



Family reunification for all!



All families have equal value.

However, Canada's immigration system treats families unequally:

- *By immigration category*
- *By region*
- *By law*

Long processing times

■ Unequal treatment by category

Refugees and live-in caregivers wait much longer for family reunification than people in the Family Class. In December 2016, the government announced faster processing for spousal sponsorships. But no measures have been announced to expedite **family reunification for refugees** (overseas dependants of refugees recognized in Canada, and “one year window of opportunity” applicants). Similarly, spouses and children of **live-in caregivers** wait much longer than Family Class applicants.

■ Unequal treatment by region

Processing in Africa and some other regions is much slower than the global average.

The government has stopped publishing detailed processing times by region and category.

Recommendations

Introduce the same standard short processing times for family reunification for spouses and children, in all categories and regions.

Publish data on processing times by category and region, so the public can monitor if standards are met.

Excluded Family members

■ Unequal treatment by law

Regulation 117(9)(d), the “excluded family member” rule, denies some families the right to reunification.

Some family members, including children, are excluded from the Family Class because they were not examined by an immigration officer when the anchor family member immigrated to Canada. Although this rule was designed to deter fraud, in practice it hurts many families where no fraud was involved and where there were compelling reasons the family member was not disclosed. Refugee families are disproportionately affected.

Some families are eventually able to reunite through humanitarian and compassionate consideration, but it is a long, difficult and uncertain process.

Recommendation

Repeal the Excluded Family Member rule (*Immigration and Refugee Protection Regulations* 117(9)(d)). (Cases of suspected fraud can be addressed through misrepresentation provisions.)



Long processing times

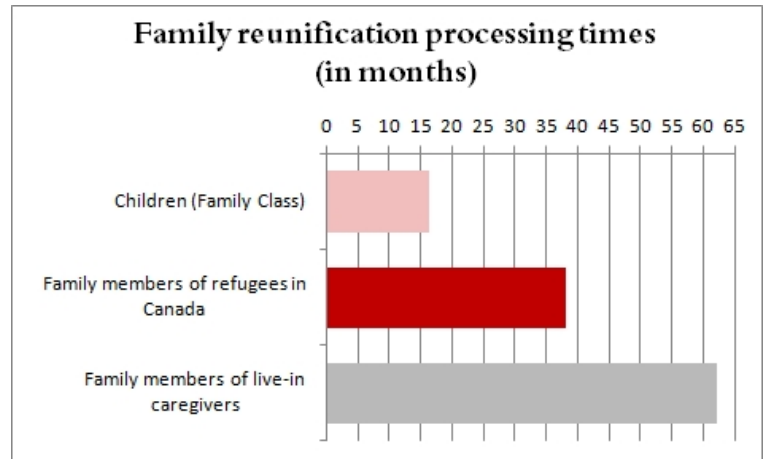
■ Unequal treatment by category

In December 2016, the government announced faster processing for Family Class spousal sponsorships. But no measures have been announced for family reunification for refugees or for live-in caregivers, where processing times are MUCH slower than for Family Class.

Refugees reunite with spouse and children left overseas through:

- Dependants of refugees (DR2) category (for people who were accepted as refugees in Canada) (**38 months**), or
- One Year Window applications (for people who were resettled to Canada as refugees) (no data available).

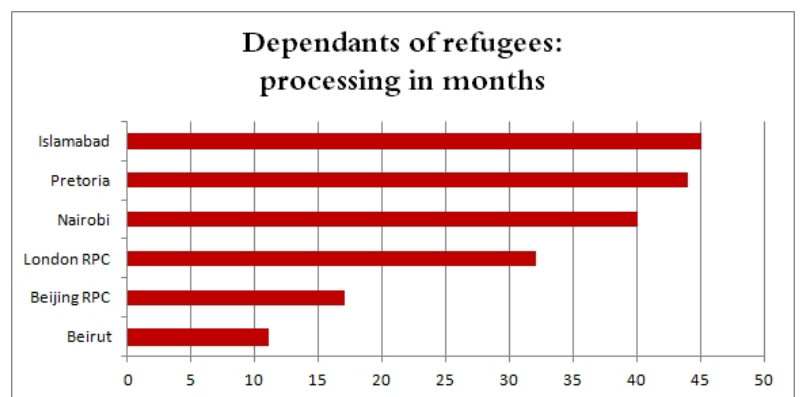
Live-in caregivers apply for permanent residence in Canada once they have met the requirements, including working two years in Canada. They include their children and spouse overseas on their application (**62 months**).



■ Unequal treatment by region

There are wide differences in processing times, depending on the region where the family members are located.

For decades processing out of Africa has consistently been among the slowest.



All processing times are from the end of 2015 (the government has since stopped publishing this information).

Recommendations

Introduce the same standard short processing times for family reunification for spouses and children, for all categories and regions.

Publish full data on processing times by category and region, so the public can monitor if standards are met.



Excluded family members (R.117(9)(d))

Some family members, including children, are excluded from the Family Class because they were not examined by an immigration officer when the anchor family member immigrated to Canada (Regulation 117(9)(d)). Although this rule was designed to deter fraud, in practice it hurts many families where no fraud was involved and where there were compelling reasons the family member was not disclosed. Refugee families are disproportionately affected.

Some reasons family members are not examined (and therefore excluded):

During the long immigration process a person's family situation changes. They believe they can apply for the new family member after coming to Canada.	Circumstances relating to gender-based oppression prevent a woman from declaring her marriage or baby.
A refugee believes that a family member is dead, but learns after arrival in Canada that the family member is alive.	A parent does not declare a child whose birth contravened China's one-child policy.

Children are often the innocent victims.

The Excluded Family Member rule has a particularly devastating impact on children. They need to be with their parents. It is unfair to punish children who are the innocent victims.

Recourse through humanitarian and compassionate consideration is inadequate.

Some families are eventually able to reunite through humanitarian and compassionate consideration, but it is a long, difficult and uncertain process. Decisions depend on the discretion of the individual officer.

Nadine spent over **ten years** before finally being able to reunite with her son. She went through years of bad advice and rejection due to R. 117(9)(d), before she found a lawyer who assisted her. Her son was 4 years old when she located him after forced separation. He was 14 years old when he arrived in Canada.

Recommendation

Repeal the Excluded Family Member rule (*Immigration and Refugee Protection Regulations* 117(9)(d)). (Cases of suspected fraud can be addressed through misrepresentation provisions.)