



## CIC Imposes Five-Year Waiting Period For Sponsored Spouses and Common-Law Partners

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On March 2, 2012, the Government of Canada announced a regulatory change that now requires sponsored spouses or common-law partners to wait five years, from the day that they are granted permanent residence status in Canada, before they can sponsor a new spouse or partner. The objective of this change is to discourage immigration fraud in spouse/common-law partner family class cases.

There is admittedly a reasonable argument to be made in favor of such a requirement. Until this regulatory change, a sponsored spouse or common-law partner arriving in Canada as a permanent resident could leave their original sponsor and sponsor another spouse or partner themselves, while the original sponsor remained financially responsible for them for up to three years.

Despite the potential for such a scenario, the imposition of a five-year bar may be a bit excessive. A Canadian citizen or permanent resident who sponsors a spouse or common-law partner is normally subject to a legally enforceable affidavit of support, for a period of three years. Although it may be logical to impose a bar on the sponsored immigrant's ability to sponsor a different spouse or common-law partner for a period of time, a three-year bar that runs parallel to the original sponsor's three-year financial obligation may have been more appropriate.

In any event, the regulations now impose a sponsorship bar of five years. The proposal was pre-published in the Canada Gazette on April 2, 2011, and was open for a 30-day public comment period. The regulatory change officially came into force on March 2, 2012, but was not formally published in the Canada Gazette until March 14, 2012. The regulatory amendment, as published in the Canada Gazette, appears here: <http://www.gazette.gc.ca/rp-pr/p2/2012/2012-03-14/html/sor-dors20-eng.html>. ■