

EVIDENCE OF RELATIONSHIP

The application kit requires applicants to submit certain documents as proof of the relationship. Officers must be satisfied that the relationship is genuine and that the applicant is living with the sponsor in Canada.

SPOUSE

- a marriage certificate;
- a Spouse/Common-law Partner Questionnaire IMM5285
- proof of divorce if either the applicant or spouse were previously married; and
- evidence that the applicant lives with the sponsor, e.g. mortgage, lease, other documents showing the same address for both.

Evidence may also include:

- wedding invitations and photos; and
- documents from other institutions or other government authorities, such as the Canada Revenue Agency, indicating a marital relationship

COMMON-LAW PARTNER

- IMM5285 Spouse/Common-law Questionnaire (*included in the application package*);
- proof of separation from a former spouse if either the sponsor or the applicant were previously married; and
- evidence that they have been living together for at least one year (*eg joint lease agreements, bank accounts, life insurance/health care beneficiary designations, credit cards, income tax returns, etc.*)

COHABITATION

One of the eligibility criteria in R124 is co-habitation with the sponsor in Canada. Documents provided as proof of the relationship should also establish that the spouse or common-law partner and the sponsor are living together. If this is not clear from the evidence available, CPC-V should request further documentation or consult with SDS.

BAD FAITH RELATIONSHIPS – R4

- Officers should be satisfied that a genuine relationship exists. A marriage, common-law or dependent child relationship which is not genuine or undertaken primarily for the purpose of acquiring any status or privilege will be refused (R4). Officers should carefully examine the documents submitted as proof of the relationship to ensure that they are not fraudulent.
- If the documents provided do not give adequate proof of a genuine marital or conjugal relationship, or if officers doubt that the applicant is living with the sponsor, the officer should consult with the SDS.
- As per R4.1, divorces or separations of convenience are now considered to be part of the “bad faith” regulation.

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Some Indicators as to a NON-GENUINE marital relationship

- Chinese nationals, often university students, marrying non-Chinese.
- Photos do not include parents or any family members. Usually small groups of friends, 6 to 10 people in the photos.
- Private marriage ceremony performed by either a minister or justice of the peace.
- The reception is informal in a restaurant, reception will end after dinner.
- Sponsor is often uneducated, with a low-paying job or on welfare.
- In the photos, the couple do not kiss on the lips.
- Couples usually do not have a honeymoon, not even a couple of days away, usually because of university and/or no money.
- There are usually no "diamond" rings.
- Some are having real wedding pictures taken by a professional, but pictures are very limited.
- Some submit photos of them dressed in pyjamas or cooking, to show they are living together.
- Photos have them wearing the same clothes, in various locations
- Are they touching each other in the photos, or trying not to touch?
- Photos of activities together are often taken in the Niagara Falls area, Niagara-on-the-Lake and Toronto. The couples may have lived in Niagara Falls, St. Catharine's, Beamsville, Welland, Thorold, Grimsby, etc.

1) How long was it after having landed in Canada as PR before current FC1 sponsor separated from his/her own, original, past FC1 sponsor?

2) How long was it after their respective divorces did FC1 sponsor and FC1 applicant enter into an amorous relationship with someone else or how long was it before they got married again?

3) Has the FC1 applicant's ex-spouse already Immigrated to Canada or the USA? Did the ex-spouse Immigrate to Canada as FC1? Is the ex-spouse an illegal alien in Canada or in the USA?

4) Are any of the last names of the FC1 sponsor, the FC1 applicant, their respective ex-spouses, their respective parents, and the children of the FC1 applicant (if any) the same?
(Please noted that it is possible that everyone in one, single village bears the same Chinese last name. Same last name, therefore, does not necessary mean blood relations. One must also look at other factors.)

5) Is that same last name an unusual Chinese last name rather than the usual and very common Chinese last names such as Wang, Huang, Li, Chen, and etc....?

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- 6) Is the given name of the FC1 sponsor very similar to the given names of FC1 applicant, or his/her siblings or parents or uncle and aunts, and vice versa (*the difference of one Chinese character, which signifies siblings or 1st cousins blood relationship*)
- 7) How much do they have to gain by getting Perm. Res. and what previous steps have they taken to obtain it (ex. Refugee claim that was failed; H&C, long term overstay that disappeared for years) *Someone from USA doesn't gain that much (our economy and standard of living are similar, fairly safe country) as compared to someone coming from a very poor country or a country where there is much unrest, violence, war, etc. Could they be entering into a marriage of convenience (MOC) solely to avoid having to go back to a bad situation? The more they have to gain the higher the bar is to satisfy the bona fides.*
- 8) Length they have known each other. Did they meet and marry or cohabit together in less than 6 months?
- 9) Age difference—is there a large age difference between the sponsor and the applicant of 10 years or more.
- 10) Educational background. Are they similar or is one highly educated and the other has minimal education.
- 11) Ethnical background---are they from similar cultures or do their cultures vary greatly.
- 12) Did the sponsor gain Canadian Perm. Res. by being sponsored or has previously sponsored someone else. If so, how long after either one got their perm. res. did they file for divorce; how long before the new relationship began. Check previously sponsored spouses to see if they have since sponsored someone else. This could identify a “MOC ring”
- 13) Are the pictures all staged, or are some just casual photos of several different events. Check to see if they are wearing the same clothes in all the pictures. Studio pictures look nice but may be staged.
- 14) Check address history to see if it concurs with addresses they are providing tenancy/mortgage agreements for. (*ie. if they have a lease agreement dated 01Jan05 for 1234 ABC Road, and client applied for an extension in March 05 and gave a different address---does not jive with info provided*)
- 15) Stat decs by friends and family---are they all worded the same---how honest does it sound if 5 people simply sign a piece of paper with “words” on it. It should be their own words.