

An Insider's Guide To

Marrying a

CANADIAN

citizen



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Are you a foreign national who is planning on marrying a Canadian?

Before you start picking out venues, wedding bands, and tablecloths, it is important to understand what comes next after marrying your Canadian partner.

This guide is designed to give you the “insider scoop” on marrying a Canadian citizen, making sure your marriage is legally valid, and everything else you need to know about obtaining a Canadian Permanent Resident visa.

A Brief Introduction to Canadian Immigration

To immigrate to Canada and become a Canadian Permanent Resident, you will need to apply for and be issued a Permanent Resident Visa.

Here are some of the programs you may be eligible for:

- **Skilled Workers (Professionals)**
 - Skilled workers are chosen as permanent residents based on their education, work experience, knowledge of Canada’s official languages (English and French), and various other factors. If you would like to apply for Canadian immigration under the skilled workers category, you would be eligible to live in any Canadian province or territory except for Quebec.
- **Provincial Nomination Programs**
 - If you have a particular province or territory in mind, one possible way to potentially fast-track the immigration process is to look into the Provincial Nomination Program (PNP) of your desired province or territory.
- **Business Immigration**
 - If you’re a business person and you’re looking to invest in Canada, you may be able to obtain Permanent Residency through the Business immigration visa.
- **Family Class Sponsorship**
 - Because your partner who you intend to marry is in fact a Canadian citizen or Permanent Resident, they may consider becoming your sponsor.
- **Canadian Experience Class**
 - If you have experience living in Canada through work or study, you may consider applying for your Permanent Resident visa through the Canadian Experience Class program.

With all of the options available, it can be difficult to select which program is best for your situation.

Holthe Tilleman Business Immigration Law can help you determine your best options for Canadian immigration. Visit our website at: <http://www.ht-llp.com/>.

Do I Become A Canadian Citizen Automatically After Marrying A Canadian?

If you assumed that after marrying a Canadian, you would automatically become a Canadian citizen then you are not alone. While this may be true in other nations, it is not the case in Canada.

In order to become a Canadian citizen, you must meet a number of requirements. Here are two of them:

- You must be a permanent resident of Canada.
- You must have lived in Canada for three of the four years before you apply.

If you are not currently a permanent resident of Canada, your new Canadian spouse can sponsor you to become a permanent resident.

Once you become a permanent resident, and you have lived in Canada for the pre-determined time, you can then apply for Canadian citizenship.

What is Sponsorship and How Does It Work?

Sponsorship is one method that citizens or permanent residents of Canada can use to allow specific and immediate family members to immigrate to Canada.

Because your partner is a citizen or permanent resident of Canada, they may be eligible to sponsor you to immigrate to Canada. However, sponsoring a family member requires that certain criteria are met.

At a basic level, your partner must be capable of demonstrating proof that they can meet basic needs for themselves (including food and shelter) and for you as well. They must be able to show that they can support you financially and you must be in a position where you will not have to ask for financial support from the government.

If your partner meets the basic criteria above, they must then determine if they are eligible to sponsor you.

Is My Partner Eligible To Sponsor Me?

If your partner is a Canadian citizen or a permanent resident of Canada and they are 18 years or older, they may be eligible to sponsor you or their dependent children.

When your partner sponsors you to become a permanent resident of Canada, they must agree in writing to support you financially if you need it. This financial support would last for three years from the date you become a permanent resident. In order for your partner to demonstrate their capacity to support you financially, they must meet pre-determined income guidelines.

It's also important to bear in mind that there is also criteria that can prevent your partner from becoming a sponsor including (but not limited to): they sponsored relatives to come to Canada in the past who have later asked the government for financial help, they did not pay alimony or child support even though a court ordered it, they received government financial help for reasons other than being disabled, they were convicted of an offence that was violent or of a sexual nature, they are in prison or have declared bankruptcy and have not been released from it yet.

If your partner lives in Quebec, Citizenship and Immigration Canada must approve them as a sponsor first. Then they must also meet Quebec's conditions to be a sponsor including (but not limited to):

- They have fulfilled all previous commitments. If the Ministère de l'Emploi et de la Solidarité sociale (MESS) determines that your partner has defaulted, they must have repaid all of the amounts paid as financial assistance of last resort (social assistance) or special allowances to the person they sponsored.
- They must not receive financial assistance of last resort (social assistance) except allowances related to their age or a disability that poses obstacles to employment that are serious, permanent or of indefinite duration.
- Over the past five years, your partner must have complied with obligations arising from a judgment ordering them to pay alimony. If not, they must have repaid all outstanding amounts.
- They must not have been convicted, in Canada or abroad, of a sexual offence or an offence resulting in personal injuries, or an attempt or threat to commit such an offence against a family member unless they were acquitted or rehabilitated or finished serving their sentence at least five years before submitting their application.
- Your partner must not be subject to a removal order or detained in a penitentiary or prison.

If your partner determines that they are eligible to sponsor you, they can then apply to be a sponsor.

How Can My Spouse or Partner Apply For Sponsorship?

There are two stages your spouse or partner must follow in order for you to become a permanent resident.

