CANADA'S SPOUSAL SPONSORSHIP PROCESS:
CHALLENGES OF CROSS-NATIONAL COUPLES

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University of Toronto, 2016

A Major Research Paper
presented to Ryerson University

in partial fulfillment of the requirements for the degree of
Master of Arts
in the program of
Immigration and Settlement Studies

Toronto, Ontario, Canada, 2017

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ABSTRACT

Family reunification is a key objective of Canada's *Immigration and Refugee Protection Act*. Despite this, cross-national couples continue to experience challenges during the spousal sponsorship process. The spousal sponsorship regime must be situated in the context of Canada's history of racist immigration policies, and consider the nature of neo-racism, and the function of securitization. It is evident in the negative social construction of foreign spouses, and the conflation of cross-national couples with marriage fraud, that the government prioritizes fraud detection over family reunification. Interviews with ten individuals of cross-national marriages revealed challenges related to finances, emotional well-being, power imbalances, and the stigmatization of marrying a foreign spouse. The process was made more difficult by the government due to inadequate information, communication, and transparency. While processes of racialization can be seen to inform practices and policies of the spousal sponsorship system, other factors such as bureaucracy and socioeconomic status also appeared to play a role.

Key words: *family; spousal sponsorship; cross-national; racism; marriage fraud*

Acknowledgements

In memory of my mother, whose migration journey and sponsorship of my father has given me

the opportunities and privileged life I have today.

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Chapter 1: Introduction

Background

Cross-national marriage can be conceptualized as "a contractual relationship between individuals with different national or residency status" (Williams, 2010, p.5). This form of marriage involves a foreign spouse and is unique in that it inevitably requires migration, with one or both parties of a couple needing to move elsewhere in order to be together. Cross-national marriage migration either changes the immigration status of one partner, by providing entitlements and access to benefits of the country they reside in, or it enables one partner to enter and settle as a non-citizen spouse in a country foreign to them. Marriages across borders also influence subsequent migration patterns of individuals and communities (Williams, 2010). Kofman (2004) states that cross-border marriage migration overlaps with family migration and is also connected to forced and economic migration (as cited in Williams 2010). Thus, cross-national marriage migration is a broad category that encompasses and intersects with many other more specific migratory movements. As such, cross-national marriage exists in a myriad of different forms. They include marriages facilitated through online correspondence, arranged by families or friends, and relationships that develop from travelling abroad. It may be this variability that makes the process of determining eligible and genuine unions for states so difficult. Given its broad scope and complexity, such a form of migration and the growing number of people engaged in it must be further examined.

Falicov (2007) illuminates that, "globalization is…expand[ing] meanings of family, community, and culture" (p.157). As such, it is unsurprising that cross-national marriage has become an increasingly more common phenomenon, given the restructuring of a world with progressively more advanced communication and transportation technologies (Byron & Waldis,

2006; Cottrell, 1990). Although cross-national marriage is an increasingly common practice

(Byron & Waldis, 2006), such forms of marriage are nothing new, nor should they be viewed as

anything outside the 'norm' given the various kinds of relationships and marriages that exist,

particularly so in the context of a diverse immigrant nation such as Canada. Unfortunately, the

government, the media, and at times, academia, are guilty of drawing significant negative

attention to such marriages and transnational family structures (Williams, 2010; Palriwala &

Uberoi, 2008). Examples of the negative representations that have been socially constructed of

foreign spouses include marriage migrants as criminal queue jumpers (Austria, Digruber &

Messinger, 2006) or alternatively, as Palriwala & Uberoi (2008) and Williams (2010) note,

perpetual vulnerable victims. They are criminals because they are seen to be taking advantage of

innocent citizens and the state's generous immigration system in order to obtain citizenship and

the benefits it offers. At the same time, paradoxically, foreign spouses are often viewed within a

permanent framework of victimhood and are believed to be powerless agents vulnerable to abuse

and trafficking, who need to be saved and protected.

This persistent negative discourse can be better understood in the broader context of

Canada as a White settler nation and its history of racist policies and programs (Razack, 1999;

Smith, 2007), some more explicitly racist than others. The articulation of Canada's national

identity and its prioritization of economic development over immigrant rights can be seen

throughout its history of immigration policy (Kelley & Trebilcock, 2010). Moreover, the

Canadian national identity has been built upon a mythology produced by the dominant class; a

narrative in which white people are presented as cultured, civil, and heroic, while racialized

others are seen as degenerate and inferior (Razack, 1999). This is the backdrop within which

immigration unfolds; where "people of colour contribute their labour to the nation, but do not

enjoy access to society's resources" (Razack, 1999, p.161). Thus, the nation's identity and interests, as articulated through policies, are inseparable from matters related to immigration and race.

In addition to this particular historical background, racialization processes that construct foreigners as threats have been further reinforced by what is perceived to be pressing national security concerns as a result of 9/11 and increases in forced migration. The aftermath of 9/11 has contributed to a stronger climate of anti-immigrant sentiment (Smith, 2007), which is situated in the context of a security and migration nexus that justifies increasingly more restrictive immigration policies and greater border security (Amin-Khan, 2015; Falicov, 2007). This pattern of securitization also includes the tightening of spousal sponsorship policies as the path of marriage migration is commonly viewed as a way to circumvent and abuse the system (Williams, 2010). As such, state discourse surrounding marriage migration generally views foreign spouses as problematic, while nation-states attempt to balance national safety through immigration regulation, with the transnational familial practices and rights of their citizens (Wray, Agoston & Hutton, 2014). This friction can be seen in the Canadian context, where an aggressive campaign against marriage fraud was launched in 2011 under the Conservative government by the Minister of Immigration at the time, Jason Kenney. The objective of this anti-marriage fraud campaign was to prevent what was described as a concern over an increase in cases of marriage fraud (Gaucher, 2014). Kenney warned the public that, "…marriage fraud poses a significant threat to our immigration system" (Citizenship and Immigration Canada, 2012). He held public town hall meetings and consultations across the country to hear from victims of marriage fraud. As a result of Kenney's efforts, regulatory measures that have been taken include a five year sponsorship restriction for sponsored spouses or partners from the day they are granted permanent residence,

which took effect in March 2012 and remains in force to this day (CIC, 2012). Furthermore, in October 2012, conditional permanent residence was enforced which required sponsored spouses to cohabit with their sponsor for two years if their relationship was less than 2 years and they had no children together; the sponsored spouse's status could be revoked if he or she did not remain in the relationship (CIC, 2012). Recognizing the precariousness and vulnerability this may cause for foreign spouses, the condition was removed by the Liberal government earlier this year (CIC, 2017b). Arguably, the impact of this nation-wide campaign, which reinforced the criminalization of foreign spouses, continue to be felt by Canadian citizens and their non-Canadian partners. These discursive constructions have led to state conflation of cross-national marriages with marriage fraud, which will be further examined and discussed in the context of spousal sponsorship.

Research Question and Purpose

The purpose of this major research paper (MRP) is to examine the challenges experienced by individuals during the spousal sponsorship application process. It will focus on the impact of the procedure on the couple, and the tension between cross-national couples and the state. Specifically, I am looking at indications of racial discrimination and/or bias in the Canadian immigration spousal policy, as it manifests in two government sources and in the descriptive retelling of sponsors and sponsored spouses' experiences with the sponsorship process. My research questions include:

i)   *What are the challenges of cross-national marriage in the context of the Canadian spousal sponsorship process? How does the process impact different couples' experiences?*
ii) *How does Canada complicate cross-national marriage and make such relationships, and foreign spouses in particular, a problem to its citizens?*

Accordingly, in asking these questions I hope to provide a voice for couples in cross-national marriages, and advocate for greater government support of foreign spouses and recognition of transnational family structures.

Importance of the Research and Contribution to Knowledge

In Canada's immigration program, "Family class" immigrants are the second largest group, and spouses and partners constitute the largest of this category (Satzewich, 2013). Section 3 of the *Immigration and Refugee Protect Act* (IRPA), states that one of the Act's objectives is "…to see that families are reunited in Canada" (2001). This is to be interpreted and applied in a manner that "…complies with international human rights instruments to which Canada is signatory" (IRPA, 2001). This includes the *Universal Declaration of Human Rights,* which states in Article 16.1: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution" (UN General Assembly, 1948). Article 16.3 declares, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State" (UN General Assembly, 1948). In consideration of these international rights, spousal policies are significant and have profound implications for Canadian citizens and their partners whose lives are shaped indefinitely by immigration policy. This research project contributes to the limited literature available on the experiences of couples during the spousal sponsorship application process, and the influence of spousal immigration policies and practices in shaping these experiences.

This paper seeks to offer more detail into the complexity of the lives of cross-national couples, and this intricate, misunderstood form of migration in the context of spousal sponsorship policy. In doing so, I hope to share their challenges to counter the often generalized,

negative stereotypes found in dominant discourse that Williams (2010) discusses in great detail, as mentioned earlier. These findings in turn, could potentially inform policies to improve the spousal sponsorship program in Canada. As such, in doing this research I hope to add to advocacy efforts that encourage the Canadian government to do more in its claim to facilitate and support family reunification.

Research Outline and Theoretical Framework

Firstly, a literature review on spousal sponsorship will be conducted to identify challenges and themes within the scholarship. Following this, I will examine and problematize the nature of the Canadian government's conflation of cross-national marriage with fraud, arguing that this understanding and concern is unfounded. Critical Race Theory (CRT) and Critical Discourse Analysis (CDA) will be used to examine the Immigration, Refugees and Citizenship Canada (IRCC) government website on marriage fraud, as well as to examine the *Evidence of a Genuine Relationship* training guide used by immigration officials in their assessments of cross-national spousal relationships. These theories will be situated in the broader context of securitization and anti-immigrant sentiment in Canada briefly discussed earlier.

As Delgado (2001) emphasizes, CRT is concerned with "studying and transforming the relationship among race, racism, and power" (p.2), as it critically examines how society is structured and divided along racial lines. Utilizing CRT as an analytical tool, I will critically examine the intersection of race, law, and power, to question the assumed neutrality and colorblindness of the legal dimension in the field of spousal immigration policy. Romero's (2008) paper regarding the use of CRT in the field of immigration highlights the importance of situating race at the center of analyses: "CRT reveals how racialized immigration laws and citizenship distinctions allow physical appearance to serve as a way of controlling certain racial

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and ethnic groups" (p.27). CRT scholars have importantly observed the significant role that race plays in the regulation and control of immigrants and minority citizens (Romero, 2008). For example, in Johnson's (2004) analysis of immigration laws, he notes how legal definitions within immigration help to socially construct foreigners as "Others" (as cited in Romero, 2008). This practice will be seen in Canada's spousal sponsorship policy and its prioritization of marriage fraud detection over family reunification. This intersection of immigration policy and racism is important for my paper, as differential citizenships and statuses form the basis of cross-national marriages, which are relationships that can only be continued by way of spousal sponsorship. Thus, this pathway is important for cross-national couples and families, and any discrimination that informs this process must be exposed.

I will rely on research influenced by CRT to support the claim that the state applies strict standards in judging cross-national marriages in order to selectively and intentionally exclude undesired persons and regulate the nation's family unit. CRT will be used to reveal and deconstruct how the Canadian nation-state asserts its sovereign power and self-interests in utilizing spousal immigration policy to regulate and control family formation along racial divides. Discriminative patterns of practices of the Canadian government reinforce racial hierarchies, and suggest that the state is interested in maintaining a commitment to a particular kind of family, where white and Western are the ideals. As mentioned earlier, CDA will also be used to support these claims. The approach will be applied to a government webpage and document to reveal the nature of social dominance and its resulting injustices by critically examining how language functions to produce and reproduce power imbalances (Van Dijk, 1993). The intention of the discourse analysis of the government sources is to deconstruct state language, and counter the negative state representation of foreign spouses in order to expose the

kind of structure and interests that underlie the spousal sponsorship process. This approach, in combination with a critical race perspective, will articulate the narrow definition of love and marriage that the Canadian state adheres to and enforces upon cross-national couples in their examinations of validity. Finally, the findings from my own research project will be shared, analyzed, and compared to the existing literature and government discourse.

Chapter 2: Literature Review
Negative Representations and Constructions of Marriage Migrants

Unfortunately, as Williams (2010) points out, a portion of the limited amount of literature on cross-national marriage migration form and reaffirm negative stereotypes that oversimplify the nature of individuals' experiences, reducing migrants to stereotypes and caricatures. Part of the research on this topic also concerns itself with the conflation of cross-national marriage with marriage fraud, particularly in the case of arranged marriage, which is also subsequently conflated with forced marriage (Gaucher, 2014; Merali, Bajwa & Tousaf, 2014; Williams, 2010). A similar conclusion was arrived at by Cottrell's (1990) earlier literature review on cross-national marriage, which identified a problem orientation whereby marriages between people of different nationalities are viewed as problematic. This negative discourse has also been identified by other academics as well (Palriwala & Uberoi, 2008; Williams, 2010). For example, in their study of marriage migration in Austria, Digruber and Messinger (2006) reveal the process of criminalization of individuals who are seen to be engaging in marriage fraud, as the state prioritizes the prevention of sham marriages in the name of national security.

