



## **HE WANTS TO SPONSOR HIS CUBAN PRINCESS**

### **The Facts**

Jean-Claude, a youthful and divorced 60-year-old retiree, is fascinated by Cuban culture, particularly its performing artists. During his first trip to Cuba, three years ago, he met his soul mate, Maria, an outstanding dancer who was 25 years old and single.

It was love at first sight for both of them. After glancing at photographs of Jean-Claude's "castle," an old yet picturesque cottage, as well as his old boat moored along the shores of a pleasant stream, Maria expressed her fervent desire to live with him in his cabin in Canada where they could "fish" in his lovely "sparkling river."

Overjoyed, Jean-Claude returned to Canada and promptly consulted a lawyer to find out how to bring his girlfriend to Canada as quickly as possible, given his age and precarious state of health.

Suspecting deceit, the lawyer told Jean-Claude about his doubts regarding the artist's good faith and explained the financial consequences of an aborted sponsorship. Jean-Claude, who heeded only part of his lawyer's advice, dipped into his emergency fund and went back to Cuba to live there with his princess for a few months.

Convinced that his lady-love's amorous desires were sincere, he dipped even further into his emergency fund and showered her with numerous gifts, including a fabulous multi-carat diamond ring, and then proceeded to get married.

Upon his return to Canada, he paid the required sums to initiate the sponsorship process.

However, it was all in vain. After reviewing the file and questioning both parties, Immigration Canada sent Maria and Jean-Claude a letter informing them that they had not convinced the authorities that the marriage had been entered into in good faith and was genuine.

Consequently, the sponsorship application was refused, with the right to appeal. Jean-Claude appealed to the Immigration Appeal Division which, unfortunately, upheld the decision.

### **The Law**

Section 12 of the *Immigration and Refugee Protection Act*<sup>1</sup> provides the possibility for a Canadian resident or citizen to sponsor a spouse or common-law spouse.

However, section 4 of the regulations<sup>2</sup> provides that the foreigner will not be considered to be a spouse or common-law spouse if the relationship is not genuine and was entered into primarily for the purpose of acquiring a status in Canada.

<sup>1</sup> S.C. 2001, c. 27.

<sup>2</sup> *Immigration and Refugee Protection Regulations*, SOR/2002-227.

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\* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.