

# Untangling The Law

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## Immigration Law: Marriages of Convenience (Part 2: Genuine Relationships)

In the last issue, I discussed how the Government of Canada has launched a national online consultation on marriage fraud or marriages of convenience. Marriage fraud is when a foreign national marries or gets into a relationship with a Canadian citizen or permanent resident solely to immigrate to Canada. While marriage fraud is a serious problem, marriage fraud does affect applications for people in genuine relationships.

If my marriage is genuine, why am I affected? Because of the large number of marriage fraud cases from the Philippines, all marriage cases are looked at more closely. I have personally seen a number of genuine cases refused because visa officers believed the marriage to be one of "convenience" when it was real. How can I convince a visa officer that my

marriage is real? When you prepare your application, you should keep in mind that the visa officer is likely a total stranger to you. If a visa officer has a question about the relationship and the answer is not clear from the documents you submit, he or she will call for an interview. In this case, visas may take 2 to 3 times longer to issue. Also, the chances of refusal increase. I put in all of the documents from the checklist on the Web site, isn't this enough? Simply putting in documents on Citizenship and Immigration Canada's checklist may not be enough. Visa officers have manuals that list other documents, not on the checklist, to look for. In addition, there are a number of Immigration Appeal Division and court cases that talk about documents that can be used to prove a relationship is real. Some of these documents do not appear on the checklist. In all my years of practice, I have always put in more documents than on the checklist.

How do I know what documents to enclose? Proving that your relationship is real can be difficult. When submitting an application, it is necessary to carefully review your relationship and the documents that you may have to show the relationship. Since every relationship is different, no two applications are the same.

A spousal sponsorship application is different from other immigration applications, such as one under the Provincial Nominee Program. Under the



Provincial Nominee Program, you have to prove more objective things. For instance, when you have to prove that you graduated from university, you can show a diploma and transcript. However, proving that you love someone through documents can be tricky. In my practice, I generally speak to the client to get to know about their relationship. We then go through the types of documents they may have and choose the relevant ones for submission.

*This article is prepared for general information purposes only and is intended to provide comments for readers and friends of Filipino Journal. The contents should not be viewed as legal advice or opinion. If you have specific questions concerning immigration law, you should discuss them with a legal advisor of your choice.*

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