Geographically, while cross-marriage migration remains understudied in Canada, extensive research exists on the topic in East Asia, generally focusing on the movement of female migrants from developed countries to the developing world (Williams, 2010; Palriwala &

Uberoi, 2008). In general, the economic opportunities opened up to women by global capitalism have led to the feminization of migration (Falicov, 2007; Palriwala & Uberoi, 2008). In particular, cross-border marriage migration is considered to be a female-dominated migration phenomenon with evidence that brides often outnumber grooms as marriage migrants (Palriwala & Uberoi, 2008; Williams, 2010). For example, there has been a lot of research focusing on cross-border marriage from the Philippines to Japan, and from China to South Korea (Williams, 2010). There are also significant migration movement patterns of brides to areas of rural South Korea and Japan to fill the absence of women due to rural to urban migration caused by industrialization and globalization (Ahn, 2013; Mukhina, 2013). Unfortunately, these women are socially constructed as poor and desperate, and willing to do anything for a better life (Constable, 2003).

Relatedly, a particularly salient image within the scholarship on female marriage migrants is the figure of the "mail-order bride". Part of the negative constructions of this demographic can be better understood in light of the perceptions of migrants' motivations for migration; mail-order brides, like the marriage migrant figure in general, are constructed as either taking advantage of naïve male citizens, or victims forced into the commodification of love (Parpart, 1993; Williams, 2010). However, neither of these offers a complete explanation. A singular explanation is insufficient to capture the complexities of this phenomenon and the decision-making process of each individual. In the former stereotype, they are viewed as criminals who would otherwise not qualify for immigration and thus use deceit to gain citizenship through marriage (Williams, 2010). In the latter stereotype, all sense of agency is stripped away from these women. As Constable (2003) illuminates, "[i]t denies the possibility of Third World women, many of whom are educated adults, making logical, wise and active

choices" (p.14). Bhabha (2007) importantly points out the dangers of reliance on stereotypes that reinforce women as defenceless and naïve agents; it results in discrimination and abuse against migrant women (as cited in Williams, 2010). Moving away from these binary stereotypes, the reality of marriage migration is much more nuanced and is influenced by a myriad of factors.

Notably, the aforementioned victim trope of the female migrant fails to give recognition to their active role in negotiating broader structural inequalities. Furthermore, as Lu (2008) deconstructs, negative views surrounding mail-order bride relationships also "carries certain moral connotations concerning the monetisation of marriage that are implicitly derived from an ideal of conjugal relations based on romantic love between two independent individuals" (p.146). Mail-order brides are constructed as the face of threats to the abuse of a generous immigration system. They are particularly criticized and stigmatized for not conforming to the Western notion of an acceptable marriage based purely on romantic love. This reflects what Constable (2003) refers to as, "culture-bound assumptions of what constitutes a "good" marriage" (p.66). Such Western critiques of mail-order bride marriages are evident in state suspicions and the strict conditions placed on foreign wives during spousal applications for status (Constable, 2003).

These oversimplified characterizations also fail to recognize developed countries' roles in the production of migration abroad (Razack, 1999). On this point, Sivanandan (2008) poignantly articulates, "colonialism and immigration are part of the same continuum – we are here because you were there" (para. 5). Sivanandan thus recognizes the importance of historical colonialism in producing migration patterns seen to this today. He also highlights that: "globalization and immigration are part of the same continuum – we are here because you are there" (para. 6), drawing attention to the impact of activities by developed countries and transnational businesses which continue to marginalize "peripheral" countries. Given these broader contexts, the

decisions and narratives of women who marry to migrate, or migrate to marry, cannot be reduced to a simple calculation – it must be considered and situated in the greater context of colonial history and processes of globalization. Moreover, these global relations and the narrating of history is important, as it is First world countries that possess the power to socially contruct others and determine who is deemed worthy of crossing their borders. Despite the importance of this contextualization, even academics with honest intentions make the mistake of perpetuating this dichotomy of criminal versus victim. In their research project on foreign spouses in Japan, Morgan et al (2016) identified two motivations for migration: social and economic necessity, and social and economic opportunity. Such oversimplified binaries should be further complicated and problematized as they reinforce stereotypes of migrant women from developing countries. As Massey (2009) explains, the reason for why migrants in the developing world migrate is much more complex than a simple cost-benefit analysis. To reiterate, the complex decision-making process for marriage migration cannot be so easily measured or quantified, as the two common and contradictory stereotypes of criminal and victim would suggest.

Mukhina's (2013) research on Russian-speaking wives married to Japanese men in Japan offers a divergence from the negative discourse on cross-national marriage, and in this way, challenges the conflation of international marriage with marriage fraud. Her research normalizes cross-national marriage, and humanizes foreign spouses, as she sheds light onto the lived experiences of these women who express love as the main reason for migration. Her work captures the complexities in the experiences of sponsored wives in Japan through identifying multiple dimensions of cross-national marriage found at the individual, community, and state levels. Specific dimensions included factors such as love and sexual relations, societal openness, and legal status.

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Racialization in Spousal Sponsorship and Visa Officer Discretion

Patterns of racism are evident throughout Canada's history of immigration policy. The

privileging of whiteness in the context of family formation can be seen from as early as the

1660s with the recruitment and immigration of white, single women from France, the *Filles du*

Roi, whose travel expenses and board were paid (Kelley & Trebilcock, 2010; Wien & Gousse,

2011). This treatment lies in stark contrast to the experiences of racialized people such as the

Chinese, who under the Chinese Exclusion act of 1923 were prevented from reuniting with their

families (Kelley & Trebilcock, 2010). While explicitly racist criteria of Canada's immigration

policy were officially removed with the introduction of a "merit-based" points system in 1962

(Kelley & Trebilcock, 2010), the presence of racial discrimination, according to the insidious

nature of neo-racism, continue to persist. Balibar (1991) describes racism as:

> …a true 'total social phenomenon' [which] inscribes itself in practices (forms of violence, contempt, intolerance, humiliation and exploitation), in discourses and representations which are so many intellectual elaborations of the phantasm of prophylaxis or segregation (the need to purify the social body, to preserve 'one's own' or 'our' identity from all forms of mixing, interbreeding or invasion) and which are articulated around stigmata of otherness (name, skin colour, religious practices) (p.17)

To emphasize, the stigmatization of "otherness" informs racialization processes. Thus, the social

phenomenon of racism is directly relevant to cross-national couples applying for spousal

sponsorship, as foreign spouses form "Others" who pose a direct threat to the practices,

discourses, and representations that function to protect national "identity", and prevent "mixing".

Balibar (1991) emphasizes that neo-racism is distinct and new as it departs from a former

biological basis and instead focuses on cultural differentiation: it is "a racism which, at first

sight, does not postulate the superiority of certain groups or peoples in relation to others but

'only' the harmfulness of abolishing frontiers, the incompatibility of lifestyles and traditions" (p.

21). That is to say, culture replaces race as a criterion for exclusion, in the name of individualism

and cultural preservation, neo-racism continues to assert one group of people as dominant and superior. While it concedes that biological heredity has no role, it naturalizes culture and reinforces the existence of a hierarchy. As Li (2007) importantly points out, 'race' continues to be significant in the persistence of cultural representation and exists as a social reality in democratic states. Thus, the nature of this new form of racism is that while it remains a part of all systems and structures, it is difficult to identify and articulate its effects, as explicit racism is no longer acceptable in a liberal democratic society. Providing anti-Semitism and the violent experiences of immigrant workers as examples of "racism without races" (p.21), Balibar (1991) points out for example, how the category of immigration has replaced the role of race in neo-racism (p. 20- 21). That is, immigration is a discriminatory tool used to determine the inclusion and exclusion of people depending on their characteristics and value to the nation. To summarize neo-racism, civil rights leader and political activist, Kwame Turé, born Stokely Carmichael, poignantly once highlighted:

> Where the old racism was overt, frankly announcing its hatred and opposition to peoples of colour, the new racism smiles and insists it is our friend. Where the old racism ruled through physical violence, racism in its new form asserts its dominance through sheer mendacity. Racism has become covert in its expression, hiding behind a mask of calm and reason. The key to understanding racism today is that it inevitably parades itself about, cloaked in the garb of anti-racism. It is therefore far more dangerous, powerful and difficult to combat than before (Lucas, 1996, p. 47).

The implication of this is that processes of racialization are increasingly concealed, while its influence continues to be felt by people subject to its reach. Nonetheless, these hidden racial undertones that are pervasive among structures of immigration policy have been examined and exposed by multiple scholars within the literature (see Agnew, 2007; Beaudoin, Danch & Rehaag, 2015; Das Gupta, 1999; King, 1993; Li, 2001; Razack 1999; Thobani, 2000). For example, academics within the scholarship have looked at how varaious aspects of immigration,

from immigration class and citizenship to foreign credentials, etc. can function as proxies for race, and work to disadvantage and discriminate against racialized immigrants (Creese & Wiebe, 2012; Das Gupta, 1999; Forsyth, 2007; Macklin, 2003). However, research regarding racial discrimination in the context of spousal sponsorship programs specifically, remains limited to only a few scholarly works.

One such study, by Pellander (2015), examines the normative assumptions of Finnish immigration bureaucrats and their evaluation of marriage migrant relations. Pellander's (2015) findings identified culture, gender, and temporality as important themes within the evaluation procedure. The study found that while marriage migrants must prove compatibility with Finnish values, they must also conform to ethnic and cultural norms according to a Finnish understanding; that is, they must first prove they belong in their own country, and are a `normal couple`back home by conforming to traditional norms of their culture as established by Finland`s immigration officers, in order to prove that they can also belong in Finland.

While Pellander (2015) avoids explicit use of the term "racism", this theme of culture and the cultural essentialism used by Finnish immigration bureaucrats can be seen to operate within the framework of "new racism" (Goldberg, 1993 as cited in Pon, 2009). These cultural assumptions of immigration officers intersect with the discourse on gender. Finnish immigration bureaucrats construct migrant women as perpetual victims of forced marriage, while Finnish women who sponsor non-Finnish men are seen as naive victims who should know better that they are just being used for citizenship. This affirms the negative discourse surrounding marriage migrants discussed earlier. Pellander (2015) also identifies temporality as an important factor in the assessment of a genuine marriage in the exercise of discretion. His research reveals the complexity of evaluating marital relations in relation to the passing of time: the slowness of

bureaucracy limits their decision making as couples gain more time to establish their relationship. While some approved couples prove later to be a "sham", other couples who continue to be together while waiting for their application to be processed, are seen to be more genuine (Pellander, 2015). Ultimately, Pellander's findings suggest that Finnish immigration bureaucrats function as moral gatekeepers, who hold discretionary power to determine who is allowed to marry into Finnish society.

Racialization in the Canadian Context of Spousal Sponsorship

There is very little research available on the experiences of individuals during the Canadian spousal sponsorship process. Martin's (2017) research is the first study on how the design and implementation of Canada's family class immigration stream influences the experiences of family members. Her study includes an examination of the spousal sponsorship process; using a critical policy studies approach and an intersectional lens, Martin (2017) shows how experiences are impacted by policy and are differentiated according to an individual's social positioning. Her research reveals that a host of different social locations, i.e., age, nationality, language, etc., interacts with multiple structural factors such as policy definitions and sending country's circumstances, to produce different applicant experiences (Martin, 2017). She found that while experiences of applicants were indeed racialized, gendered, and divided along class lines, participants themselves did not find these factors to be the most important (Martin, 2017). Participants in the study generally reported negative impacts of spousal sponsorship; the process had affected the finances and mental health of both sponsors and their respective spouses, in addition to work life for sponsors. These factors were exacerbated by uncertainty related to information and timing regarding the status of their applications. Related to mental health, changing relationships also emerged as a theme, as couples' relations with each other were

negatively impacted, which led to arguments and strain on the relationship. However, a few participants also mentioned that the process brought them closer together. Martin's (2017) study also highlighted that the power of the state to define and surveil established a family norm of a certain class, country, and educational background which functioned to exclude other types of families.

There is also limited research concerned with the discretion of visa immigration officers and the strategies used to identify genuine unions between Canadian citizens and their foreign spouses. Satzewich's (2013, 2014a, 2014b) research on racialization and the discretion of Canadian visa officers in their evaluation of spousal relationships appears to be the most intensive body of work on the subject at this time. His research challenges the notion that visa immigration officials are influenced by individual and institutional levels of racism, as other scholars have argued (Abu-laban & Gabriel 2002; Galabuzi, 2006; Aiken, 2007). Rather, Satzewich (2014a) argues that the system is regulated by bureaucracy and productivity targets that make officers more inclined to accept an application rather than reject one. His other study (2013), which looked at social determinants of discretion in spousal sponsorship cases in Canada, also similarly rejects race as a point of discrimination. Satzewich emphasizes that it is legal constraints and technical administrative logic that influence the exercise of individual discretionary decision-making rather than the operation of a racial logic.

