

Government of Canada Eliminates Conditional Permanent Residence for Spouses & Partners

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The former Conservative Government [initially proposed](#) the requirement of *conditional* permanent resident status for certain spouses and partners of Canadian citizens or permanent residents on March 9, 2012. The concept of conditional permanent resident status was likely borrowed from the United States, which has imposed a similar requirement on sponsored spouses of United States citizens and permanent residents for years.

The former Conservative Government formally implemented this requirement on October 25, 2012. As of that date, conditional permanent resident status applied to:

- a. Spouses and partners who applied for permanent residence as members of the Family Class or the Spouse or Common-Law Partner in Canada Class (including applicants who were eligible for processing under a public policy) and whose relationship with the sponsor was less than two years old (and who had no children in common with the sponsor) at the time of the sponsorship application;
- b. Those who became permanent residents as an accompanying family member of someone who was subject to the condition; and
- c. Sponsored members of the Family Class, of a permanent resident who was subject to the condition.

Any sponsored spouse or partner who was subject to the condition was required to cohabit with their sponsor in a conjugal relationship for a period of two years after the day they became a permanent resident.

The condition was intended to deter fraudulent applications, including marriage fraud in the family reunification program. Of course, critics alleged that it forced vulnerable sponsored spouses or partners to stay in abusive relationships because they are afraid of losing their

permanent resident. Although an exception to the condition existed in the regulations, not all vulnerable spouses and partners were able to satisfy the requirements.

On April 28, 2017, the current Liberal Government announced that it had eliminated the requirement of conditional permanent resident. This change will apply to anyone who was previously subject to the requirement, as well as to new spouses and partners who are sponsored as permanent residents.