	Clear	1	Yes	Yes
#18	25	Yes/oui (4-year relationship)	Mexico City	1x refused	Yes	\$16,000	Yes	Yes	2x, Clear	1	Yes	Yes
#19	93	Yes (7.5-year relationship)	London	1x refused	Yes	\$40,000	2x, yes/oui	Yes	3x, Clear	1	Yes	Yes
#20	20	Yes (2-year relationship)	n/a	2x refused	Yes	\$45,000	n/a	Yes	n/a	1	n/a	Yes

Family Sponsorship Impact Statement Form

DETAILS SPECIFIC TO OUR PARTICULAR FILE:

As a legally married couple, we are requesting the immediate granting of the "Landing Confirmation of Permanent Residency (CoPR)" for the Principal Applicant's Spousal Sponsorship Application submitted on (DD/MM/YY):

_____.

*If you are still waiting for an AOR, please fill in the date your file was submitted on (DD/MM/YY): _____.

**note: for second and third applications after refusals waiting for new AOR please write the original application date and new application date(s)*

I am the Canadian Sponsor and my spouse is the Principal Applicant for Permanent Residence. I, hereby speak for both of us as one person, and as a Canadian Citizen or Permanent resident, hereby request the CoPR be expedited immediately, **by the end of 2020** for the following reason(s):

(PLEASE READ CAREFULLY and ONLY CHECK BOXES THAT APPLY, THERE IS A SECTION AT THE VERY END FOR SPECIAL SITUATIONS TO BE EXPLAINED IN WRITING)

CANADIAN SPONSOR

- ☐ I am an eligible sponsor; I have been accepted by the IRCC.
- ☐ I am a Canadian Citizen or Permanent Resident.
- ☐ I am a hard-working, tax-paying, law-abiding person.
- ☐ I am a good and well-intentioned person.
- ☐ I am legally married and have documents to prove it.
- ☐ I applied as a sponsor honestly, and swear my marriage is genuine.

ABOUT YOUR SPOUSE (THE APPLICANT)

- ☐ My spouse is a law-abiding citizen in his/her country.
- ☐ We have provided biometrics as required by the IRCC (circle one) ONCE | TWICE | 3x +++
- ☐ We were never required to have biometrics the year we applied.
- ☐ We would have provided biometrics if visa offices were open.
- ☐ We have provided a clear police report to the IRCC (circle one) ONCE | TWICE | 3x | 4x | 5x +++
- ☐ We originally had provided a clear police report and we have had to disprove a fake criminal record and falsified documents created by the overseas Visa office, and I have the original police record to prove it.
- ☐ We would have provided a police report if offices were open.
- ☐ We have provided a passed medical evaluation expiring/expired on (DD/MM/YY): _____ (circle one) ONCE | TWICE | 3x | 4x | 5x+++
- ☐ We are waiting for a positive answer for an extension for the accepted passed medical evaluation.
- ☐ We were requested to make arrangements to re-do our medical evaluation as requested by the IRCC, as it has expired because of tardiness, embassy closures, travel restrictions or COVID.
- ☐ We have the intention to work, invest, and make our lives together in Canada as law-abiding, tax-paying, hard-working married people.

SPECIAL PRIORITIES (THE COUPLE)

CHILDREN

- ☐ I have a child or children who are the offspring of this marriage.
- ☐ I have a child or children who consider my spouse their parent/step-parent.
- ☐ I have a child or children (our offspring) who reside with my spouse in their country.
- ☐ I have a step-child/child who reside with my spouse in their country.

REFUSALS/RE-APPLICATIONS WITH SAME SPOUSE

- ☐ We have applied and been refused and have re-applied with the same spouse, same marriage.
- ☐ We have re-applied (circle one) ONCE | TWICE | 3x | 4x | 5x+++

This process has taken _____ months since the first original submission.

REFUSALS/APPEALS

- ☐ We have applied, been refused, appealed, and won the appeal.
- ☐ We have applied, been refused, appealed, and lost the appeal.

This process has taken _____ months since the original submission.

RETURNED FILES

- ☐ Our file was returned for missing documents/signatures after waiting _____ months time with no information and no file number.
- ☐ Our file was returned but there was nothing missing and no reason to return it.
- ☐ Our file was returned by the IRCC for missing documents/signatures while other people's files were not, to the best of my knowledge.

LOST DOCUMENTS

- ☐ We still have no file number, but we have proof of our original application dated: _____ .
- ☐ We received a temporary file number.
- ☐ We have had to provide the same receipts/documents/forms more than once, as they appear to have been lost or not accounted for.