While administrative structures and practices may shape the process, and affect approval rates of spousal cases, Satzewich fails to address the existence of differential and inconsistent treatment by immigration officers toward nationals from certain countries, which would put these often racialized groups at a disadvantage. For example, his interviews with visa officers show that a profiling technique is developed and used to examine potentially fraudulent cases

and target countries with lower levels of socio-economic development (Satzewich, 2013, 2014b).

Satzewich's (2014b) conclusion in his other study, which questions that immigrant selection in

Canada is racialized by looking at approval rates for spousal and Federal Skilled Worker

applications must also be examined further. Satzewich (2014b) himself acknowledges that the

findings of his study were based on "an alternative but imperfect way to measure the

racialization of discretion" (p. 1027); since IRCC does not publish visa approval rates for race of

applicants, Satzewich (2014b) uses statistics for outcomes of decisions at different visa office

locations as a proxy for race of applicants. In addition to the aforementioned bureaucratic

pressures, his conclusion is also partially drawn from the regional differences of approval rates

that emerged within one country and/or region. For example, whereas the Asia and Pacific region

overall had an approval rate of 83%, Tokyo and Beijing respectively had higher rates of approval

at 98% and 92% (CIC 2012 as cited in Satzewich 2014b). However, Europe overall has a higher

rate of approval than Asia by nearly 10% with regional variations among different cities as well

(CIC 2012 as cited in Satzewich 2014b). Satzewich (2014b) concludes that his study suggests

"approval rates are not just about keeping Canada white and stemming the flow of visible

minorities" (p.1037), and that the geographic variability in one region suggests that "race seems

to play less of a role in decision-making than might be expected were the process racialized" (p.

1038). So while his conclusions suggest that race is insignificant in the process, its influence

cannot be entirely eliminated, and continues to shape the process in uncertain and ambiguous

ways. As such, his study suggests that both bureaucratic functions and factors related to race

shape the results of spousal applications.

A similar study on Canada's spousal sponsorship appeal process differs from Satzewich's

findings, and arrived at more explicit findings of racial discrimination. Forsyth's (2007) research

on the spousal sponsorship appeal process in Canada found that success rates were affected by the type of marital relationship, gender, and citizenship. Forsyth's (2007) analysis highlights that a gendered, and racialized system informs the appeal process. Her findings suggest that there is less scrutiny with heterosexual marriages compared to other types of marital relationships (Forsyth, 2007). Additionally, in appealing the "bad faith provision", which was the most common reason for refusal of spousal sponsorship applications in the study, racialized female sponsors were disadvantaged the most– with a 75% refusal rate (Forsyth, 2007). This contrasts greatly with the finding that 100% of applicants from Europe and the UK were successful in appealing their case (Forsyth, 2007). Evidently, Forsyth's (2007) study highlights that race, through citizenship as a proxy, does play a role in successfully appealing spousal sponsorship cases rejected under the "bad faith provision". Her research suggests that racial preference in immigration selection continues to exist.

Another study, by Côté, Côté, & Kérisit (2001), who work within a feminist and anti-racist analytical framework, examines the Canadian spousal sponsorship regime in the context of racism, sexism, and legal rights. As the scholars note, this is particularly important given that the majority of sponsored spouses are racialized women (Côté, Côté, & Kérisit, 2001). Their research established that the process is discriminatory against immigrant women; the spousal sponsorship regime produces second-class citizenship, and reinforces stereotypes of female dependency and subordination amongst racialized immigrant women. They also found that while policies and regulations appear neutral, they exacerbate the socio-economic and legal disadvantages of immigrant women. Similar to Williams' (2010) observation that cross-national couples are subject to greater scrutiny than those with the same citizenship, Côté, Côté, & Kérisit (2001) also note that, "only immigrants are required by the Canadian government to make this

undertaking inherent to the sponsorship arrangement, in exchange for the right to live with their immediate family. Only immigrants have to carry this additional and very expensive burden to enjoy family reunification" (p.146).

The combination of these various studies which examine different aspects of the complete spousal sponsorship process show that race and culture do play a role in the process. However, as a result of the lack of transparency from the government, and the nature of neo-racism, it is still unclear exactly how, and to what extent, race shapes the experience and end result of the spousal sponsorship procedure.

Chapter 3: Methodology

Two government sources were examined using CDA: the IRCC webpage on marriage fraud[1], and a training guide, *Evidence of a Relationship*[2], used to determine genuine versus fraudulent unions. These sources were examined to provide an understanding of state interests and how these interests are articulated. Qualitative primary research was also collected from semi-structured interviews[3], and was chosen as the most suitable method for conducting this research project in order to capture the voices of cross-national couples.

Additionally, an Access to Information and Privacy (ATIP) online request[4] was submitted to IRCC in June inquiring about the spousal sponsorship and challenges for applicant spouses. While the request was not completed in time to be included as a major component of this paper, an interim report was released which included emails from applicants describing their challenges and struggles with spousal sponsorship. Comments and themes from the emails corroborate the findings of this study; while a detailed discussion of these emails fall outside the scope of this

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[1] See Appendix A for IRCC webpage on marriage fraud
[2] See Appendix B for *Evidence of a Relationship* immigration training guide
[3] See Appendix C for Interview Questions
[4] See Appendix D for ATIP online request emails

paper and warrant an entire analysis of their own, three samples have been included to show the similarities and differences between applicants who fall through the cracks of policy gaps, and applicants who are successful.

Recruitment

The initial research plan was to interview couples together in order to glean from both perspectives and gain a more comprehensive understanding. However, as it became evident that meeting up with both the sponsor and their spouse at the same time would be difficult since couples did not always have the same schedule, interviews with individuals were conducted instead. On further consideration, this allowed for a more open and honest discussion without concerns about hurting their respective partner's feelings or creating any tension between the couple. Ideally, I would have liked to explore the diverse experiences of different cross-national couples, including individuals who are racialized, identify as LGBTQ, are from developed countries, met through arranged marriage or online etc., and how these factors may affect their relationship and experience with the spousal application process. Due to time constraints and the sensitive nature of this topic, I was unable to find participants that matched all of this criteria, but was able to learn about the experiences of some of the people that fell into these categories.

Participants were recruited through the social platform, *Bunz*, a network which connects people within a city community through their application (app), Facebook group, and website. It is mainly used for the exchange of goods and services, but also includes specific subgroups such as a help zone, job zone, and housing zone. I posted a recruitment poster approved by Ryerson University's Research and Ethics Board on the Facebook group and Bunz app. I also recruited participants by reaching out to my personal network via word-of-mouth, and providing my contact information to identified referrals if there was interest.

Individuals were eligible to participate if they had experienced the Canadian spousal sponsorship process as either a sponsor or spouse, and whether or not their application was rejected, approved, or still pending. As this is an exploratory paper, and the research on spousal sponsorship is limited, eligibility criteria was kept deliberately broad in order to gain as much information and insight as possible. In recognition of the diversity of marital relationships, participants were not screened for how their relationships were facilitated, although no one in my sample identified as having met their spouse through an arranged marriage or a commercial marriage broker.

From mid-June to mid-August 2017, interviews were conducted with 10 eligible individuals from different cross-national marriages with no relation to each other. As mentioned earlier, I was unable to interview any couples as it was difficult to find a convenient time for both partners to be interviewed. Interviews lasted on average around thirty minutes to one hour. Interviews were conducted and arranged to accommodate participants' schedules and preferences; some were conducted in Ryerson's Student Learning Centre study rooms, others via video chat, at a coffee shop, or at the participant's private office. A list of approved tentative questions was compiled beforehand to guide the interview. Participants were informed of their right to skip the response of any question. Interviews were audio-recorded if participant permission was given, and subsequently transcribed. Data was collected and stored according to the standards of Ryerson University's Research and Ethics Board. Collected data was organized according to research and interview questions, then subjected to thematic analysis to identify relevant themes.

Researcher's position

Before moving forward with this paper, it is important to address my position as an outsider relative to this subject; while I identify as a female visible minority which may have helped make me more relatable to participants in a similar social position, I have no experience with the spousal visa sponsorship process either as a sponsor or as a spouse. However, I hope to have mediated this potential barrier by sharing with participants some of my relevant experiences. I attempted to connect with some participants by sharing that I am interested in this research because of my own experiences with cross-national relationships and friendships that have stalled due to the limited nature of long-distance relationships and different citizenships, as well as a personal story of the challenges my mother faced with sponsoring my father to Canada. The results of my study may have also been shaped by a power dynamic due to my position as an academic researcher from a post-secondary educational institution. To mitigate this, I tried my best to establish a warm and friendly, but professional demeanor, and strived to establish a comfortable environment for participants during the interview.

Chapter 4: Findings

The Spousal Sponsorship Application Process in Canada and Legal Definitions

The only way for cross-national couples to be together in the same place and continue their relationship is through spousal sponsorship; thus, it is this process that facilitates the formation of cross-national marriages and families. The spousal sponsorship program constitutes the largest category of family class policy, the aim of which is to promote family reunion (CIC, 2017a). Unfortunately, the level of intake for the family-class immigration category has significantly decreased throughout the years from once being the largest component of overall annual immigration intake (CIC, 2004, 19 as cited in Aiken, 2007) to less than a quarter in 2015, while

the economic class made up more than half the total of immigration intake for that year (CIC, 2016). This general decline in intake of family class levels can be seen as a prioritization of economic interests over commitments to family reunification.

While spousal sponsorship is a complex procedure, changes and improvements have been made throughout the years. First, couples must apply for sponsorship under spouse, common-law, or conjugal partner, depending on their relationship and eligibility. They must decide whether to apply inland or out of country; while inland applications generally require longer processing times than out of country applications, they offer the opportunity for sponsored spouses to obtain a work permit. Canadian citizen or permanent resident spouses must then apply to be approved as an eligible sponsor. Eligibility is determined by factors such as serious criminal offenses, whether the sponsor receives social assistance, etc. Responsibilities of a sponsor include a legal agreement to provide financial support to their spouse for 3 years, regardless of separation or financial issues; the sponsor is also responsible for paying back the government any social welfare the spouse receives during this period. A financial evaluation form must be completed (for which sponsors from Quebec are exempt). All forms and supporting documentation must be completed and submitted, including identification, proof of relationship, a marriage certificate, etc. For couples, the narrative of their relationship is an important component; they are asked to submit supporting evidence to prove their relationship is genuine, including photographs, chat logs, telephone bills, etc. The appropriate fees must also be paid. As of writing, the total fee is $1040 CAD, which includes the sponsorship fee ($75), principal applicant processing fee ($475), and for the right of permanent residence ($490) (CIC, 2017a). Immigration officers at either Canadian or overseas visa offices, process applications to determine whether foreign national applicants are eligible, credible, and whether or not they pose

a risk to Canadian society (Satzewich, 2014a). Processing times vary, and incomplete

applications may be sent back to applicants, which causes delays in the procedure. Interviews are

only required in cases where information is seen as not credible (Satzewich, 2014a). This part of

the procedure is completed according to specific standards and procedures; however, under

IRPA, visa officers possess discretionary power in their assessments of applications (Satzewich,

2014a).

<p align="center">**Immigration, Refugees and Citizenship Canada's**</p>

<p align="center">**Anti-marriage fraud campaign webpage**</p>

Critical Discourse Analysis is a necessary tool to unpack and deconstruct the hidden agenda of

the Canadian nation-state; as briefly discussed earlier, this agenda focuses on securitization and

national safety, as well as the pursual of interests such as economic benefits, which relates to and

ultimately impacts the regulation of foreign spouses.While the modern state functions to regulate

all domestic marriages, this is generally still considered to be matters belonging to the private

sphere of individual citizens. Regarding cross-national marriage, however, Williams (2010)

notes, no relationship is subject to more scrutiny than those that involve foreign spouses who

seek to enter Canada. This scrutiny, and the tension between the interests of the state and of

foreign spouses can be seen in the Government of Canada's informational web page on marriage

fraud which states:

> Are you a Canadian citizen or permanent resident? Have you met someone from another country on the Internet or while travelling? Some people think marriage to a Canadian citizen will be their ticket to Canada. You should think carefully before marrying someone and sponsoring them to come to Canada…" (CIC, 2017c).

This online post by the Canadian government is problematic for a number of reasons. To begin,

its particular framing conflates cross-national marriage with marriage fraud by representing

foreigners solely as people who wish to jump the immigration queue and take advantage of

<p align="center">24</p>

Canada's immigration system. Waldis & Byron (2006) underscore this theme in the dominant

discourse on migration as well, noting that, "...often, in the West, marriages between two people

with different passports are suspected of being concluded not for love but for residence papers"

(p.5). The extent of this state priority and interest in marriage fraud detection is seen in the

significant amount of space that the topic is given on the government website, particularly

compared to information meant to facilitate spousal sponsorship. As one participant had noticed,

while there was plenty of information warning people of fraud through marriage, it was much

harder to access information about the process to apply. This automatic association of marriage

fraud with foreign nationals wishing to marry Canadian citizens ignores the diverse nature of

relationships that exist amongst different cultures across the globe. This is particularly

troublesome considering Canada's history and reputation as a long-standing immigrant nation,

and the contributions that immigrants have made to the country's development.

