

Untangling The Law

by R. Reis Pagtakhan, LL.B., B.A. (Hons.)
rrp@aikins.com



“undertaking” and “sponsorship agreement.” These documents make the Canadian-based sponsor financially responsible for her/his spouse even if the marriage breaks down. Under these agreements, the sponsor is obligated to pay not only for some of the spouse’s expenses but also for the latter’s claims for certain forms of government assistance. In view of this, the government can sue the sponsor for any monies it has paid out to the sponsored spouse.

Can I protect myself from marriage fraud?

Protecting yourself from marriage fraud is difficult. In many of these cases, the foreign national plays an elaborate game to hide their true intentions. The foreign national essentially pretends to be in love with the Canadian spouse. The best thing that the sponsoring spouse can do is be sensitive to any suspicious intentions and signs of deceit by the spouse being sponsored while the entire process has not yet been finalized.

Are all marriage breakdowns because of marriage fraud?

One of the difficulties in proving marriage fraud is that sometimes marriages simply break down. There are many cases in which two people think they



are in love but then break up. If both people genuinely believed in their relationship when they got married but grew apart because of disagreements after the marriage, this may not be marriage fraud. As well, in cases in which spouses are abused, leaving that type of relationship does not mean that the marriage was fraudulent in the first place.

In my next article, I will discuss how marriage fraud affects immigration applications for genuine relationships.

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.

Reis Pagtakhan is a lawyer with the law firm of Aikins, MacAulay & Thorvaldson LLP. He practices in the areas of immigration law and corporate and commercial law. His direct line is 957-4640. If you like to know more about Pagtakhan or Aikins, you may visit the firm’s Web site: www.aikins.com.

Immigration Law: Marriages of Convenience part 1 (Marriage Fraud)

On September 27, the Government of Canada launched a national online consultation on marriage fraud. The purpose of this consultation is to determine how big this problem is and what can be done to solve it.

What is “marriage fraud”?

When a foreign national marries or gets into a relationship with a Canadian citizen or permanent resident solely to immigrate to Canada, the union is considered a marriage fraud. Sometimes known as a marriage or relationship of “convenience,” it occurs when the foreign national pretends to be in love with the Canadian-based spouse/partner. After the foreign national has obtained a visa, s/he quickly

leaves the relationship. In some cases, the foreign national does not even meet the Canadian-based spouse/partner when s/he gets to Canada.

In recent visits to the Philippines, China, and India, Canada’s Minister of Citizenship and Immigration raised this as a concern.

How does marriage fraud affect the Canadian-based spouse?

When marriage fraud occurs, the Canadian-based victim is often heartbroken and has lost money in immigration fees and plane tickets for the spouse being sponsored. In addition to that, the victim may also suffer financially for years in the future.

When a person “sponsors” her/his spouse, the former signs an

Rizal Canada to Celebrate their 11th Commanders Ball on Nov. 20, 2010

The Canada Region Council held their Commanders Meeting in Scarborough on Sep. 30. They discussed their plans for their 11th Rizal Commanders Ball that will be held in Rembrandt on Saturday, Nov. 20, 2010.

Shown in the picture above are (seated, L > R) Sir Ed Prillo, KGOR, Sir Jaime Marasigan, KGOR, Adviser Sir Emiliano Silverom KGOR, Canada Area Commander Sir George R. Poblete, KGOR, Sir Dr. Tom Virey, KGOR and Sir Mar Padlan, KCR and (Standing, L > R) Sir Noel Lalicom, KCR, Sir Ver Amante, KCR, Sir Ralph Bunag, KCR, Sir Doug Ord, KCR, Sir Jun Enverga, KCR (Event Chairman, Commanders Ball), Sir Rene Galvez, KCR, Sir Wilfred Gomez, KCR (Host Chairman, Commanders Ball), Sir Danny Nepomuceno, KCR, Sir Willie Cantos, KCR, Sir Jojo Tadoram, KCR.



Sir George R. Poblete, KGOR Appointed Canada Region Commander

The Rizal Supreme Council in Manila appointed Sir George R. Poblete, KGOR as the Canada Region Commander for the RY 2010-2012. Appointed with him are Sir Dr. Tom Virey, KGOR as Deputy Canada Region Commander; Sir Ed Prillo, KGOR with Sir Jun Enverga, KCR as his Deputy, for the Central Canada Region; Sir Rev. Neil Parado, KGOR with Sir Dr. Tom Colina, KGOR as his Deputy of the Western Canada Region; and Sir Hermie Hernandez, KGOR, with Sir Saulo Garganta, KCR as his Deputy, for the Eastern Canada Region. The Order of the Knights of Rizal

is an international organization that promotes the ideals and works of Rizal, and helps the Youth, Civic and Community activities

Sir George has recently served the Supreme Council as a Trustee (Archivist) for the last two years, working as a Liaison to International Chapters. He continues his responsibility as the editor of the Rizal International Bulletin. Sir George will head the Canada Region Executive Council and will look after the operations of over 20 Rizal Chapters in Canada, from Nova Scotia, to Windsor, to Vancouver B.C..



costumes by...

GAGS UNLIMITED

FREE PARKING!

Winnipeg's LARGEST selection of costumes, wigs, hats, contact lenses, shoes, makeup, decor and accessories!

Pack & enhanced contacts!

Extended hours in October! Open till MIDNIGHT Oct 27-29!

209 Osborne St. 453-0133

PLAYBOY/ROMA/LEG AVENUE/DREAMGIRL/FOURPLAY/SECRET WISHES AND MORE!