

BECOMING A PERMANENT RESIDENT THROUGH SPOUSE OR PARTNER SPONSORSHIP

What is spouse or partner sponsorship?

There are a few ways to get permanent residence in Canada. Sponsorship by a spouse or partner is one of them. If you are married or in a relationship, and your spouse or partner is a Canadian citizen or permanent resident (PR), they can apply to sponsor you to become a permanent resident.

Who is a spouse or partner?

- Spouse:

You are married to your sponsor and your marriage is legal both in your home country and Canada.

- Partner:

Common-Law partner: You and your sponsor lived together in a marriage-like relationship for at least one year

Conjugal partner: You've been in a marriage-like relationship with your sponsor for at least one year, but you haven't been able to live together for reasons outside of your control

There are two types of spouse or partner sponsorship programs under Immigration, Refugees and Citizenship Canada (IRCC)

- Family Class (If you are a spouse, common law partner or conjugal partner living outside of Canada)

- Spouse or Common-Law Partner in Canada Class (if you are a spouse or common law partner living with your sponsor in Canada and have some kind of temporary resident status)

Both you and your sponsor have to meet certain criteria to be eligible for sponsorship.

Who can be sponsored?

You can be sponsored if:

- You are a spouse, common law partner or conjugal partner
- You are 18 years old or above
- You intend to live in Canada
- You are in a genuine relationship with your sponsor (not for the purpose of getting immigration).

Who can be a Sponsor?

A person can be a sponsor if they are:

- At least 18 years old
- A Canadian citizen or permanent resident
- Living in Canada (There is an exception for Canadian citizens: If they are living outside of Canada, they have to show that they plan to live in Canada once the person they are sponsoring becomes a PR)
- In a genuine relationship with the person who is being sponsored (not for the purpose of immigration)
- Able to show that they can provide the basic needs of the person they want to sponsor.

Note: You will have to go through and pass a security check to become a permanent resident in Canada. You will also have to provide a medical exam but cannot be denied for medical reasons if you apply under the spouse or common-law partner class.

Who cannot be a Sponsor?

A person cannot be a sponsor if:

- They have been convicted of certain crimes (committed, tried or threatened to commit sexual offences, violent crimes that have a maximum sentence of 10 years or more in jail, offences that caused bodily harm to their relatives/family members).
- They have a removal order.
- They are in jail.
- They are receiving social assistance or welfare from the government (for example, Ontario Works), unless it's for disability.
- They themselves were sponsored by a spouse or partner and they became a permanent resident less than 5 years ago.
- They have certain debts or financial responsibilities such as:
 - They are still financially responsible for the previous spouse or partner they sponsored.
 - They didn't pay spousal or child support that they owe.
 - They didn't pay back any loan they might have from IRCC.
 - They didn't pay back the social assistance their previously sponsored spouse or partner received.
 - They filed for bankruptcy and haven't been discharged.

Note: For Spousal/Common Law/Conjugal partner sponsorship, you can still sponsor a spouse if you have no income (there is no income requirement for this type of sponsorship). However, you cannot be on social assistance.

Sponsorship Undertaking:

Sponsoring means your spouse or partner is promising to financially support you for a certain period after you become a PR. This is called an “undertaking.” For spouses and partners, your sponsor must promise to financially take care of you for 3 years from the day you become a PR. If you have children, this undertaking lasts for 10 years from the day the children become PR, or until the child becomes 25 years old (whichever comes first). If you or your children end up relying on social assistance or welfare during that period, your sponsor has to pay that money back to the government.

How to Apply

The Application must now only be submitted online. You can request a paper application from IRCC if you cannot apply online because of a disability or other reasons.

1. Your sponsor must fill out an Application form to become a sponsor. Both you and your sponsor have to sign this application electronically. There are additional forms your sponsor has to fill out.
2. Your sponsor has to give you electronic copies of their forms so that you can upload it onto your online application. You will have your own forms to complete as the Principal Applicant. You will have to sign for the entire application.
3. You (the Principal Applicant) must create an online account on the application portal (known as the Permanent Residence Portal) and fill out the correct forms for permanent residence online.
4. The IRCC website has a detailed application guide and provides a document checklist to ensure you are aware of everything that you need to provide. Note: depending on where you live, you may have to fill out additional forms specific to your country. See the IRCC website for the country-specific forms.

5. Along with the forms, both you and your sponsor have to provide supporting documents. For example, your sponsor has to provide proof of status in Canada, proof of income, etc. You also have to provide things like ID documents, police certificates, proof of your relationship such as wedding photos, emails, texts, letters, etc.
6. Pay the application fees.
7. Submit the application.

Fees

Whether you are being sponsored from inside or outside Canada, there are three parts to the fees. There are additional fees you will need to pay depending on how many children are in the application.

1. Sponsorship fee (\$75) – Must be paid with the application.
2. A processing fee for the Principal Applicant (\$490) – Must be paid with the application.
3. Right of permanent residence fee (\$515) – Can be paid with the application or later on.
4. Any fees for dependent children in your application – You have to pay \$155 per child.

What happens if my application is turned down?

If your overseas application is refused, the sponsor can appeal to the Immigration Appeal Division (IAD) of the Immigration and Refugee Board (IRB). The IRB is a tribunal that makes decisions on immigration and refugee cases. Your sponsor or their lawyer can explain why the application should be accepted. Your sponsor has 30 days from the date you received your refusal letter to start the appeal process.

If you are applying under the in-Canada spousal / common-law sponsorship application you are not permitted to appeal to the IAD (IRB). You may only be able to do an application for judicial review in Federal Court.