The webpage also frames cross-national marriage with a high degree of suspicion;

making such relationships appear outside the "norm". This is done through the webpage's

warning to citizens of the risks associated with relationships outside the assumed norm of one's

locality, suggesting that relationships facilitated through the internet and/or abroad are invalid or

inferior to "normal" local (Western) relationships. This construction helps to justify what

Williams (2010) describes as, "... state intrusion and invasion of migrants' private lives, and

greater scrutiny than with citizen families" (p.59).

In addition to this Western-imposed standard and criteria that cross-national relationships

must satisfy, is the pressing and broader issue of securitization that affects migrants worldwide.

The existence and persistence of a general security and migration nexus (Amin-Khan, 2015)

makes the process with the state even more difficult for cross-national couples seeking to be

together. As D'Aoust (2009) points out, the subject of transnational marriage draws out different political anxieties and security mechanisms from a range of stakeholders, including the fear of terrorism entering the nation-state through the pathway of marriage migration. As such, securitization underpins the Canadian state's emphasis on crime, fraud, and financial harms stressed in the discourse on cross-national marriage, which will be briefly discussed below. The web page in question moves on to emphasize the financial burden and drain to the welfare system, stressing harm at both the individual and state-level:

> If you sponsor your spouse, you must give them financial support for three years even if the marriage or relationship fails. Sponsorship is a legal contract with the Government of Canada. You must meet its terms. If your spouse uses social assistance, you'll have to repay the money" (CIC, 2017c).

From this line of thinking, there is more burden on cross-national marriages to be successful and for couples to stay together as states stress the financial responsibilities for both the sponsor, and the social welfare state, even after termination of the relationship. This emphasis on financial burden and social assistance is particularly problematic and unfounded considering an internal government report reveals that the percentage of divorced or separated sponsored spouses who are also on social assistance is very low (Van Huystee & Benoit, 2014).

Following this economic argument, the government reinforces its legal power, reminding readers that "[i]t is also a crime for a foreign national to marry a Canadian citizen or permanent resident only to gain entry to Canada" (CIC, 2017c). Unfortunately, this comment ignores the complexity of marriage migration and the broader context of globalization and the political economic structures that shape such movement. Unsurprisingly, this criminalization process and focus on "risk" is connected to state sovereignty and the securitization of immigrants. Scholar D'Aoust (2009) highlights the influence of the securitization of migration and its falsely constructed connection with terrorism that affects marriage migration. Transnational marriage

has been a point of concern for governments due to its potential for fraud as a threat to national security (D'Aoust, 2009). The campaign against marriage fraud in Canada has been constructed as a protective measure for naive Canadian citizens (Gaucher, 2014). However, the phenomenon of marriage fraud in the Canadian context, as scholar Gaucher (2014) points out, has received undue attention as a priority issue considering the lack of concrete data to support the state's argument that marriage fraud with foreign spouses is actually a growing concern. Gaucher's point is supported by the findings of an internal report on the evaluation of the family reunification class which recognized that while concerns over marriage fraud was pervasive for sponsorship programs, due to the concealed nature of fraud there is no evidence to suggest that it is a significant problem (CIC, 2014). Moreover, statistics on one type of marriage fraud, serial sponsorship, indicate that 2% is a likely overestimate of the extent of this type of marriage fraud for 2002-2011 (CIC, 2014). Thus, it appears that marriage fraud is not as significant of a problem or should not be as high of a priority as state discourse seems to suggest. The prioritization of fraud detection within the spousal sponsorship program despite the absence of evidence speaks to state interests in keeping out foreign others; it appears to be the construction of an issue out of non-issue matters regarding foreign spouses.

Adding onto other research studies (Martin, 2017), my findings suggest that the discourse on marriage fraud which shapes spousal policy has negatively impacted and limited the formation of cross-national families. Such limitations are also palpable in the racial subtext of specific state criteria in determining a genuine marriage for cross-national couples, as will be discussed in the following section.

Evidence of a Genuine Relationship

A training guide for immigration officers

As Williams (2010) states, "[m]arriages...are judged by the degree to which they match local norms even while these norms are rarely clarified, but merely assumed as common sense and 'natural'"(p.6). This is to say that foreign spouses are judged against values that even citizens themselves may not adhere to as such norms are constructed, context-specific, and subject to change over time. To this point, Pellander (2015) observes that, "[i]n recent decades, what can be viewed as… "Western" norms are undergoing a fundamental change" (p.1485). Despite these fluid changes, sponsored spouses continue to be subjected to these tenuous and stringent standards. State determinations of an acceptable marriage are grounded in the basis of a Eurocentric, indefensible and unrealistic notion of "love". The Canadian nation-state asserts a normative framework that supports a narrow, exclusionary conceptualization of marriage when it concerns relationships between Canadian citizens and foreign nationals. In the process of determining a genuine versus fradulent marriage between a Canadian citizen and their foreign spouse, states must establish a standard with which to compare the two. An analysis of this standard demonstrates a Western and racialized framework, within which evidence is situated in a context of white privilege, along racial and economic divides.

An examination of a government document released online by an immigration lawyer through an ATIP request, used to identify evidence of a genuine marriage with foreign spouses, reveals a focus on fraud detection as opposed to facilitating family reunification. The content of the document exposes the system's racial undertones and the function of the Canadian state as moral gatekeeper.

In Gaucher's (2014) analysis of Canada's anti-marriage fraud campaign, she reveals two discourses –the Canadian victim and the evil foreign queue jumper. Gaucher (2014) found that these discourses functioned to target and criminalize certain relationships, which imposes a culture of suspicion on these specific cross-national couples. These two contradictory representations, of victim and criminal, work in tandem to reveal a significant theme of race and processes of racialization in the Canadian-wide campaign against marriage fraud; in particular, practices target cross-national couples with partners from India or China (Gaucher, 2014). Even though, as Gaucher (2014) importantly notes, there is little empirical evidence to support state claims that more marriages of convenience originate from these two countries.

This *Evidence of Relationship* training guide is consistent with Gaucher's (2014) findings, revealing an emphasis on targeting spouses from specific countries-of-origin; it specifically casts additional suspicion and scrutiny onto Chinese nationals several times in the brief three page document. Such practices assume marriage migration with Chinese nationals to be fraudulent until proven otherwise, applying a higher degree of scrutiny. Notably, the document states: "Some Indicators as to a NON-GENUINE marital relationship [include] Chinese nationals, often university students, marrying non-Chinese" (CIC, 2007), and "Is that...last name an unusual Chinese last name rather then the usual and very common Chinese last names such as Wang, Huang, Li, Chen, and etc…?" (CIC, 2007). Singling out specific countries further constructs certain inter-racial and cross-national marriages as even more of an abnormality than others, and is particularly revealing of state interest in reinforcing whiteness, and promoting only ethnically similar marriages as acceptable and valid. To support this point, one section of the training guide emphasizes, "Ethnical background--are they from similar cultures or do their cultures vary greatly?" (CIC, 2007). The greater scrutiny paid to countries

such as China, while allowing for more similar cultures to be accepted as valid, reinforces the neo-racist notion of "cultural preservation" (Balibar, 1991), and asserts white couples as the acceptable norm. Furthermore, it unevenly applies a more stringent standard for Chinese nationals to achieve. Such practices of targetting specific countries constitute racial profiling and only lead to greater criminalization of Indian and Chinese communities as well as the perpetuation of ethnic minority stereotypes.

Lastly, Gaucher's (2014) research importantly reveals the influence of racism in her finding that spousal application cases are assessed according to geographic location, with cases in London rarely rejected, and couples in New Delhi subject to a guilty until proven innocent mentality. Thus, it can be discerned from these practices that the Canadian state reinforces racial hierarchies, and are only interested in maintaining a commitment to the formation of white, Western families. As Aiken (2007) notes, "no country from Africa has ever made the list of top ten source countries for all classes of immigration" (p.68).

While an in-depth analysis of class is outside the scope of this paper, it appears to be an important indicator in the determination of a genuine cross-national marriage. This factor is significant as it is mentioned several times in the document, demonstrating discriminatory practices against cross-national couples from a lower socio-economic background: "sponsor is often uneducated, with a low-paying job or on welfare"; "[c]ouples usually do not have a honeymoon...usually because of university and/or no money";"[and] [t]here are usually no 'diamond' rings" (CIC, 2007). Needless to say, socio-economic standards are not applied to marriage between Canadian citizens.

As can be seen above, the application process for cross-national couples is an arduous journey, with strict Western standards that function to exclude undesirable migrants from the

nation-state, particularly along racial divides. This is supported by the ATIP request emails from racialized applicants who struggle with inconsistently longer wait times than other nationals.

Interview Findings

Demographic Overview of Participants[5]

Ten individuals from different cross-national marriages (i.e. none were couples) participated in this research project. The sample included eight Canadian sponsors, and two sponsored spouses from Columbia and Venezuela. Sponsored spouses came from a wide range of countries; with ten participants immigrating from ten different source countries. Almost all participants met their respective spouses while they were travelling abroad for volunteer, study, work, or leisure, or while their spouses were in Canada studying (90%). One participant met their spouse through a popular online dating app.

The mean age of participants at the start of the spousal application process was 25.6 years old (omitting the outlier of 57). Thus, they were relatively young with most participants (80%) in their 20s at the time their applications were submitted. Participants were also highly educated as all of them had completed some form of post-secondary education. Canadian sponsors were all residing in Ontario at the time of the interview; however, one sponsor made her application in Quebec. All applications were made outland, because applicants were informed from the website that the process is much faster than making an inland application. Application start dates varied: with the exception of an outlier of November 1982, start dates ranged from December 2006 to February 2016. Wait times for application results also varied greatly; application processing times ranged from 2.5 to 18 months, with one participant currently still waiting (8 months at the time of the interview).

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[5] See Appendix E for demographic overview of participants chart

Eight of my participants were female, including the two sponsored spouses. This reflects the trend identified in an internal government report that found young Canadian sponsors are increasingly female (Van Huystee & Benoit, 2014). Participants' length of romantic relationship with their respective partners, that is, how long they had been dating prior to submitting the application, varied from 1.5 to 10 years. All participants except for two individuals were legally married to their partner before submitting the application; one participant applied with her spouse as a common-law partnership and the other participant was married shortly after beginning the sponsorship process. All marriages took place outside of Canada in the migrant spouse's home country, except for one participant who held a spiritual, not legally binding ceremony in Japan, which was subsequently legalized in Canada. Nine were in heterosexual marital relationships, and one participant was in a gay marriage.

The Impact of Spousal Sponsorship

Motivations to Migrate: Spousal Sponsorship as the Only Way

"[I] thought the only way was to get married, and we had to do it"
Tina

The decision to migrate generally involved a discussion between the participant and their respective spouse. The agreement involved a comprehensive process based on a consideration of multiple factors. While reasons for migration varied, there were still similar thought processes. For example, Sonia really liked Toronto on an independent leisurely trip, and received a job offer in the city later on. Other participants echoed similar economic motivations to migrate, and mentioned in particular pull factors such as better prospects for life and family, financial considerations, "language and work opportunities" (Mike), "securing employment" (Sharon), and because "[my husband] wanted to do his career here. We decided the best place for me to be

was here [in Canada]. It was a mutual agreement" (Maria). Tina shared that there was no

question as to where they were going to move because of the political and economic situation in

her spouse's home country. Shauna also mentioned safety as a factor: "in terms of planning

family life, if you're in a place where bullets are flying at you, it's not ideal". Joseph explained

that since gay marriage was not recognized in Japan where he and his spouse met and were

previously residing, the only way to have a formally recognized marriage and the benefits along

with it was to move to Canada. He, like several of the other participants, also mentioned the

importance of work. Valerie's response in particular highlights the myriad of factors involved in

the decision to apply for for spousal sponsorship and migrate:

> We did live in Columbia for 2.5 years, trying to find a place we both liked to live together. He didn't know Spanish very well so that was a challenge for him. Hard for him to find work in his field in Columbia, it was pretty much impossible. When we decided to kinda be together…we thought it [Canada] would be a better option. We wanted to buy property in Panama but we were both foreigners, and it's a bit different lifestyle there. We explored living in different countries before, just because we wanted to have the experience, um, but at the end it went back to what's more stable, what's safest for him, and for me too. When you're a foreigner trying to buy property in a foreign country, you don't know very well what's going on, it's difficult. Since he has a background there, we thought Canada would be the safest option.

