

High Commissioner Kumar Gupta
High Commission of Canada
Port of Spain, Trinidad and Tobago

February 2, 2021

AND

The Honourable Marco Mendicino
Minister of Immigration
Immigration, Refugees and Citizenship

AND

The Right Honourable Justin Trudeau
Prime Minister of Canada

Dear Sirs:

Subject: Significant and unreasonable delays in third-country interviews for permanent residence applications pending at the Canadian High Commission in Port of Spain

As Canadian women and men married to foreign citizens from the Caribbean, we have joined together to implore the Minister of Immigration, Refugees and Citizenship Canada (IRCC) and the Canadian High Commission in Port of Spain, Trinidad and Tobago, to come up with a creative and sensible solution to the problem of permanent residence applications from the Caribbean that have languished in the system (see attached). We are referring specifically to those applications where it has been determined that an interview is required so that spouses must travel to Trinidad and Tobago from another country in order to attend that interview.

For several months we have been told that these are exceptional circumstances related to the current COVID-19 pandemic, and we all agree that these are extraordinary times. We also agree that the health and safety of the staff working at the High Commission of Canada in Port of Spain is of the utmost importance and that no case warrants endangering the well-being of those who review it. It is understandable that the High Commission is working at reduced staffing levels and capacity, and that Trinidad and Tobago's borders are closed indefinitely—as they should be—in order to protect its population.

That said, IRCC has had at least 11 months to come up with and implement solutions to this pandemic for all aspects of immigration services, including situations where a foreign citizen is required to attend an interview in a country other than their own. Yet we are told again and again that nothing can be done.

We believe that the Minister of Immigration's failure to bring in a solution to effectively conduct immigration interviews for our spouses goes beyond reasonable timeframes and creates undue hardship. IRCC has failed to deliver the services we paid for.

With the May 2019 closure of immigration services in Havana, Cuba, IRCC has placed enormous pressure on Canadian families, who must pay for interviews in either Mexico City (knowing full well that Cuban citizens cannot easily obtain visas to Mexico) or Trinidad and Tobago, a non-Spanish speaking country, entailing additional interpreter costs. As well, the country is only accessible to island residents by air. We note that spouses from Guyana are in the same situation, so this is not a problem specific to Cuban citizens.

The undersigned and our spouses have been forced to wait months after receiving a notice to appear for an interview to get one scheduled—only to have it cancelled due to COVID-19, pushing all these applications well beyond the average acceptable timeframe of 12 months. Some of the couples represented in this letter received a notice to appear for an interview without a date being set before COVID.

First of all, receiving such a notice is an outrage. It should suffice that we understand the consequences of a failed marriage to a foreign spouse, and that as adult women we have the right to choose who we love and live with, unless criminal matters make our husbands inadmissible to Canada. Furthermore, postponing these interviews indefinitely is a direct violation of our right to a healthy and fulfilling family life. At this point, it should be enough to show that we have gone through these challenges as a couple, that we have not withdrawn our application or gotten divorced. Given the long delays in processing our cases, together with the length of our relationships, it should be obvious that there is a genuine commitment from both partners. We also note that, when we called out for signatures for this letter, everyone who responded said that their partner awaiting an interview is male. It seems that this process is biased against men from the Caribbean.

It is high time that solutions be implemented so that our spouses can join us as soon as possible. Here are a few suggestions:

1) That IRCC waive the notice to appear for an interview for all permanent residence applicants abroad who have been in process for more than 18 months, who are currently waiting for an interview in a third country, i.e. Port of Spain. Furthermore, that they be immediately granted permanent residency on humanitarian and compassionate grounds, in recognition of the fact that IRCC has failed to complete the processing of these cases in a reasonable time. We fail to understand what potential negative impacts this act of empathy and accommodation could have on the well-being of the Canadian population in terms of risk, when only a relatively small number of families are involved.

OR;

2) That IRCC establish a secure room with a suitable internet connection inside High Commissions and Embassies in the Caribbean that do not currently provide immigration services. These Canadian territories abroad could then verify the identity of the foreign citizens concerned and escort them to these special rooms to conduct the interview by video teleconference with an immigration officer. Interpretation services arranged on both sides would be the responsibility of the principal applicant. This procedure could be quickly put in place once the Embassies and High Commissions concerned partially reopen in order to catch up on the accumulated delays. In this case, hopefully all the information relevant to the file would be accessible electronically by the officer in charge of the interview, no matter where they are based.

