

FAMILY SPONSORSHIP

From Basic Applications to Complex Issues

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SPONSORSHIP ELIGIBILITY


▶ **Who can sponsor**

- Financial eligibility
- Immigration Status
- Past relationships/applications
- Residency in Canada


▶ **Who can be sponsored**

- Family Members
- Overseas H&C
- De Facto Family Members
- Conjugal, Common Law, Spouse

Be aware of

- Misrepresentation
 - 117(9)(d)
 - Residency Requirements
 - Sponsor's connection to Canada
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OTHER CONSIDERATIONS FOR SPONSORSHIP

- ▶ Impact of Disability Benefits (ODSP)
 - ▶ Minimum Necessary Income (*De facto* dependents)
 - ▶ Family violence considerations (converting sponsorship to H&C)
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WHO CAN BE SPONSORED?

- ▶ Spouse
 - ▶ Common Law
 - ▶ Conjugal
 - ▶ Orphans
 - ▶ Dependents
 - ▶ Other relatives
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Who?

- ▶ *De facto* dependents
 - ▶ [Karimullah v Canada 2010 FC 824](#)
 - ▶ [Overseas Processing Manual 4](#)
- ▶ Informal adoptions
- ▶ Family Violence
 - ▶ “FV – In Canada – Humanitarian and compassionate considerations”
 - ▶ DNHM-Vexternal-RNMH-Vexterne.IRCC@cic.gc.ca.

What?


- ▶ Procedural Fairness Letters
- ▶ Overseas H&C Requests
- ▶ TRP vs H&C – Based on Family Violence

OTHER SITUATIONS

APPLICATION TIPS

- ▶ Working with clients to collect documents and evidence:
 - ▶ Shared finances
 - ▶ Proof of cohabitation
 - ▶ Beneficiary designations
 - ▶ In-person visits
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APPLICATION TIPS

- ▶ Gathering documents and evidence:
 - ▶ Interpreters/Translations
 - ▶ Referrals to supports – assessments and reports
 - ▶ Police reports and Court Information Sheets
 - ▶ Local Legal Opinions
 - ▶ Adoption or Guardianship Documents
 - ▶ Country Research
 - ▶ Documenting attempts to get documents
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AUDIENCE QUESTION?

- ▶ **What evidence do you find your clients often struggle to get?**
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- ▶ PROS

- ▶ Inland

- ▶ Processed inside Canada by IRCC officers
- ▶ Available for persons without status in Canada

- ▶ Outland

- ▶ More flexibility with being outside Canada
- ▶ Work Permit also available
- ▶ Access to IAD

- ▶ CONS

- ▶ Inland

- ▶ Longer processing timeframe
- ▶ Only access to Judicial Review if refused
- ▶ Must be living in Canada for duration of processing

- ▶ Outland

- ▶ Decided by the visa office
- ▶ If interview required, applicant usually must travel to visa office

INLAND VS OUTLAND SPONSORSHIP APPLICATIONS

AUDIENCE QUESTION

Which would you choose? (inland vs outland) and why?

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- ▶ Managing Client Expectations
- ▶ Policy Changes
- ▶ Delays
 - ▶ Biometrics
 - ▶ Medical Examinations
 - ▶ Passport and Identity Documents
 - ▶ Fees
 - ▶ DNA Requests

- ▶ Communications with:
 - ▶ Visa post
 - ▶ IRCC
 - ▶ Sponsor
 - ▶ Applicant overseas
 - ▶ Minors

PROCESSING TIMES

- ▶ Visitor Record
- ▶ Work Permits
- ▶ Leaving and re-entering

When advising, consider:

- ▶ eTA/non-visa clients
- ▶ Visa/out of status clients

MAINTAINING STATUS AND TRAVELING




- ▶ Sponsorship Breakdowns
 - ▶ Family Violence
 - ▶ Conversion to H&C Applications
 - ▶ Temporary Resident Applications
- ▶ R 117(9)(d)
 - ▶ Eligibility for Pilot Project
 - ▶ End date of policy – September 10, 2026
 - ▶ De Guzman v Canada 2005 FCA 436

COMMON COMPLEX ISSUES

AUDIENCE QUESTION:

How do you address R117(9)(d) if your clients do not meet the pilot criteria? What has worked for you?



- ▶ Misrepresentation
- ▶ Criminality
- ▶ Limited evidence for LGBTQ+ couples

COMMON
COMPLEX
ISSUES –
CONTINUED

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- ▶ Age Gap
- ▶ Financial Stability
 - ▶ ODSP – Disability Benefits
- ▶ Disability/Capacity
 - ▶ Mental Health Diagnosis
- ▶ Time spent together
- ▶ Lack of shared finances
- ▶ Lack of Family Knowledge
- ▶ Marriage options
- ▶ Immigration History

POTENTIAL FLAGS FOR IRCC

AUDIENCE QUESTION:

Are you seeing any changes in trends around sponsorships? Applications or Approvals?

Mabena v Canada (Citizenship and Immigration) 2025 FC 694

- ▶ Converted spousal sponsorship application to H&C with family violence considerations.
- ▶ Officer found abuse, but denied H&C application
- ▶ FC found: inadequate consideration of family violence in the global assessment
- ▶ Losing the ability to obtain permanent resident status through a sponsored spousal application must be considered
- ▶ FC found: Officer's decision gave "unacceptable message that they are better off remaining in their abusive relationship in order to obtain status"
 - ▶ *AB v. Canada* 2021 FC 714
 - ▶ *Febrillet Lorenzo v. Canada* 2019 FC 925
 - ▶ *Prado v. Canada* 2024 FC 136

A.P. v Canada (Citizenship and Immigration) 2020 FC 906

- ▶ Conjugal partner sponsorship
- ▶ JR of IAD decision
- ▶ Applicant claimed refugee protection as a gay man
- ▶ Re-established relationship with a female classmate
- ▶ Child born; co-parenting; committed relationship
- ▶ Termed a "mixed orientation" couple

QUESTIONS ?