As Valerie's response demonstrates, factors such as language, environment, employment, and

lifestyle all need to be considered in the comprehensive decision-making process between

spouses. Nearly half the participants explicitly mentioned that marriage and spousal sponsorship

was the only way for them and their partner to continue to be together. This narrative emerged

and was constructed in different contexts. For example, Tina revealed, "I was a little bit naïve, [I]

thought the only way was to get married, and [that] we had to do it. I felt some regret, maybe we

could've waited longer or if there was another option…". She subsequently advised, "… explore

all your options, don't think that marriage is the only way". Melanie, whose spouse was from

Cuba, similarly stated, *"…even then, marriage was the only way for him to not get in trouble from his government, we had to be married so I could be with him"*. Maria also stated that her husband had called to propose to her over the phone, saying that they would not be able to continue their relationship this way (i.e., long-distance). After Tara's relationship with her partner had developed rather quickly, they explored different ways for them to be together, and an immigration consultant had advised them to "just [do] a paper marriage fast".

Stress and Mental Health

"I was severely depressed and I became an alcoholic…"
Joseph

80% of participants in my research project described the process as stressful and/or stated that it had caused them stress, although in varying ways and degrees. Maria stated that the process was not at all stressful for her; she explained that she was preoccupied with her studies, and highlighted that the process she went through was completely different than the more recent spousal sponsorship process known today[6]. Fiona described the process as "slightly stressful", and Melanie said the process was "stressful". Similarly, Valerie and Mike found the process "really stressful". Sonia said the process "was certainly stressful", but that she and her spouse had a backup plan of staying in the U.K. To elaborate on this stress factor, Tara explained, "it was a really big stress, it brought more insecurity on the couple because of the distance. Both people feel insecure and sometimes that brings out arguments. It really affects your mental health". She also shared that " I was still myself, but part of me was depressed". While not solely due to stress from separation, but rather referring to stress from the cumulative negative experience with the process, Joseph shared that: "it for sure 100% impacted my mental health. I

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[6] *Maria submitted her application in the 1980s when there was no online system such as the one in place today. Furthermore, the bureaucratic framework was not as large and developed back then; her process included in-person assistance at the embassy and paper forms.*

was severely depressed and I became an alcoholic". Joseph also mentioned in particular, stress related to proving he and his partner were geniune, as well as stress related to knowing that even if he did everything correctly, his application could still be rejected, suggesting that the process is inconsistent.

Finances

"it seems like they want people to fuck up to get more money…"
Joseph

Finances and money was an important theme that emerged from nearly all of the participant interviews. The nature of long-distance and cross-national relationships require fees for transportation and communication to sustain such relationships. As Tina explained, "I wasn't willing to have a long-distance relationship, even financially it was hard. We wanted to be together". Moreover, the spousal sponsorship process itself also necessitates payment of administrative fees. While some participants found the cost expensive, a few others did not feel the administrative fees were unfair and expressed that they understood there had to be processing costs. This seemed to be more of an issue for the younger participants in my sample. Tara noted the administrative cost but also highlighted the significance of other financial demands:

> One thing that added a lot of stress was not just the cost of the application process itself. It's the cost of the trips, the travel, visas, etc. I was 20 years old and in school, I didn't have the money for that. Each of those trips was $2000…imagine you're an undergrad student and you've to raise $4000 each year to go see your spouse.

Finances also played a role in limiting migration decisions. Tara mentioned, "we did think of going to another country. I thought of doing an exchange and meet there, but I had no money then". Much more money is needed to continue and maintain the relationship, even just legally, compared to marriages between citizens of the same country. As Melanie shared, "I just felt that it was expensive for what it was, for me to marry him in Cuba. I had to pay almost $1300 CAD

for application forms, and having to use translation services the actual application was $5000".

She and Maria both mentioned the significant expense accrued from long-distance phone calls

during their time apart from their respective spouses.

Joseph and his spouse were especially impacted by the financial burdens of migration and

the sponsorship process: "the greatest challenge was supporting two people on one income, [and]

having no help at an institutional level". During the spousal sponsorship period, Joseph's partner

was not legally allowed to work which made things more financially difficult. Joseph elaborated,

"…I was not financially prepared for this…it seems like they want people to fuck up to get more

money, that's generally the feeling I get from it…it's set up so they want you to hire someone to

take care of it for you and if you don't have the money to do that, it's extremely stressful".

Another sponsor, Sharon, echoed the same sentiment: "…a lot of stuff happens that is a blatant

money grab, it really is not a great experience". Sonia, who identified as middle-class and did not

personally have an issue with the application fees, nonetheless observed that such fees could, and

most likely, would be an issue for other applicants:

> The fees to me are the fees, government processes, everything costs money…I
> understand that admin costs can mount up. I understand that, but maybe it should be
> different for each country, based on GDP and income. It's easier for me as a middle-class
> person that lived in London to move over and afford a fee than someone else…

In addition to financial fees, one participant also mentioned remittances. As the eldest son in his

family, Tara's husband was responsible for sending money to his family back home. This

required negotiating between work and school, as well as between short-term versus long-term

investments: "…him having the bursaries is probably the only reason he stayed in school…guilt

of wanting to provide for us so that's why he wanted to work".

Power Imbalance in Spousal Relations

"it was all me…I can't do everything for him"
Tina

Three Canadian sponsors recognized and commented on the unequal power dynamic that spousal

sponsorship had produced in their relationship with their spouses. The process imposes a heavy

burden on sponsors, while creating dependency for sponsored spouses. As Tina admitted, "I

might have been a bit resentful, it [the application] is not accessible for people with lower

language [skills], or another language, it was all me who did it". As Tina explained, "he didn't

properly understand his role. I can't do everything for him". This shift in relational roles, and the

huge burden of responsibility for sponsors, was also felt acutely by other participants. For

example, Joseph shared:

> Obviously he's [his spouse] not entitled to work, and I've been working 4 jobs for the
> past 2 years so I pay for everything...it sucked, we got into fights all the time. He tried his
> best to pull his weight kind of thing, but I would just get super mad.

In a similar vein, Tara explains:

> Sometimes you [the sponsor] act as a parent, and that role is complicated. It's not things
> like he has to use the microwave, when he gets here that's fine. It's more for things like
> throughout the whole sponsorship process…during the 3 years, the burden of finance was
> on me...at some points I felt impatient and sick of being the one who has to provide. I
> couldn't wait for him to be paying for shit.

Tara also pointed out how the power imbalance exists in the fact that the sponsor possesses all

the information and knowledge that their spouse needs to become settled. She elaborated:

> …it's hard to balance that place where you have to teach the person the culture and
> everything, but you're also just a spouse, and you want to just be a spouse, not a guide all
> the time or that settlement worker. It's kind of like you're both at the same time.

This power imbalance in information and knowledge between the couple may be attributed to

inadequate settlement and integration services in the context of neoliberal restructuring, as it

appears that more responsibilities are shifted from the state onto the individual. To summarize, imbalances existed concerning the ability to contribute financially, in addition to an imbalance of knowledge and information between couples.

Stigma of Cross-National Marriage

"just because I met him in another country I've to go through all this crap"
Tara

While participants' families and close friends were generally supportive, there were some instances in which they echoed similar sentiments found within the negative public discourse on foreign spouses. A few participants' responses revealed that they were aware of and affected by the negative stereotype and stigma of marrying someone from abroad. For example, Melanie shared that her family was supportive, however, she admitted that she did not inform anyone else about her cross-national marriage: "I didn't want to hear, 'what are you doing? How do you know he's not gonna leave? You're stupid'". Mike also mentioned the impact of stigma for his wife, in regards to the long wait time and separation during the process: "something that bothered her a lot, especially in China, was loss of respect with friends, it was embarrassing...they stop believing you and you lose face and respect...people think that if you're married it's automatic, it [sponsorship] shouldn't take that long". Speaking about her husband who is from the Democratic Republic of Congo, and his experiences with stigma, Sharon explained: "people always think 'oh you're so lucky, your wife is Canadian, everything is so easy for you'...the assumption is that you married some lady and wanted to come here for most people." Sharon also shared that her family was a bit skeptical about her marrying someone they did not know. Sharon's mother was concerned and said that Sharon and her partner did not know each other that well. Sharon's husband's family was also a bit skeptical since the two of them

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were culturally and socially very different. Tara spoke more specifically about how this stigma

had impacted their public behaviour as a cross-national couple:

> Having to work with that kind of...putting on an image that fits with approval of couples
> that might not fit with your own couple's way of being, because you're mitigating
> between two cultures- you're not a typical Canadian couple, right? But in front of other
> people you kind of want to be…you want them to approve. They're already probably
> thinking racist things so you're like at least let's try to show them you're a proper couple.

While Fiona did not feel there was any stigma associated with her cross-national marriage to her

American husband, she did, however, express that she felt a bit of stigma toward the way in

which they had met (i.e, through an online dating application), which also speaks to normative

assumptions of how romantic relationships should be facilitated.

How the Government makes the sponsorship process difficult
Sources of Information & Resources

"there's no one-stop shop for information"
Sonia

In terms of resources used to guide the application process, all participants mentioned visiting

the official IRCC government website on "Applying to sponsor your spouse". Experiences with

the government website varied as changes have been made to the site throughout the years, and

each person's experience navigating this website would depend on the webpage content and

format at the time. Two participants, one sponsor and one spouse, had positive feedback about

the website. Melanie said the website was "fairly easy [to follow]" and Valerie similarly

expressed, "it was a really good source, they have lots of tools explaining the process,

and…things you can do like little quizzes to see if you're eligible…"

The majority of participants had mixed or negative feelings about the website. When asked which resources she used, Sonia stated:

> Oh god, the Canadian, like, Immigration website, which was a disaster. It was awful, I tried to ring up the numbers that they had. You would go on this channel loop of like press one for this, press one for this, and it would eventually cut off. You could never follow-up by phone or email. You were left in limbo.

Joseph also expressed similar feelings: "the government website is my number one biggest problem with the whole process. I feel like they set you up for failure". He explained that the website "offers you no answers anywhere" and that, "…they kind of want you to make mistakes because once it's denied you're paying all that money anyway". Tina, who is completing her Master's degree, also felt that the application could not be completed based off of information on the IRCC website alone and would require the help of an immigration consultant or lawyer.

In addition to the IRCC government website, all participants also used at least one additional resource to guide and assist their spousal application process. Online forums were the most commonly cited source of information, and considered by participants to be the most useful. Sonia, in regard to online forums, pointed out that there were "loads of people asking the same or similar questions, there's no one-stop shop for information". Sonia had initially sought the services of an immigration consultant, whose business had abruptly ended which delayed the process and ended up being a waste of money.

Cost was cited as the main reason for pursuing the application process without a lawyer. While three participants briefly met with an immigration consultant, only Mike decided to hire an immigration lawyer, which he said made the process easier. Notably, in addition to using the government website, Tara also made an Access to Personal Information request, talked to a Member of Provincial Parliament in person, and accessed the support of a local ethnic

organization, the Nepali Association of Quebec. Joseph participated in a free immigration

consultation at the 519, a non-profit agency dedicated to supporting LGBTQ communities.

Joseph had also tried to call the Canadian embassy in Japan, and the Japanese embassy in

Ottawa; however, this strategy was unhelpful because, "…they read off to you the same verbatim

bullshit, [and] they always redirect you back to the website". Valerie, Tina, and Tara also talked

to friends or people they knew who had already gone through the Canadian spousal sponsorship

process to inform their own application and understanding of the process. As seen above, it is

evident that sponsors were creative with filling this gap in government information and support;

participants found and used various resources to support the process and in doing so exercised

agency within a difficult and limiting system.

A Judicial Process: Proving Genuineness & Disproving Fraud

"because even though you know that you're genuine, like, it's hard on paper to see that..."

Sonia

Concerns about fraudulence is seen woven throughout participants' responses, and the way in

which they framed explanations of their experiences with the process. Nearly all participants

highlighted in some way that the process was situated in a context of state suspicion and

scrutiny. Participants used terminology such as "genuine", "prove/proof", "guilty", "real",

"fake", and "illegal" in narrating their experiences, which seem to echo state discourse on the

subject. When trying to figure out the application process, Tina had noticed all the information

on marriage fraud online and explained:

> The government could be more open and aware to the fact that all kinds of people are
> approaching these situations [of marriage with a foreigner], not that somebody is going to
> steal their ID or Canadian citizenship. It's not about malicious or marriage fraud.

Speaking to this point as well, despite knowing that they were genuine, some participants appeared to have internalized state discourses on the issue of marriage fraud. Sonia expressed concern over coming across as fraudulent: "because even though you know that you're genuine, like, it's hard on paper to see that, and it's almost like they were trying to catch you out and it was hard for us". Specifically, Sonia struggled with providing the right information for the application. She stated that she and her spouse had to re-send their papers three times by mail: "it kept coming back saying this isn't right, this isn't right…" Since her dad worked in the military, their family had moved around a lot and these addresses did not match up with their files: "we had to find a lot of proof of things that just didn't matter from like 15 years ago…it doesn't matter where I lived when I was 10-15 years old. I've had 20 something homes, we moved all the time…" Joseph spoke to the theme of fraudulence as well, relating the process to the judicial system:

> It's so stressful to have to prove that you're not that [fraudulent]. In Canada, the idea is that you're innocent until proven guilty, but during the immigration process it for sure feels like you're guilty and you've to prove you're innocent 'cause it's not a one-size-fits-all process.

