

Migration to Canada through Arranged Marriages:

Policy and Community Challenges Distinguishing Between Genuine Relationships and Immigration Fraud

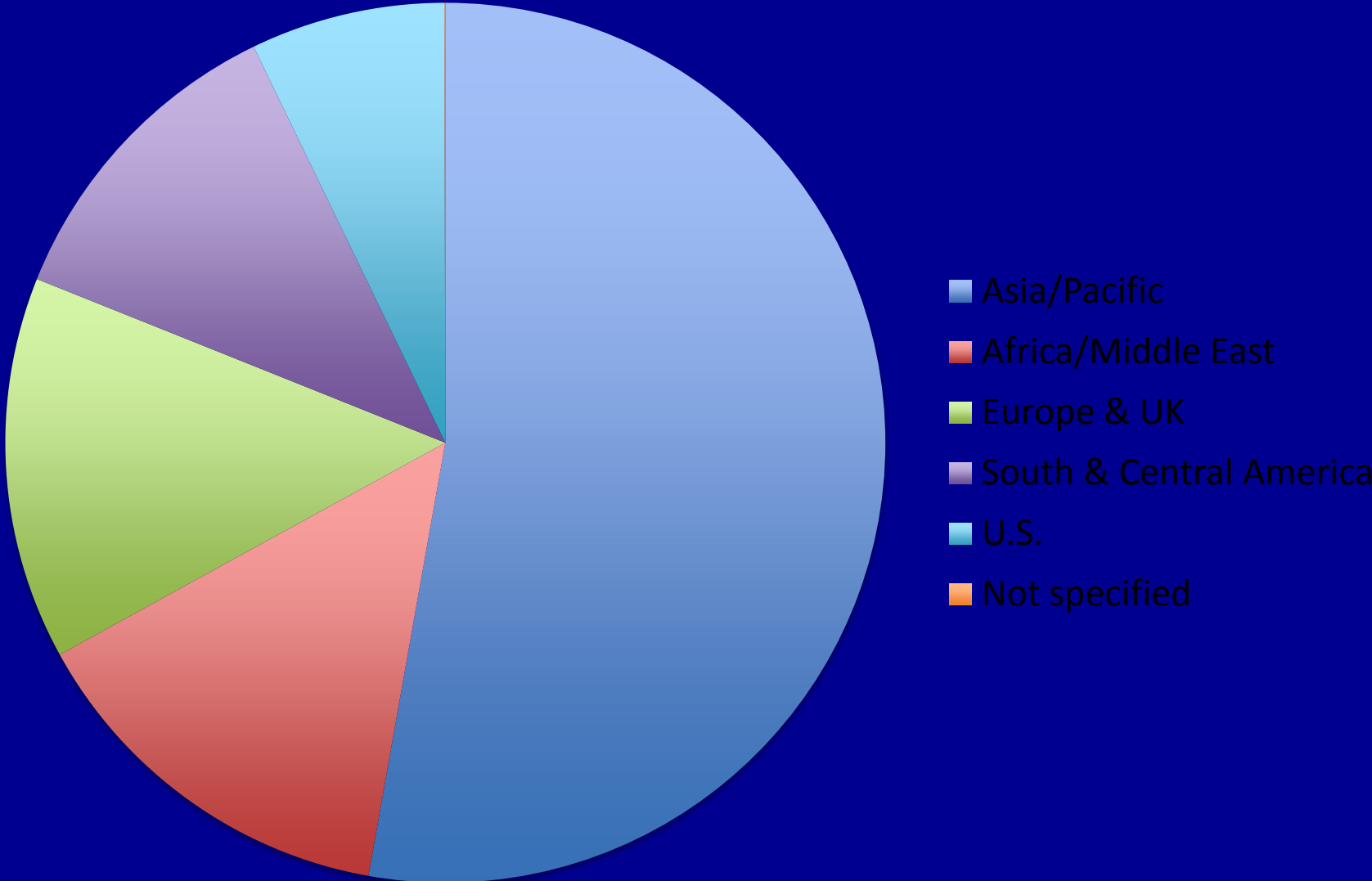
Dr. Farah Merali

University of Alberta

Family Class Immigrants

- CIC Facts & Figures (2009):
 - Approximately $\frac{1}{4}$ 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)



Policy Purpose & Uses

- Family Class Category intended to facilitate reunification
- 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