Please specify for Federal IRCC / Quebec (MIFI) or Both: _____

Please specify which documents were not accounted for that needed to be re-submitted: (IRCC payments/medical evaluation/change of Representation/CSQ payment, etc.)

RECOMMENDED OR REQUIRED INTERVIEWS:

We have provided sufficient evidence, beyond a reasonable doubt that our marriage is authentic.

- ☐ We have provided direct, credible proof of our _____ years as a couple before/during and after our marriage though photos.
- ☐ We have provided letters from family/friends that were written on our behalf as proof of our genuine relationship.
- ☐ We have provided concrete proof including plane tickets, receipts, phone bills, and conversations/emails/screenshots/etc.
- ☐ We have provided names of family members, addresses, relations, legal and/or religious ceremony certificates.
- ☐ Despite the above evidence, we have been recommended or required an interview without being given any reason as to why.

Note: To our knowledge, the interview restricts the questions to the Principal Applicant, when relationships grow and develop in a family context, and not in isolation. The interview is based on the original application, it does not take into consideration the years of a developing relationship. This practice is increasing the risk of a “distorted” understanding of the relationship, as it is out of context. If people have spent several years in a relationship, how can a short interview of 15 minutes or even 2 hours, do justice to the time invested in a committed marriage, especially if it involves the principal applicant, who is only one side of the equation.

- ☐ I believe the IRCC process is interfering in our marriage based on discriminatory and outdated criteria.
- ☐ I have written proof, that I will provide here: (please provide in quotations the written GCM notes or other written communications with the IRCC)
- ☐ I have physical proof of dates and phone calls or conversations in person with the IRCC which demonstrate discrimination or bias: (please provide details as to conversations)
- ☐ I have reason to believe our marriage has been flagged because:

(PLEASE CIRCLE ANY THAT MAY APPLY)

Ethnicity /Religion/ Race/Age /Socio-economic situation/ Country of birth/Citizenship/Sexual preference/Gender preference/Difference of physical ability (able-bodyism)/Civil wedding/ Informal Wedding/ Contemporary Religious Wedding/Cultural Bias/Stereotypes / Divorcee/Anonymous hotline/Previous immigration status/Deportation/internment.

Please explain:

TARDINESS/INEFFICIENCY

- ☐ The IRCC has failed to complete our file and it has been _____ months.
- ☐ The IRCC is has completed the following steps:
 - ☐ Sponsor eligibility
 - ☐ Applicant acceptance
 - ☐ Biometrics
 - ☐ Medical
 - ☐ Interview
 - ☐ Pre-arrival
- ☐ My file was originally submitted to _____ (visa office).
- ☐ It took _____ #months to transfer to _____ (visa office).
- ☐ The last correspondence I received was from the _____ visa office on _____ (DD/MM/YY)

IN GOOD FAITH

- ☐ We have provided all documents/payments/evidence promptly and professionally.
- ☐ We have provided ample proof (photos/communications/bills/letters/plane tickets etc.)
- ☐ We have complied with all requests or decisions to the best of our knowledge, given our legal counsel, and to cooperate with the IRCC and immigration laws.

TRVs

- ☐ I have applied for a TRV ONCE | TWICE | 3x | 4x | 5x | 6x | 7x | 8x +++
- ☐ I have not bothered to apply for a TRV, because the rate of refusal using section 179(b).
- ☐ I have applied but section 179(b) was used to refuse my TRV.
- ☐ I have not bothered to apply because the processing time is _____ #days.
- ☐ I have presented the legal intention of Dual Intent, provided ample proof of funds, and all the documentation necessary for my TRV, and still been refused.
- ☐ I have been accepted for a TRV on the _____ attempt. (write 1st, 2nd, 3rd, 4th etc...)
- ☐ I have been refused a TRV.

Please provide proof of the other reasons written on the refusal letter or explained to you by phone if you were refused for one or more TRVs:

MEMBER OF PARLIAMENT

- ☐ I have contacted my MP regarding my application and the problems I have encountered with the IRCC
 - ☐ My MP seems to want to help, but says they are unable to do so.
 - ☐ My MP officially inquired about our file (using our signed consent form to request access to IRCC)
 - ☐ My MP has not helped me at all, although I have requested their help.
 - ☐ My MP has told me to wait until 12 months are up.
 - ☐ My MP has written a letter to the IRCC on my behalf.
 - ☐ My MP's office has stopped answering my calls/emails.
 - ☐ My MP's office has been unsupportive of me in the following ways, please provide details and dates of emails or conversations if possible:
-
-

IRCC:

- ☐ We have looked on the website to see the status of our file.
- ☐ We have submitted webforms to understand what is happening with our file.
- ☐ We have submitted legal submissions via webform.
- ☐ We have called the IRCC by telephone.
- ☐ We have complained or left suggestions on the website complaints/compliments form.