Like Sonia, Joseph also struggled with the application process, which he described as, "writing like, a novel". Joseph and his spouse had to write about each date they had been on and find references from people that knew them. This latter task proved to be difficult because Joseph had just moved to Toronto from his home in the East coast and did not know anyone. Sharon also commented on the struggle to perform and prove genuineness: "it's not a great feeling to be in the process and have to prove that you're not fraudulent, as opposed to people assuming you're legitimate. Even when you apply for a visa, the assumption is that you're an illegal immigrant". She also said that her spouse found the process invasive, in terms of having to share very

personal and private information. In a similar vein, Valerie expressed: "we had to prove that we love each other, that we were a real thing. It was uncomfortable…a little bit invasive".

Tara and Fiona had both anticipated this part of the process and/or knew they had to document their relationship with their spouse, so they were likely more prepared to provide evidence for the application than other couples. Tara shared, "we knew early on that we had to document our relationship, it was ridiculous. It was hypocritical, it was weird…pictures of us kissing each other, the engagement, etc. The documentation affected the experience".

Greatest Challenges

"...because for you this is your life, this is everything; to them it's just a file"

Tara

When asked about greatest challenges and concerns with the process, participant responses varied. However, the term "uncertainty" frequently emerged: that is, uncertainty regarding the process, uncertainty with their application, and uncertainty about how long they would have to wait. Sharon stated, "there was definitely some uncertainty there and for my husband definitely a lot of uncertainty in the meantime not knowing when or how things would happen…" Challenges mentioned by participants can be organized into four categories: the application, structural barriers, financial cost, and wait time and separation.

Application

Speaking to the greatest challenge and concern of the process, Sonia shared:

> Just knowing that we had all the right information. 'Cause we sent off, like, so much information, and on every single one it was like name, address, telephone number, previous address; it's like you're just repeating the same information again and again. And you're always worried that like have I spelt everything correct?

Joseph also spoke to the uncertainty of the process, "...you have to take a gamble. No assurance that if you do ABC correctly, that you've got a good shot. The whole process is super confusing". Regarding the application, Tina expressed that the government website was not useful, and that she would not have been able to complete the forms without the help of online forums. She felt that there was not enough support from the government: " [it] would've been great to have some real advice". Sharon shared that the greatest challenges in her experience was the lack of communication from IRCC, and the unhelpful people at the consulate in Congo. She also described the IRCC website as having a "cumbersome and difficult to access interface".

Structural barriers

There were also structural challenges for three participants' spouses. Sharon, Mike, and Tara all mentioned difficulties their respective spouses experienced with accessing certain services in order to complete the application process. For example, Sharon shared that the medical exam required for the application was only offered by one doctor in the city, so her spouse had to fly across the border to Zambia to complete his medical exam. Mike, speaking on behalf of his wife, shared that:

> She had to do a lot more because she lived in the country. It was really difficult, she had to go into the city to get all her documentation done. It costs money every time to do that, to travel, sometimes she had to stay overnight.

Tara's spouse and Mike's spouse shared a similar experience as both of them had lived in rural regions. Tara explained that her spouse did not have an address since his parents lived in a village without a formal postage system, and thus had to pay for a mail box in the capital city to receive correspondence during the process.

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Administrative fee

Half of the sponsors, Tara, Melanie, Fiona, and Maria, all mentioned the processing cost as a

point of concern with the application; they found the administrative processing fee to be

unnecessarily expensive. At the time of writing, the sponsorship fee and principal applicant fee

amounts to $550 (CIC, 2017a). Most of them were unable to recall the exact amount of they

paid. The other participants did not find the fee unreasonable.

Lengthy wait time and separation

Since all participants filed an outland application, this demanded a period of separation for all of

them, though for some the wait was much longer than others. When asked about challenges and

concerns, many participants brought up the issue of lengthy wait time, regardless of how long

they ended up waiting. The lengthy wait time was an issue because couples were separated, and

the separation was an issue because they did not know how long it would be. For some

participants, this concern grew as more time had passed. Sharon explained that the IRCC website

was not updated in a timely way. Speaking to this as well, Tara shared:

> There was no news for months - not even online, no updates…the first few months I was
> like okay it's going to take time, but from 6-7 months, when you get closer, you're like
> 'what's happening?' I went on a Facebook page for people that were sponsoring spouses,
> someone posted a link where they used a Freedom of Personal Privacy Information Act -
> you can make that request to access personal information to the government…you paid
> an agency like $25, okay it might be a scam but I was desperate…I got the file of all the
> notes on the file in India of our processing. The notes said that the first immigration
> officer that received it said after looking at the file he thought it was convincing and
> wanted to fast track it. It needed approval from the senior officer but he said no it has to
> be done regularly because he [her spouse] was refused a visa once. There were no notes
> for a whole year.

Contrary to Tara's experience, while Melanie had anticipated a longer wait time she ended up

very surprised and pleased when her application was approved in 2.5 months. Mike, whose

spousal sponsorship process took longer than he expected—18 months— stated that the process

should not take that long if you can prove your marriage is real. Speaking to the lengthy wait time and separation as well, Tara articulated: "it doesn't have to be this hard, even understanding that Canada has to filter, you don't have to keep people separated for that long". Sonia, Michael, Tara and Maria all mentioned the challenge of living apart and not knowing for how long. A few participants mentioned the negotiation of this distance using Skype, telephone calls, and letters to help mediate the separation.

Discrimination

"I'm scared for that, to have to deal with immigration again because it was such a traumatic experience, I know the discrimination will come up again…"
Tara

When participants were asked if they experienced any form of discrimination in the spousal sponsorship process, the majority of participants replied that they had not. While recognizing the potential for researcher bias and the power dynamic that is inherently present in conducting research, this finding may be explained by the functioning of neo-racism, and/or perhaps an internalization of racism within the individual. As discussed earlier, racism is a part of Canada's history as a white settler nation that continues into its current landscape, and the veiled nature of neo-racism makes it so that the influences of racism are not longer easily recognizable; racism has become normalized and tolerated in its hidden form, for the sake of national security and for the comfort of white privilege (Razack, 1999). Tara's strong statement concerning multiple experiences of discrimination experienced by her spouse, speaks to the insiduous nature of neo-racism, and is also revealing of national interests in immigration regulation:

> First of all, the fact that he was refused to come as a visitor…I know for a fact that the reason he was refused, one, because he's Nepalese. But that's not on paper, that I just know [from an MP]. But what they did write on paper - the reason for the refusal- was lack of travel history, which, obviously if you're from a poor country you haven't visited Europe or Australia…And then, the second reason was not enough financial assets…And the third reason was the relationship between the applicant and the visitor, because we

were honest in our application and we said that we were planning on getting married eventually and sponsoring, but the reason we were applying is that for him to come to Canada and see if he liked Canada and could see himself living here and for him to meet my family. But when they see that, if I'm not mistaken the way that immigration officers have to assess is... if there's a risk he won't go back, and because they knew we had a relationship obviously they're gonna be scared we're going to get married here and that he's going to stick around here…

Valerie also shared that, "because I'm from Columbia...I feel there is a bit of comment of how it is harder. Columbia is generally a red flag; it takes 14 months versus 2 months [for some other countries]". Sharon also mentioned the practice differing wait times for different countries:"…at the time Congolese applications had to go through Nairobi, the proposed wait time was for 23 months, the longest wait time…"

Chapter 5: General Discussion and Analysis

Impact of spousal sponsorship on couples

Firstly, since the nature of a cross-national relationship is characterized and limited by long-distance and differing citizenships, the spousal sponsorship process was seen by participants as the only way for couples to move forward and continue to be together. This theme was also evident in Martin's study (2017). Since spousal sponsorship is the only pathway for couples, this renders the process a very critical and decisive period in the couples' relationships and in their individual lives. Unfortunately, mirroring Martin's (2017) research findings, the process was described by participants as generally a stressful experience, and had even impacted the mental health of a couple Canadian sponsors, including depression, and for one participant, alcoholism.

The spousal sponsorship process also negatively impacted couples in that it proved to be a financial burden, which similar to Martin's (2017) study, emerged as a significant factor. The

financial burden to complete the procedure was stressed by nearly all participants, although referenced to in different contexts; travel costs to obtain appropriate documents, administrative fees, and translation fees were among the few that were mentioned.

My interview findings specifically stressed the struggle that sponsors and their spouses experienced with the costs related to cross-national relationships and the spousal sponsorship application process. These financial burdens must be considered in relation to the young demographic of my participants. That is, 80% of participants were in their 20s at the time they applied for spousal sponsorship; as emerging adults in a critical period of their lives, many of them were still in school, or had recently graduated and were starting new careers. As such, financial obligations required to sustain cross-national relationships, i.e., communication and transportation expenses, prior to and during the process proved to be challenging. Moreover, to remove the barriers of a long-distance relationship, which include the aforementioned financial obligations, couples had to go through the spousal sponsorship process, which ironically also required separation and additional expenses for resources and services, as well as administrative processing fees. Thus, this stage to advance their relationship to the next level was also financially burdensome.

Accordingly, financial issues limited the number of visits couples could make to see each other in person, and formed a barrier for those who wanted to seek help from an immigration lawyer, which could have made the process easier and less stressful. To highlight, couples experienced financial hardship both from the long-distance nature of cross-national relationships, and from a process that would permanently bring them together and remove the barriers of long-distance. The next stage, of initial settlement, also appeared to entail financial hardship for a few participants. For example, Joseph's spouse was legally not permitted to work while they waited

in Toronto for approval of their sponsorship. This financial burden of supporting both of them on one income caused Joseph's great stress, negatively impacted his mental health, and also put strain on his relationship with his partner. This financial hardship after being reunited in Canada was also evident/seen in the case of couples whose spouses experienced deskilling and had difficulty securing employment, and/or gaining employment that matched their educational qualifications. As Tina highlighted, "...no one values his [her spouse's] credentials…he feels deceived, throughout the whole immigration process it seems like there's a lot of opportunity. I was deluded as well". This issue regarding the ability to work (i.e., legal work permits) and securing work in order to make a financial contribution produced a power dynamic between couples, which fostered feelings of guilt, resentment, and anger.

Regarding the global economy and migration, the literature also discusses the importance of financial activities such as the transfer of remittances by marriage migrants (Palriwala & Uberoi, 2008; Williams, 2010). While the benefits and downsides on the subject of remittances remain controversial (Munck, 2008; Nunez-Sarmiento, 2013; Richmond, 2002), its impact can also be seen in tensions at the individual level. The participant in my study who mentioned remittances expressed mixed feelings; while she recognized the need for her spouse to send money back to his family abroad, a struggle remained in balancing and negotiating financial filial responsibilities with their own financial position as a young couple that had just married and were trying to settle and establish their new lives together. As seen in this individual case regarding remittances, the requirement of migration for one person means the loss of their familial network and the need to support them from afar, a theme within settlement for cross-national couples that has been observed by other scholars (Mukhina, 2013).

In addition to the aforementioned financial burdens, some costs are also accrued as a result of inadequate support from the government, necessitating applicants to spend money on external resources and forms of support to complete the bureaucratically complex procedure. Thus, these challenges must be examined in the context of the inadequately structured sponsorship system characterized by insufficient information, poor communication, and a lack of transparency. The process was also difficult for couples in that the procedure subjected them to stigmatization associated with cross-national marriages. More specifically, couples were impacted by the negative public and state discourse of a foreign spouse.

How the government made the process more difficult

The Canadian government made the spousal sponsorship process more difficult for applicant couples by providing inadequate support for spouses. Specifically, participants expressed that there was insufficient information, communication, and transparency from IRCC throughout the sponsorship process. The system was particularly difficult to navigate for spouses that lived in rural regions. Where participants had to travel to access services and obtain documentation required to complete the spousal sponsorship process, there were additional financial stressors from transportation costs, over-night accommodations, service fees, etc. While the inadequate support was a source of stress to many, the negative impacts appeared to be mediated for couples who were able to have a backup plan, or had more financial means to pay for external support services. An interesting comment about the inadequate support made by one participant notably mentioned the issue of how to address the system overseas in terms of corruption abroad, which sheds light on the difficulties of enforcing consistent policies, particularly in a large transnational bureaucracy.

Satzewich (2013, 2014a, 2014b) examines the results and impact of immigration visa officers' discretion and the impact of bureaucracy on their work. His study establishes that productivity targets influence visa officers' decision of each spousal case and that visa officers are aware of the time constraints they have to process a large volume of applications. While his study explores the work of overseas visa officers, my study adds to the literature by examining the other side of the system through the perspectives of the clients –spousal applicants.