OR;

3) That the spouses concerned be immediately granted **conditional** permanent resident status and undergo an in-person interview upon arrival in Canada (as per IRCC guidelines) in one of the major urban centres, and for this purpose it would be the responsibility of the sponsor to provide and pay for interpretation services. If the officer is satisfied that the relationship is genuine, the permanent residency decision becomes final. If not, the foreign spouse must return to their country of origin at the sponsor's expense. In addition, a temporary work permit would be granted to spouses with conditional permanent resident status pending the final decision.

OR;

4) That Canadian spouses attend an interview at one of the major urban centres. If the immigration officer is satisfied that the relationship is genuine, then permanent residency is granted to the spouse. If the immigration officer is still not satisfied, the application remains pending an interview with the foreign spouse. To our knowledge, there is no law or policy requiring the *foreign* spouse to be interviewed. The procedural documentation only states that the spouses must be interviewed separately, and it makes sense to the undersigned that the Canadian wife should know as much about her husband and their relationship as he does. If there is a piece of legislation, statute, directive or order-in-council that specifically names the foreign spouse as the one who must be interviewed, we would expect to see it cited with the documentation supporting your response.

FURTHERMORE;

- 1) If the requested interview is actually a security interview, this should be stated for the sake of transparency of the process and for families to better understand the reasons for the prolonged delay. We suggest that all security interviews be handled using the first option outlined above.
- 2) Beyond the above suggested options, all applicants should be given CLEAR and EXPLICIT information regarding the reasons for the doubt as to whether the relationship is genuine (few guests at the wedding, lack of a honeymoon, insufficient correspondence, etc.) and the opportunity to justify these issues in a letter or solemn declaration or by submitting more evidence for the officer's consideration.

There seems to be a bias toward Caribbean citizens marrying Canadian women in order to fraudulently obtain residency. While this has unfortunately occurred in a few cases, IRCC notes in its own publication (January 18, 2017) that Cuba does not appear among the top 10 countries involved in fraudulent marriages.

IRCC's unwillingness to implement a creative solution to excessive delays for pending interviews seems unfairly directed at Canadian women, causing hardship, mental suffering and emotional stress.

Among the experiences of the women in our group:

- Women giving birth without their partners being present in Canada;
- Women having to go on extended sick leave or quit their jobs due to stress;
- Women having to postpone or abandon their plans to start a family, which impacts women in particular;
- Women having to raise their children alone, since the fathers are stuck abroad;
- Women experiencing the loss of a family member without the comfort and support of their husbands;
- Women going through the COVID pandemic or illness alone, without the support of their husbands;
- Women financially supporting their husbands living in the Caribbean much longer than is reasonable, causing financial hardship;
- Women using all their vacation and personal time from work to visit their husbands, as temporary resident visas are routinely denied. Again, this causes financial hardship and monopolizes all the rest time that would otherwise be used on local vacations to visit immediate family, care for children, etc.;
- Couples repeatedly being required to provide criminal records checks, medical exams and other documents throughout the lengthy application process. Two women in our group report that their husbands had to provide their criminal records checks three times. This is not because their husbands are suspected of criminal activity, but because IRCC is unable to fulfill its family reunification mandate in a respectful and timely manner.

Since we cannot expect the global health crisis to be over in the short term, we respectfully request a detailed plan to finalize the processing of the 2018 and 2019 cases awaiting interview in Port of Spain. Here is what we mean by "detailed."

We expect alternative solutions that can accommodate the unusual times we are going through and IRCC to make use of technology as we have all had to do so in all aspects of our lives over the past decade and especially since the beginning of the pandemic. We all deserve to have our family by our side as we survive the worst global pandemic in a century. We respectfully await your detailed plan to rapidly resolve this deplorable situation that, incidentally, discriminates against Canadian women.

Thank you again for your invaluable cooperation.

Families waiting for interview to reunite

cc: Honourable Salma Zahid, MP, Chair of the Standing Committee on Citizenship and Immigration, Scarborough Centre

Honourable Christine Normandin, MP, Vice-Chair of the Standing Committee on Citizenship and Immigration, Saint-Jean

Honourable Raquel Dancho, MP, Vice-Chair of the Standing Committee on Citizenship and Immigration, Kildonan-St. Paul

Honourable Jenny Kwan, MP, Immigration Critic, Member of the Standing Committee on Citizenship and Immigration, Vancouver East

Honourable François-Philippe Champagne, MP, Saint-Maurice-Champlain

Honourable Patricia Lattanzio, MP, Saint-Leonard-Saint-Michel

Honourable Gabriel Ste-Marie, MP, Joliette

Honourable Stéphane Bergeron, Member of Parliament, Montarville, Que.