In the first stage, they must first apply to sponsor you as a citizen or permanent resident of Canada.

There are three simple steps to follow in the application process:

1. Get the application package
2. Pay the application fees
3. Submit the application

Once your spouse or partner has filed their application, the Case Processing Centre (CPC) in Canada will process their application. The CPC will then write to your spouse or partner to advise them if Citizenship and Immigration Canada (CIC) has approved their application.

In the second stage, you must apply for permanent residence in Canada.

It's important to keep in mind that both the sponsorship application and the permanent residence application must be submitted at the same time.

After your spouse or partner has applied for sponsorship, they should keep in mind that there are varying levels of processing times for which their application will either be approved or declined. You can check the processing times [here](http://www.cic.gc.ca/english/information/times/perm-fc.asp) (<http://www.cic.gc.ca/english/information/times/perm-fc.asp>)

What Should We Do After The Application For Sponsorship Has Been Filed?

If your spouse or partner's application has been approved, it will be forwarded to the visa office that serves your home country, or the country where you have lived for more than one year.

If your spouse or partner's application to become a sponsor has not been approved, all is not lost. You can still apply for permanent residence. However, in the event that your spouse or partner has been approved as a sponsor but the CIC has determined that you do not meet the criteria to be sponsored, then the CIC will explain to you why you were refused. The CIC will also explain your spouse or partner's right to appeal their decision.

If for whatever reason you would like to cancel the process, your spouse or partner is able to withdraw their application at any point before you become a permanent resident of Canada. They may even be eligible for a refund on the application fee in the event that the CIC has not started to process it.

The Sponsorship Application Was Approved, Now What?

When you arrive in Canada, you will be required to show your Confirmation of Permanent Residence (COPR) and your permanent resident visa to a Citizenship and Immigration Canada (CIC) officer at the point of entry to Canada. The officer will verify your travel and immigration documents to make sure they are correct.

The CIC officer will also verify your permanent resident visa has not expired as the visa cannot be used after expiry. Permanent residence visas cannot be extended, so be sure to use it within the allotted time limit.

When you come to Canada, you must bring a valid passport or travel documents with you. If you choose to present your passport, it must be a regular, private passport. It is not possible for you to immigrate to Canada with a diplomatic government service or a public affairs passport.

You will also be asked to answer questions similar to the ones you answered on your Application for Permanent Residence in Canada. The CIC officer asks these questions to verify that the information on the application was indeed accurate.

It is also important that you notify the visa officer of any funds you are bringing into the country including cash, stocks, bonds, money orders, travelers cheques, etc.

If there are no problems upon your arrival in Canada, the CIC officer will authorize you to enter Canada as a permanent resident. The officer will also use the address listed on your COPR to have your permanent resident card mailed to you. Permanent residents are given the permanent resident card as proof of their status in Canada. Keep it stored in a safe place!

What happens if you marry a Canadian abroad?

“Destination weddings” are becoming increasingly popular, and while they do offer an array of benefits, it’s important to understand the procedure you and your soon-to-be spouse need to follow to ensure your marriage is legally valid.

First, you should contact the nearest embassy or consulate of the country where the marriage will occur to determine the legal requirements for your marriage.

Most countries require a valid Canadian passport and a certificate issued by your spouse or partner's province or territory stating that there are no legal impediments to your marriage. Ask your partner to obtain the certificate before leaving Canada.

If you are already abroad, you may obtain a Statement in Lieu of Certification of Non-Impediment to Marriage Abroad, for a fee, from the nearest Canadian government office abroad. Note that this statement may not be sufficient proof of a non-impediment to marriage for some foreign governments.

Some foreign governments may require other documents such as a birth certificate, premarital blood test certificate, divorce papers, death certificate, and/or a statement of parental consent. You may be required to have the documents translated into the language of the country where the marriage will occur and/or authenticated in Canada by a consular official of that country.

You cannot get married at a Canadian embassy or consulate. Canadian consular officials do not perform marriage ceremonies, and they do not have to attend a marriage ceremony in a foreign country.

Marriages that are legally performed in a foreign country are usually valid in Canada, and you do not need to register them in Canada.

Depending on your country of nationality, your spouse may automatically become a citizen of your country. Although this will not affect their Canadian citizenship, your country of nationality may not recognize their Canadian citizenship which could prevent Canada from providing them with consular assistance.

Who Can I Ask For Help?

Navigating Canada's immigration process can be complex. Luckily, you don't have to do it alone. **Holthe Tilleman Business Immigration Law** specializes in immigration law and can walk you through the entire immigration process from start to finish.

Need assistance? Contact us today at

Phone: (403) 328-1441

Toll Free Phone: 1-844-485-8204

Email: mholthe@ht-llp.com



Where Can I Get More Information?

To determine your eligibility for Canada's immigration programs, click here:

<http://www.cic.gc.ca/english/immigrate/eligibility.asp>

To apply to immigrate to Canada, click here: <http://www.cic.gc.ca/english/immigrate/apply.asp>

To learn more about family sponsorship, click here:

<http://www.cic.gc.ca/english/immigrate/sponsor/index.asp>