Reports and newspaper articles highlight immigration application wait times as an issue (CIC, 2014; Keung, 2017; Standing Committee on Citizenship and Immigration, 2012). However, my study suggests that while length of wait time itself was no doubt an issue, the underlying reason for this was because of the uncertainty associated with it. To elaborate, participants highlighted that wait time was a problem as a result of inadequate support from the government. Specifically, they mentioned insufficient information from the government, not enough communication, and a lack of transparency with the process. During the process, participants received no news about what was going on with their application. One participant had explained that people are capable of waiting, however, they need to be informed of what is happening and be given updates.

Moreover, it was unclear to nearly all participants, from information on the IRCC website alone, what documents and proof was needed to successfully complete the spousal sponsorship application process. As such, many participants attempted to provide everything for fear of missing an important detail for their case. Participants also had difficulties acquiring some of the information that was requested by IRCC such as documents from working abroad or proof of residence from a long time ago. The implication of providing such a large scope of information due to lack of clarity and information on IRCC's part, would be that immigration officials must

spend more time reading which leads to longer processing times. Relatedly, a few participants had also mentioned the varying wait times for different countries which was suggested as unfair, specifically that their spouse's country of origin had a longer wait time than other countries. This differential treatment for certain countries, particularly disadvantaging racialized developing countries can be seen as a form of racial discrimination. Fortunately, some of these participants did not wait as long as they were told they would be waiting, however, this disconnect in information may be a source of unnecessary anxiety and stress for couples waiting to reunite.

The combination of inadequate information and communication functioned to create a veiled system, in which intentions and actions, and the general operation of the government is hidden to the advantage of the state and against the interests of couples. Canadian citizens and their foreign spouses have no idea what standards they are being assessed against, and the discretion of visa officers produces inconsistent results for different couples. This inadequate support can be seen as a result of Government interests and priorities of state security and economics coming through in the policy, whereby couples not only felt unsupported, but were also subject to aggressive and invasive scrutiny.

Impact of Negative State Discourse and Discriminatory Practices

For the state, government policy such as the spousal sponsorship process is a tool to regulate membership and protect the nationhood. For Canadian citizens and their foreign spouses or partners, this process is the only way to facilitate and continue their relationship. Naturally, tensions will arise from these two competing interests. The findings of this research study demonstrate that the Canadian government's negative perception of foreign spouses, and the immigration policies that follow, shape and impact cross-national couples' experiences; constituting a significant challenge in different ways to the formation of transnational marriages.

For example, the financial impact on spouses that participants stressed in my study is partially driven by state discourse which construct foreign spouses as a financial threat to the nation's social welfare system, as evident from the government's webpage on marriage fraud, and the legal financial undertaking sponsors must agree to. As such, economic priority is seen to be more of a concern than humanitarian obligations to families.

The stigmatization and scrutiny from the government and public that spouses experienced complement earlier literature that construct negative representations of marriage migrants, as discussed by Williams (2010). Participants' experiences also reveal the impact on couples of the state discourse exposed in Canada's marriage fraud campaign and the *Evidence of a Genuine Relationship* training guide. The impact of the system, which by default, assumed fraudulence of foreign spouses contributed to the stress and depression felt by some participants trying to complete a frustrating but necessary process. The long wait for the government to process their application and validate their relationship caused one participant's spouse to feel embarrassed in front of family and friends. While the couple had affirmed their relationship— they had dated for ten years and were married—their intimate relationship was questioned by others, as it appeared less real or less valid with the delay in government approval. This caused the spouse to feel embarrassed about her cross-national marriage and the genuineness of her union, as she felt she had lost face with family and friends.

Negative state discourse and stigmatization from the public also affected couples' behaviours in terms of limiting who they informed about their cross-national marriage, and/or in producing approval-seeking behaviour in public in order to prove that they were just like a regular Canadian couple, and conformed to normative definitions of a spousal relationship. That is, participants' awareness of the negative dominant discourse surrounding foreign spouses, or

perhaps an internalization of such beliefs as well, prevented some people from informing others about their marriage, including friends. The application procedure also forces participants to conform in a sense, to what they believed would lead to the acceptance of their applications. Government scrutiny and the need for state approval in order to be legally together in the same place, led some couples to conform to Western ideals of marital relationships as a few couples intentionally took photographic evidence of them kissing, etc., and tried to shape the narrative of their relationship to conform to IRCC standards, submitting as much "evidence" as possible. Notably, the participant even mentioned that having to document their relationship in this way affected her real-time experiences with her spouse. This demonstrates how the process significantly affects not just experiences during the procedure but also spousal relations outside of it.

Socioeconomic discrimination

Inseparable from and evident in the discussion on the theme of financial burden discussed earlier, socioeconomic discrimination is apparent in the government's selection of acceptable spouses for Canadian citizens. Socioeconomic status of couples is a clear site of scrutiny, as the government allows only approve of couples with a certain level of financial status. This is seen in multiple cases mentioned earlier, from the financial evaluation form, for the need to pay for translation services, travel costs to access certain services, etc. While not mentioned by any of the participants, the legal financial obligation of the sponsor with the state to support their spouses for three years, even if the couple separates or experiences financial difficulties (CIC, 2017c), also has the potential to establish an uneven relationship, particularly in tandem with the aforementioned financial challenges. Moreover, this responsibility highlights the imposition of the financial burden from the state onto the individual and exposes the government's

prioritization of economics over its alleged commitment to family reunification. As Côté, Côté, & Kérisit (2001) observe in their research, "the sponsorship undertaking thus embodies a "privatization" of the obligation to provide assistance in dire need to poor people because it places that burden on the sponsor" (p. 128).

Some of the literature exposes the tension between state policies and citizens' foreign partners (Digruber & Messinger, 2006; Mukhina, 2013). Friction exists between the state's economic interests and the socio-economic status of some couples. While Ontario does not impose a minimum income requirement for sponsors, the ability of sponsors to bring over their foreign spouses still depends on the successful completion of a financial evaluation form and the ability to prove that they can financially support their spouses, which is still exclusionary and while not as formal, may still function as a proxy for a minimum income cut-off. This financial evaluation can be seen as a form of government control and a mechanism to regulate the entry of ideal immigrants. As Aiken (2007) importantly highlights, fees pose a barrier to family reunification, and also disproportionately impacts racialized immigrants from poorer countries, considering the disparities in currencies. While the government may view an administrative fee as non-discriminatory as it is applied to all applicants, its differential impact and disadvantages for certain groups of people must be considered.

Financial requirements would also disadvantage young people, who make up most of the participants in my study. Notably, Quebec has a different system, which does not require a financial evaluation from sponsors; as such, the participant from Quebec was eligible to sponsor her spouse despite her financial position as a young student. Financial requirements also form a barrier for people from a lower socioeconomic background seeking to sponsor. For example, an internal IRCC government report examines the impact of imposing a minimum necessary income

threshold (MNI); it states that the goal and impact of implementing a MNI would be to reduce the number of people eligible to sponsor a spouse (Van Huystee & Benoit, 2014). This suggests that the government is aware of the exclusionary impact of income thresholds for citizens who want to sponsor their foreign spouse. Thus, it appears that family formation or reunification is a privilege reserved for wealthy citizens.

Processes of Racialization in Spousal Immigration Policies and Practices

While Martin's (2017) research findings determined that the spousal sponsorship favoured white middle-class couples, such a pattern was not explicit in my findings. However, the theme of socioeconomic status was significant in my research, and participants did mention the importance of English language skills for the process. Nonetheless, it must be reiterated that the legal definitions in spousal sponsorship policy outlined earlier, which favour white middle-class couples as was seen in Martin's (2017) study, function to reinforce the power of white privilege, while disadvantaging racialized couples in the process. The legal definitions offered by IRPA pose a problem for people who struggle to conform to them; these definitions are vague and subject to the personal discretion of individual visa officers in its application. For example, terminology such as "valid" and "not genuine" do not lend themselves to concrete or consistent application. Thus, discretionary power of immigration officers are influenced by individual biases as implementation of state-driven spousal policies lead to inconsistent results, seen in the diverse experiences of participants in this study, and in other research (Martin, 2017; Satzewich, 2013). As a participant in Côté, Côté, & Kérisit's (2001) study suggested, immigration officers should receive training to address racist notions and generalizations regarding immigrant women as victims of traditional immigrant men who seek to oppress their wives.

It is unclear to what extent inconsistent results are due to individual biases and the nature of discretionary work, and what results are due to bureaucratic influences, which Satzewich's (2013) study along with my own findings seem to suggest. While participants did not explicitly recognize racism in the system, some interview responses scratched at the surface of the racialization process that informs the procedure. My findings support Forsyth's (2010) findings of racial discrimination regarding country of origin; that is, some countries were disadvantaged in the spousal sponsorship process as applicants from these countries were subjected to longer wait times for processing than others. While Forsyth's (2010) findings were more explicit, with White Western European appeals accepted at higher rates than the appeals of racialized spouses, my findings were inconsistent, as some racialized sponsored spouses ultimately experienced faster processing times and shorter wait times than other racialized applicants, with no distinguishable pattern. This is most likely attributable to the influences of bureaucratic structures and visa officer discretion mentioned earlier, as Satzewich (2013, 2014a, 2014b) also determined in his research.

A clearer example of the role of race in spousal policy is the practice of targeting some countries and cultures as more fraudulent than others as revealed in the *Evidence of a Genuine Relationship* immigration training guide —a practice that essentially constitutes racial profiling. Such a practice functions to impose an even higher level of scrutiny onto applicants from these flagged countries than others. An interesting case to inform an understanding of the racialization of discretion and the system was the application of Mike and his spouse, who was of Chinese nationality. The two faced a particularly long wait period –18 months, which was in fact the longest processing time of all participants in my study. This is despite a 10-year relationship history prior to starting the application process and the expertise of an immigration lawyer to

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help them complete the process. China is one of the largest countries of origin of sponsored spouses (Van Huystee & Benoit, 2014), however, it is also a country of interest in identifying cases of fraud, seen in the particular questions regarding Chinese nationals in the *Evidence of a Genuine Relationship* immigration official training guide. This may explain the significant delay in Mike and his Chinese spouse's application.

Another practice of spousal sponsorship policies that appears to be informed by racial discrimination, include that certain citizenships and nationalities, such as those from the DRC and Nepal as mentioned by participants in my study, are constructed as undesirable for membership. Participants' sponsored spouses from these two countries initially applied for travel visas, which were denied. Interestingly, for the sponsored spouse from Nepal, immigration officers had stated "lack of travel history" as one of the reasons for the refusal of his visa application. This incident demonstrates the importance of social positioning and highlights the implications of the intersection of race and class in the marginalization of certain applicants. It also demonstrates the significance of language as a tool in concealing processes of racialization and for justifying the exclusion of foreign others.

Chapter 6: Conclusion

This research project sought to provide a platform for cross-national couples to voice their concerns about the Canadian spousal sponsorship process. While my study did not reveal explicit and widespread racism in the sponsorship process, which make sense in consideration of neo-racism, findings from participants and government sources did suggest the existence of some forms of racial discrimination, which complement the literature on spousal sponsorship and immigration officers' discretion (Côté, Côté, & Kérisit, 2001; Forsyth, 2010; Martin, 2017; Satzewich 2013, 2014a, 2014b). Similar to other studies, my research also found evidence of

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socio-economic discrimination (Côté, Côté, & Kérisit, 2001; Martin, 2017), as well as bureaucratic influences within the spousal sponsorship process (Satzewich, 2013, 2014a, 2014b). These findings must consider Canada's history of racist immigration policies, and must also be considered in the context of the insiduous nature of neo-racism, which make it difficult to expose processes of racialization within a liberal democracy since the notion of race has been abandoned and formally removed from legal structures. My study suggests the need for the Canadian government to better serve citizens and their foreign spouses, if Canada is to fully realize its commitment to family as it claims to do. Moreover, like many other countries, Canada is confronted with the demographic issue of an aging society, to which immigration can play an important role as immigrants have higher birth rates than the Canadian-born population, in addition to the many other benefits immigrants have to offer even if they are not arriving under the economic class.

Limitations and Future Research

Given the diversity of cross-national marriage relationships, each case was unique according to different variables of the relationship, such as age, country of origin, length of relationship, etc. Thus, generalizability is limited, particularly as this project was completed in a Canadian-specific context; all sponsors made their applications in Ontario with the exception of one participant who submitted their application from Quebec. While 10 participants are insufficient to make any generalizations about the broader community given the multifarious factors that constitute cross-national marriage, I believe the findings nonetheless reveal common themes that contribute to a better understanding of how to better support this community, and still proves to be a valuable contribution to the currently limited literature. A final but important limitation that must be noted is that nearly all the participants in my study are individuals who

were successfully approved by the sponsorship system; they are "success stories", and thus, do not capture the narratives or experiences of couples who are refused, or get lost in the system, which presumably would be even more revealing of the adversity faced by cross-national couples, as seen in the themes from the ATIP emails of applicants still waiting (see Appendix D).

