

Arranged marriage and the Canadian Visa Progress – how traditional arranged marriages risk additional unwanted immigration scrutiny

In the wake of regulatory revision proposals to the Spousal Sponsorship class and criminal investigations of fraudulent marriage visa cases, many applicants who are currently sponsoring a spouse are concerned that their sponsorship applications may be overly-examined, leading to unfounded allegations of fraud and refusal.

Where a marriage visa or Spousal Sponsorship application is found by a visa officer to contain elements of a bad faith marriage or marriage of convenience, the applicants may be refused, or rendered inadmissible to Canada for two years. At worse, the Canadian government may impose criminal charges on the sponsor if it is believed he/she engaged in fraud.

All of the recent additional scrutiny has led some South Asian and Middle Eastern spousal sponsorship applicants to express worry that their sponsorships, by virtue of being based on arranged marriages, might be exposed to additional investigation and refusals. There is good reason to be concerned. Current and future proposed regulatory amendments would allow visa officers to refuse visas to persons who are believed to have engaged in marriages for the purpose of facilitating one spouse's immigration to Canada. As traditional arranged marriages are based on the qualities of the sponsor and applicant and as the relationship begins after the marriage, arranged marriages are exposed to a greater chance of refusal on two bases:

1st, the sponsor's status and successes in Canada are qualities that are taken into account when matching partners. For example, Ahmed, a male suitor who is a Canadian citizen and a successful doctor in Canada, may be considered by Amina's parents to be a highly qualified match for their daughter. Ahmed's status in Canada and his life there are therefore viewed as decision making factors in accepting a proposal. Ahmed's Canadian Citizenship and the better life such status may give to his young bride and their future children is of course a significant factor for consideration. This same status, however, is a factor that Immigration Canada may interpret as intent, on the part of the bride, to enter into the marriage for the purpose of coming to Canada. As marriages entered into for the purpose of travel to Canada are viewed as fraudulent marriages of convenience, such an application may be refused.

2nd, most marriages of convenience do not contain the factors that immigration officers expect to see when assessing whether a marriage is genuine. The fact that arranged marriages are unreasonably subjected to a western-style romantic marriage assessment has long been a point of discussion for immigration lawyers who specialize in this field of law. When assessing whether a relationship is genuine, a visa officer will often expect to see documents confirming communication, cohabitation, and the unification of legal and financial entities between the two spouses. Unfortunately, the nature of most arranged marriages is that these factors are not present at the point of assessment. To use the example above, prior to marrying, Ahmed and Amina may have few opportunities to speak to each other, and only during highly structured visitations or via

telephone. Further, once Ahmed has married Amina, he is required to return to his employment in Canada, and therefore the couple does not have the opportunity to cohabit. They do not have joint bank account, do not receive utility bills at the same address, and other than marriage photos, do not have photos of their day to day activities together. As Immigration Canada places the onus on the sponsor and applicant to prove that the relationship is a genuine one, where such documents are lacking, the sponsorship application may be refused.

All of the above takes place even though statistics show that arranged marriages have much lower levels of divorce than western style “love-based” marriages. Despite the fact that Ahmed and Amina have no evidence of a romantic relationship and despite the fact that Ahmed’s Canadian citizenship status is one reason why Amina’s parents have found him to be an eligible suitor, their relationship is a genuine one that will last a lifetime – but that lifetime of togetherness will never materialize once a Canadian visa officer uses the above two factors to refuse Amina’s visa to Canada