



Excluded Family Members

Regulation 117 (9)(d)

Regulation 117(9)(d) imposes a permanent ban on the sponsorship of family members who were not declared and examined when the sponsor immigrated to Canada.

The stated objective was to deter fraud, but the result is that innocent children are separated from their parents, even where no fraud was intended.

Reasons for Non-disclosure

A study of 105 excluded family members whose cases were appealed found that

in **92%**

of cases, there was clearly no fraud intended

The sponsor's family situation changed during the long immigration process and they believed they could apply for the family member after coming to Canada.

Circumstances relating to gender-based oppression prevented the woman from declaring her marriage or baby.

The sponsor did not know that the family member was alive at the time of application.

The sponsor did not declare a child whose birth contravened the one-child policy.

A study of 105 excluded family members whose cases were appealed found that

80%

were refugees or in refugee-like situations



Refugee

Recourse

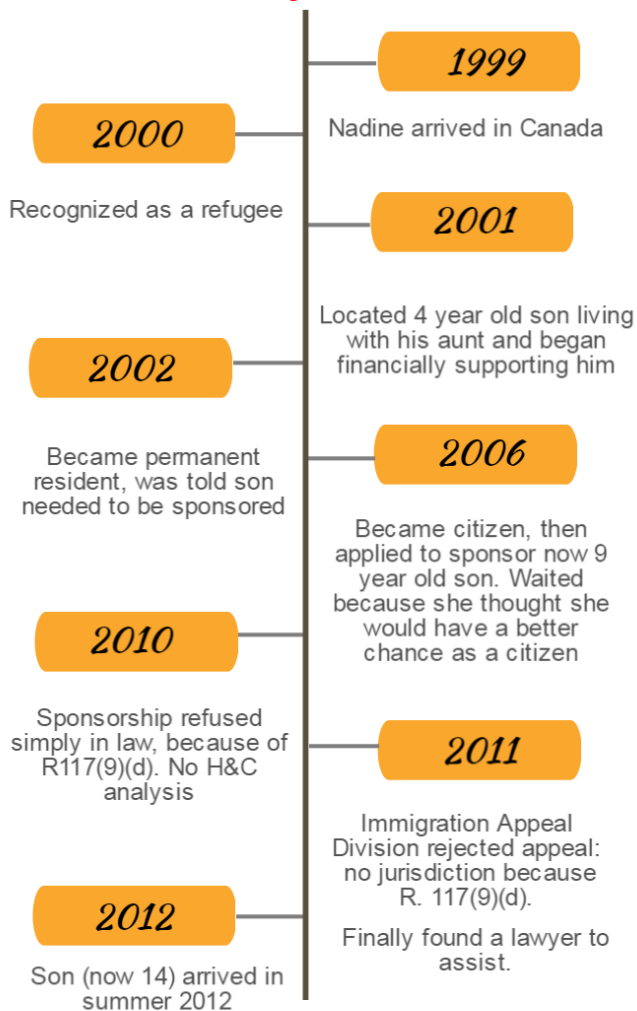
People can apply for Humanitarian and Compassionate (H&C) consideration to overcome R. 117(9)(d) BUT:

- > People often don't know they can apply for H&C
- > H&C decisions are discretionary and inconsistent
- > H&C decisions take a long time

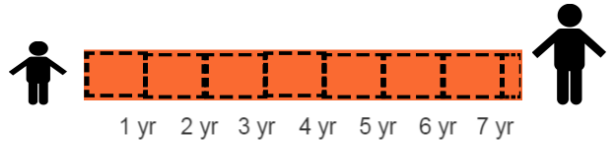
Impacts of Separation

Nadine is now struggling to build a relationship with her son, reunited with him after

10 years



A 2010 government report showed the average sponsorship interval for all reviewed cases was 5.48 years. This breaks down to an average 3.01 years for spouses and



7.28 years
for children

Mothers and fathers do not adapt well in Canada when their families are separated.

It causes mental health problems that can make it difficult for them to work and integrate successfully into Canadian society.

Bringing the rest of the family to Canada becomes a consuming preoccupation that adversely affects the children who are here.

Rukia Warsame, Somali Family Services, Ottawa

Recommendation

REPEAL R.117 (9)(d)

Any cases of suspected fraud can be addressed through misrepresentation provisions (Immigration and Refugee Protection Act, s.40).

“Mariam was separated from us for three years and now, ten years later, I know that she still does not fully see or trust me as a mother. The government is punishing children who did not do anything wrong.

Samia, mother of an excluded family member

Call for the repeal of
R.117 (9)(d)

take
act!on