While ideally I would have liked to include more sponsored spouses as participants, the participant recruitment process was more difficult than anticipated. Thus, my findings reflect a focus on the sponsor role; future research should seek to learn more about sponsored spouses. Further research should also examine the children of cross-national spouses which was outside the scope of my paper but that continues to be an important gap in the literature that must be addressed. The perspectives and experiences of spouses from arranged marriages, and marriages facilitated by international commercial marriage brokers should also be included in future research. Most importantly, in the spirit of Critical Race Theory, further critical research must be conducted, in order to prevent policy from continuing the perpetuation of white privilege, while disadvantaging racialized groups in ways that negatively impact the experience of, or even prevent, family reunion.

Policy Recommendations

Challenges experienced by cross-national couples applying for sponsorship suggest the need for the Canadian government to provide better support to Canadian citizens and their foreign spouses. Coming directly from the voices of Canadian participant sponsors and their spouses, the system would benefit from providing accessible language, reducing wait times, addressing financial barriers, simplifying the process, and providing more information on the IRCC website to improve the process. Specifically, participants mentioned using simple English, and providing application forms in different languages. A few stated that there should be an inquiry support

centre and/or expert with more information to contact. Notably, concerned about discrimination, one participant also recommended the provision of ethnic representation in government, that is, to have an immigration officer from the same background as the applicant, as well as pre-migration support groups for sponsors. Such measurements to improve client experiences could also prove to be beneficial for IRCC as well, by establishing a more efficient system that would reduce the expenses and labour currently required to redress mistakes and inefficiencies, many of which have been publicly discussed and debated in the media (Keung, 2015 & 2017).

Based on an analysis of the *Evidence of a Genuine Relationship* training guide, IRCC should also expand the definition of marriage to be more inclusive of eligible relationships, including a better understanding of marriages arranged by family or friends, facilitated online, and long-distance unions. Another important change would be the removal of target countries as red flags for marriage fraud, a practice which unfair imposes greater scrutiny on spouses from certain countries of origin. While the lack of a minimum income threshold requirement is a positive point, perhaps eliminating any financial evaluation at all such would be productive in demonstrating government support for cross-national couples. The revocation of the two year conditional residence is also a constructive and important first step in this direction. As of writing, IRCC has implemented multiple changes and improvements since June of this year; further research should be completed to examine the impact of these changes, including consultations with spousal applicants to determine whether real life practices conform to established policies.

Government Gouvernement   Appendix A
of Canada du Canada

Protect yourself from marriage fraud

Marriage fraud: Stories from victims

Alternative formats and transcript (/english/department/media/multimedia/video/marriage-fraud/marriage-fraud.asp)

Are you a Canadian citizen or permanent resident?

Have you met someone from another country on the Internet or while travelling?

Some people think marriage to a Canadian citizen will be their ticket to Canada. You should think carefully before marrying someone and sponsoring them to come to Canada, especially if:

- you've just met,
- they want to get married quickly,
- they've been married or in a common-law relationship many times before,
- they haven't shared very much information about their background or family.

If you sponsor your spouse, you must give them financial support for three years even if the marriage or relationship fails. Sponsorship is a legal contract with the Government of Canada. You must meet its terms.

If your spouse uses social assistance, you'll have to repay the money. Also, you can't sponsor anyone else until you repay the debt.

It is also a crime for a foreign national to marry a Canadian citizen or permanent resident only to gain entry to Canada.

Marriages of convenience

In some cases, sponsors and foreign applicants set up a "marriage of convenience." This is a marriage or common-law relationship whose sole purpose is to let the sponsored spouse or partner immigrate to Canada.

Our officers are trained to recognize real immigration applications. They know how to detect false marriages. They have many ways to spot marriage fraud, including:

- document checks
- visits to people's homes, and
- interviews with both sponsors and applicants.

Canadian citizens or permanent residents who are in a marriage of convenience for immigration reasons may be charged with a crime.

Sponsors

Don't be tempted by offers of money or other rewards to marry a person just so he or she can immigrate to Canada. If you do this, you may face serious criminal charges. You'll also still have to meet the terms of the sponsorship.

Don't feel you must help somebody by being part of a marriage of convenience, no matter what the reason. It's not worth the risks.

Visa applicants

Don't get involved in a false marriage. We'll refuse your visa and may ban you from travel to Canada for five years. This will stay on your immigration record forever.

We know that even genuine marriages can fail. But, if you enter into a marriage of convenience to come to Canada as an immigrant, we may:

- take legal action against you,
- not allow you to enter Canada for five years, and
- deport you from Canada.

❓ Top questions about fraud and scams

- What happens if I owe IRCC money? Will you call to ask for unpaid fees? (/english/helpcentre/answer.asp?qnum=1214&top=31)
- Will you ask me for personal information over the phone? (/english/helpcentre/answer.asp?qnum=1217&top=31)
- Do you accept prepaid credit cards, Western Union, or Money Gram to pay my fees? (/english/helpcentre/answer.asp?qnum=1215&top=31)
- If I have not paid fees, will you have me arrested or deported? (/english/helpcentre/answer.asp?qnum=1216&top=31)
- I received threats from someone who says they are from the immigration department. Is it a scam? (/english/helpcentre/answer.asp?qnum=1218&top=31)

See all questions about this topic (/english/helpcentre/results-by-topic.asp?top=31)

Date Modified:
2017-04-28

Prepare to work and live in Canada (/english/newcomers/before-move.asp)

Learn about using a representative (/english/information/representative/index.asp)

Protect yourself from fraud (/english/information/protection/fraud/index.asp)

Document fraud (/english/information/protection/fraud/document.asp)

Marriage fraud (/english/information/protection/fraud/marriage.asp)

Internet, Email and Telephone scams (/english/information/protection/fraud/internet.asp)

Irregular adoptions (/english/immigrate/adoption/quicker.asp)

Know your rights (/english/information/protection/rights/index.asp)

Report fraud (/english/information/protection/fraud/report.asp)

Government of Canada activities and initiatives

Battle of Britain Ceremony 2017

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.

EVIDENCE OF RELATIONSHIP

Some Indicators as to a <u>NON-GENUINE</u> 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 then the usual and very common Chinese last names such as Wang, Huang, Li, Chen, and etc....?

EVIDENCE OF RELATIONSHIP

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 then 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 the 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.

Appendix C: Interview Questions

1. Please describe your relationship and how you met. (i.e., where you met, length of relationship, etc.)
2. How was the decision made regarding who was going to migrate? Or, if you both migrated to a third country, how was that choice determined?
3. What sources did you use to find information about the spousal visa application process? (i.e., websites, agencies, friends etc.)
4. Please describe your spousal visa application process. What were the steps you took to apply?
5. What were the greatest challenges and concerns with the process?
6. Did the application process impact your relationship? If so, in what way?
7. Did you feel that there was any form of discrimination or unfair bias or request as part of the process?
8. What are some comments and suggestions you would give to other couples going through the same process?
9. What policy or government changes would you like to see to improve support for cross-national marriages (faster processing, lower admin fees, etc.)? That is to say, what do you wish was different about the process?

Appendix D: ATIP online request emails

From: Chris.Alexander./
Sent: March 16, 2015 10:52 AM
To: BMQ
Subject: FW: Contact Form

s.19(1)

From:
Sent: March 15, 2015 11:02 PM
To: Alexander, Chris
Subject: Contact Form

Minister Alexander,

I am sending this email in the hopes that you can consider the suffering myself and Canadians who are from concerning the spousal visa processing time. My file has been submitted including my wife's medical results. I have passed the sponsorship step, I have also sent the Quebec Selection Certificate to the Nairobi Office. I have tried to contact the Nairobi office twice with no response. I had to contact my MP to find out that they have received the selection certificate and that they haven't even opened the file. There are less than 90 days before the medical result expires. After .   I am obligated to pay again to have another examination done.

I just don't understand why I have to suffer so much and wait 3 times more than a chinese or an Israeli immigrant to receive a service. I am a law-abiding citizen. I have never complained or asked for a hand out from the government. I am frustrated, depressed and losing hope.

Last   my mother was refused a tourist visa because she was poor and the immigration officer believed that I am not a genuine

What I want now is that my file be processed as soon as humanly possible. I don't think it will take for CSIS and RCMP to process their research about my wife more than it takes them to process for a Moroccan immigrant. 21 months for a spousal visa is inhuman.

I urge you as a family man who do anything to be with his beloved wife, to expedite the process. I am not asking for favoritism but for fairness.

My friends have warned me that my file may end up at the bottom of the pile because of my actions. I hope it won't. I believe that you are a man of principles and integrity.

I am writing this to you because your ministry send me a reply that I am so ashamed to froward it to you.

Thank you for your cooperation in this matter.

s.19(1)

From:
Sent: February 18, 2016 1:18 PM
To: Minister
Subject: Spousal sponsorship

Minister of Immigration, Refugees and Citizenship,
John McCallum,

I am writing because I applied over a year ago to sponsor my spouse and I am finding the process very long and frustrating. We have not received an update of any kind in many months, and even though my spouse's medical results have been expired since   r, he has not been requested to resubmit them. We are growing concerned because people who applied at the same time and later than us at the same visa office have already gotten visas. It is extremely stressful for us to remain separated without any information on the status of our file.

Family class sponsorship should be taken more seriously and it should not take so long for genuine couples to simply be able go to their spouse's country. Other countries have significantly shorter processing times, for example in Australia it only takes six months for a citizen to sponsor their spouse. Furthermore, the lack of transparency during the process makes it even more difficult and unpredictable. I have emailed the New Delhi Visa Office (where our application is being processed) but they are usually unresponsive and unwilling to provide any information.

It is very difficult and discouraging for myself, a Canadian citizen and my spouse to wait so long without knowing how much longer we will have to wait or knowing anything about the status of our application. Because of the long waiting time we are not able to start our life together, my spouse will need some time to settle in Canada and we need to plan our future together but we can't do anything until we know when he will get his visa. If there is anything you can do to help us know why our application is taking so long or any information about it we would greatly appreciate it. our

s.19(1)

Sincerely,

s.19(1)

1

A-2017-12456-000125

From:
Sent: July 18, 2016 2:34 PM
To: justin.trudeau@parl.gc.ca; Minister
Subject: Fwd: REQUEST FOR PERSONAL APOINMENT
Attachments:

s.19(1)

Respected Prime Minister Sir,

My name is

s.19(1)

I request you to look into my spousal sponsorship case. Immigration department from last five year is harassing me. I applied twice my spousal sponsorship and appeal my case in federal court. But federal court didn't approve my leave. It's been five year I am trying to get my husband with me. We submitted bunch of documents in sporting my sponsorship application.

We have sold everything including my wedding jewelry paying lawyers fees just in hope to get justice. We have two-year-old son born in Canada. I miss my husband and my small baby lot. I am dying every single day due to lonely ness

Sir I don't have any Family member or other support in Canada. Our family financial condition is too bad. I am the one who is earning and barring all household expense for my 5 people including my husband, my son, my in-lows, and me. So I left my baby in   with my husband to care for him. We don't have any other income, so must have to work to support my family and my in lows.

I can't explain through what mental stress and trauma I am going through. Immigration department ruined my family life. I am feeling like my life is finished. I am not able to find way .I don't know where to go and whom to ask for justice. I am not able to bare this pain and loosing interest life. Please help me I am dying everyday with this pain.

s.19(1)

Requesting you to get appointment to meet you sir.

1

Appendix E: Demographic overview of participants

Participant*	Age & Gender	Application submission	Length of relationship**	Processing time	Spouse's citizenship	Date of marriage
Sonia (sponsor)	24/F	Sept 2012	7 years	14 months	Britain	June 2015
Valerie (sponsored spouse)	22/F	Apr 2015	3.5 years	3 months	Columbia***	June 2013
Tina (sponsor)	24/F	Aug 2014	1.4 years	5 months	Brazil	July 2014
Mike (sponsor)	57/M	Oct 2014	10 years	18 months	China	April 2006
Tara (sponsor)	22/F	Oct 2012	1.5 years	15 months	Nepal	July 2012
Joseph (sponsor)	27/M	Feb 2016	4 years	6 months	Japan	Feb 2014
Sharon (sponsor)	34/F	Oct 2011	4 years	5 months	DRC	April 2010
Melanie (sponsor)	28/F	Dec 2006	4 years	2.5 months	Cuba	April 2005
Fiona (Sponsor)	24/F	Dec 2016	2.5 years	8 months *(still waiting)*	U.S.	July 2016
Maria (sponsored spouse)	25/F	Nov 1982	3 years	10 months	Venezuela***	Dec 1982

Pseudonyms have been used to protect participant confidentiality
**Age and length of relationship at application start date
***These 2 participants were the only sponsored spouses in my sample, so their citizenships were written down instead since their sponsor partners are Canadian

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