HEALTH CONCERNS

- ☐ This process, the delays, the discrimination, the inefficiency is causing health problems for one or the other, or *both* of us.

Please specify:

- ☐ Mental/Psychological health problems including depression, anxiety, insomnia, irritability, problems concentrating, very absentminded or distracted, panic attacks, suicidal ideations.
- ☐ Physical Health issues including insomnia of sleep problems, hair falling out, diabetes, high blood pressure, asthma, stomach problems, hormonal issues or other physical stress responses.
- ☐ Emotional responses such as despondency, crying spells, feelings of helplessness, workaholism, angry outbursts, reclusiveness, or impatience.
- ☐ I have seen a doctor about these issues (mental/psychological/physical)
- ☐ I have been prescribed medication during and due to this process.
- ☐ I have started taking medication
- ☐ I have started therapy or psychiatry during this process and due to this problem.

WORK/FINANCES/RESIDENCY

- ☐ Under this process I have incurred additional financial expenses.
- ☐ Under this process I have experienced employment issues.
- ☐ I have lost jobs/promotions/money as I have left the country for long periods of time.
- ☐ I have lost jobs/promotions/money as I have left the country frequently for short periods.

- ☐ I have spent much more money than I normally would have spent in Canada in my spouse's country or neighbouring countries where we have met.
- ☐ I am the sole provider in this process because of the wage difference/exchange/socio-economic conditions of my spouse's country.
- ☐ I am *currently* under financial stress related to this program, its tardiness, and its shortcomings.
- ☐ I am *currently* the sole provider for my ____ child/children.

Since the beginning of this process I have spent (approx.) _____ CAD in _____ months.

Please explain:

❖ Family Reunification – One of the three pillars of Canadian Immigration and government

Policies

As mentioned in the Evaluation of the Family Reunification Program document of the Evaluation Division of IRCC, published on the Government of Canada website,

Family reunification is one of the three pillars of CIC's immigration program. Canadian immigration policy and legislation have a long tradition of supporting family reunification, which permits both recent immigrants and long-established Canadians to be reunited with members of their family. Under the Immigration and Refugee Protection Regulations (IRPR), family living abroad may be sponsored as well as spouses or common-law partners living in Canada with their sponsor. Today, reuniting family members continues to be enshrined as one of the fundamental principles and objectives of Canadian immigration policy and legislation. Beyond family reunification, the FRP is also expected to produce social and cultural benefits, without incurring undue costs to the Canadian public.

"As per IRCC's operational bulletin entitled "Procedural Fairness," "Applications should not be subject to unnecessary delays. A delay that cannot be justified is a denial of procedural fairness."

- To adhere to its own policy, we deem our file has been treated unfairly by the IRCC, not because of COVID delays but because of inefficient processing from the beginning, as we have seen some files entirely completed within this year of 2020 despite COVID. We have not been accorded this "procedural fairness."
- We believe IRCC, the liberal government and the Minister of Immigration has had sufficient warning time to find practical solutions for the effects, concerns and safety during COVID and can grant an exemption for spousal applications in a prompt and responsible way.

I hereby consent _____ to submit this information on my behalf for the approval of the exemption. If you require any further information, please contact me by email.

Full Name (Print): _____

Signature: _____
Canadian Citizen /Permanent Resident

Canadian Postal Code: _____ **Email:** _____

Description of the group

The fundamental principles of Voices4families are above all: Respect, equality, responsibility, transparency and inclusion. This group is a continuation of the group founded in May 2020 called "Canada Spousal Sponsorship Applicants Affected by COVID-19". However, the current pandemic situation is pushing us to expand our fight to represent more people who are being abused through the immigration system. We represent issues in the following areas (including lobbying for the opening of liaison offices and veterans centers around the world) : -spousal sponsorships (in and out of the country), -parents/grandparents - we will also fight for engagement visas as well as for countries that require visit visas. In the U.S., the K1 visa is issued - why should Canada be different? If you are concerned about the VO and ACC closures, you are also welcome to join our fight. We are an open group.