The Impact of Canadian Conditional Permanent Resident Status on Asian Immigrant Wives in an Abusive Relationship

Abstract

On October 25, 2012, Citizenship and Immigration Canada (CIC) introduced a two-year period of conditional permanent resident status to Canada’s spousal sponsorship system, which applies to sponsored spouses, common-law or conjugal partners who have been in a relationship for two years or less with their sponsor and have no children in common with their sponsor at the time they submit their sponsorship application. Under this condition, the sponsored spouse or partners must cohabit in a legitimate relationship with their sponsor for two years from the day they receive their permanent resident status in Canada. If they fail to remain in the relationship, the sponsored spouse’s or partner’s status could be revoked, and the sponsored spouse or partner could be deported.

Adopting a law and society methodology, this paper aims at critically analyzing the social impacts of introducing this conditional permanent resident status to Canada’s Immigrant and Refugee Protection Regulation, particularly focusing on the impact on Asian sponsored immigrant wives who are in an abusive relationship. My hypothesis is that applying this conditional measure in Canada generates gender inequality and risks the newly arrived sponsored immigrant wives of being controlled and abused by their husband. This conditional measure also creates obstacles for abused immigrant wives to leave the abusive relationship for fear of losing their immigration status. Therefore, my argument in this paper is that, in the absence of data showing that marriage fraud is a widespread problem, Canada should terminate applying this conditional permanent resident status.

This paper begins with a summary of the reasons for and against introducing the permanent resident status to Canada. Next, I seek to identify the immigrant-specific sociological factors that silence them from reporting their experience of being abused. The third part addresses the legal problems in the Canadian immigration law, which creates systematic obstacles for Asian immigrant wives to prove that they are being abused or neglected. The fourth part analyzes the social impacts of applying the conditional permanent resident status in Canada, including fostering negative stereotypes and discrimination against sponsored immigrant wives in Canada and exposing sponsored immigrant wives in a vulnerable position for domestic violence. I will then analyze alternatives options for sponsored immigrant wives to maintain their permanent resident status if the relationship breakdown, and argue that the current immigration law fails to offer feasible legal options for abused Asian immigrant women, leaving them in a vulnerable position in the face of domestic violence.

Keywords
Conditional Permanent Resident Status; Spousal Sponsorship; Asian Immigrant; Immigrant Wives;