Migration to Canada through Arranged Marriages: Policy and Community Challenges Distinguishing Between Genuine Relationships and Immigration Fraud

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Family Class Immigrants

  - Approximately ¼ of newcomers entering Canada annually are family-sponsored
  - Range = 63,364 in 2005 to 65,200 in 2009
  - The majority are spouses or partners (69.70%)
Source Regions of Family Class Immigrants (CIC, 2008)

- Asia/Pacific
- Africa/Middle East
- Europe & UK
- South & Central America
- U.S.
- Not specified
Policy Purpose & Uses

• Family Class Category intended to facilitate re-unification

• Increasingly being used for family formation across international borders

• Contextual factors affecting applications for spousal sponsorship for new family establishments from Asia/Pacific Region
Imbalanced Male to Female Ratios
Preference for Traditional Females
Arranged Marriage as a Vehicle for New Family Establishments

- Traditional custom involving collaboration of parents and relatives to identify suitable mates for their sons or daughters
- Occurring across countries
- Matching considers perceived compatibility in the following factors:
  - Culture
  - Religion
  - Social class/caste
  - Family background
  - Education
  - Appearance
  - Personal character
Subtypes of Arranged Marriage

• Traditional or planned pattern

• Modified traditional or delegation pattern

• Co-operative or joint-venture pattern
Marriage and Sponsorship Adjudication Process

• Marriage occurs in the foreign country

• Canadian marriage partner returns home to file a sponsorship application on new spouse’s behalf

• Relationship history/authenticity assessment to gauge “genuineness” of family ties

• Protection of Canadian marriage partners against negative outcomes:
  - Marriages of convenience for immigration
  - Consequent personal victimization
Change of Section 4 (R4) of Immigration and Refugee Protection Act Regulations

BAD FAITH MARRIAGES occur when *EITHER* (*instead of both*) of the following factors are present:

- A relationship is not genuine
- It was entered into primarily for the purpose of acquiring any status or privilege under the Act (e.g., for immigration)
Overview of Considerations in the Relationship History/Authenticity Assessment (OP2)

a) Mutual commitment to a shared life
b) Exclusivity
c) Intimacy
d) Interdependence: physically, emotionally, financially, socially
e) Permanence
f) Present themselves as a couple and are regarded as a couple by others (e.g., friends, cultural community)
g) Caring for children
Two Problematic Scenarios

I. False Positives

Cases that set off suspicions about fraudulent family ties for immigration purposes despite representing genuine, committed, culturally-sanctioned relationships

II. False Negatives

Cases that do not set off suspicions of marriage fraud (e.g., some joint-venture marriages), but that end up being fraudulent
Policy Gaps

• CIC case adjudication occurs after the marriage has already taken place and before the couple is united in Canada

Two Missing Types of Research Data

• Data on proportion of couples who maintain their relationships after spousal sponsorship applications are rejected and their relationship/migration decision-making processes (= past and emerging false positives)

• No comparative studies/evidence/data on differences between relationship history, course, and events for genuine marriages and fraud marriages specifically pertaining to arranged marriage situations to inform indicators/factors for teasing these apart
Challenges of Other Contemplated Policy Steps

• Push by some communities and Canadians Against Marriage Fraud to withhold granting permanent residence status to sponsored spouses

• Propose they have to remain united with sponsor in Canada for 1 to 3 years

• Inherent risks to sponsored women
Community Gaps

**Western Philosophy of Love & Marriage**
- First fall in love and then marry
- Assessment of marriage partner’s behavior and intentions
- “Marriages start out hot and grow cold” (Xiaohe & Whyte, 1990)

**Eastern Philosophy of Arranged Marriage**
- Marry and then fall in love
- Automatic trust – cultural mentality precludes questioning partner’s motives
- “Marriages start out cold and grow hot” (Xiaohe & Whyte, 1990)
My Study

I. National Comparative Study

- Fraud marriages versus control group of genuine arranged marriages across subtypes
- Tracing of relationship from first meeting until marriage dissolution or until present for intact couples

II. Community Consultations
Emerging Findings From Focus Groups

3 Marriage Fraud Scenarios

- Two or more co-conspirators - may involve crooked immigration consultants

- Perpetrator and Victim

- Victim – Victim - implicates forced marriages and family desires for chain migration
Marriage Partner Inequities As Potential Fraud Signals

• Age differences, with girls being the “sacrificial lambs”

• Differences in disability status

• Differences in socioeconomic status/caste or cultural subgroup

• Differences in prior marital history

• Complicated by imbalanced gender ratios, as matching process may have become more flexible
Cultural/Community Norms

- Understanding community and cultural norms is essential for recognizing genuine arranged marriages and for detecting potential fraud.

Examples:
- Village boundaries in the Punjab
- Intra-familial marriage practices in South India versus extra-familial marriage practices in North India
- First cousin marriages among some Muslim subgroups
- Norms against public demonstration of affection
- Norms against going against cultural norms
Community Policing/Public Shaming As a Fraud Control Mechanism

- Involvement of community networks and clergy in ostracizing fraud perpetrators transnationally

  - Extrapolation from the Bell Bajao ("Ring the Bell") program
QUESTIONS/COMMENTS