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Liberals' promise to repeal Conservative legislation would open the floodgates to marriage fraud



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JOHN IVISON | May 8, 2016 | Last Updated: May 8 4:06 PM ET

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Chris Roussakis/ National Post
Clifton Cunningham was duped into marrying a Jamaican woman who took off as soon as she landed in Canada. He is now on the hook for \$23,000 in social assistance she racked up, even though she was found guilty of marriage fraud and likely deported.

OTTAWA — Clifton Cunningham, a 54-year-old Ottawa resident who cleans buses for a living, was duped into a marriage of convenience by a Jamaican woman who was seeking permanent resident status in Canada.

Cunningham's estranged wife, Karlene Williams, and her adopted daughter, Sheleka, arrived in Toronto in 2011, after the couple was married in Jamaica. Both were sponsored by Cunningham and became permanent residents on landing. But they never travelled to Ottawa — he says she took off with another man instead.

He told the Canada Border Services Agency and it deemed Williams entered into a “non-genuine marriage.” Cunningham believes she was deported but CBSA will not confirm this, citing privacy reasons.

Despite the evidence of fraud, Ontario's Ministry of Community and Social Services is seeking \$24,000 from Cunningham in “sponsorship debt” — the amount of social assistance received by his estranged wife.

They found her guilty and sent her home. I am not responsible for her

“It's very, very stressful,” Cunningham said in an interview. “They found her guilty and sent her home. I am not responsible for her.”

Stories like that of Clifton Cunningham are heartbreaking but they used to be more common than they are now. Cunningham was married when sponsored spouses received immediate permanent resident status upon arrival in Canada.

In 2012, the Conservatives introduced conditional visas to crack down on marriage fraud by people seeking permanent residence status in Canada.

People in a relationship for less than two years, with no biological children, must wait two years before they qualify for permanent resident status.

Julie Taub, an immigration lawyer in Ottawa, said the two-year conditional residency has resulted in a dramatic drop in marriages of convenience.

“Before the imposition of the two-year residency requirement, I would receive at least one call from a Canadian victim per week. I rarely receive any calls anymore,” she said.

That happy state of affairs is unlikely to last. The Liberals were elected on a promise to repeal the Conservative legislation, once more opening the floodgates to marriage fraudsters.

“A complaint against a foreign national by a duped sponsor takes years to investigate and schedule a hearing, and even if the Immigration division issues an exclusion order for misrepresentation, or marriage of convenience, the permanent resident has the right to endless appeals,” Taub said.

“In the meantime, the hapless victim, a Canadian or Canadian immigrant, suffers financially and psychologically.”

Felix Corriveau, a senior adviser to Immigration Minister John McCallum, said the Liberals are proposing changes to address concerns that have been identified, such as the vulnerability of sponsored spouses.

“Given concerns about the vulnerability of spouses in abusive relationships, the proposed condition would cease to apply in instances where there is evidence of abuse — physical, sexual, psychological or financial — or neglect, such as failure to provide the necessities of life,” he said.

“Settlement and social services providers have highlighted the many barriers immigrant spouses may face which make them less likely to be aware of their options to remain in Canada, and more likely to remain in abusive relationships in order to preserve their status.”

But Taub said a provision already exists in the Conservative legislation that exempts abused spouses from the waiting period.

“They (the government) want to do undo everything and drop the two-year conditional residency. The whole outlook now is what is in the best interests of foreign nationals, not Canada,” she said.

My family and I are terrified. We are begging for protection and that his status as a permanent resident of Canada be cancelled

The existing legislation also protects women from abuse, Taub said. She forwarded the case of another client, with the identity removed for privacy reasons, who was

threatened with an acid attack by the family of her estranged husband for trying to divorce him, after it emerged the Pakistan passport holder married her only to get status in Canada.

He has since returned to his studies in Egypt but made it known to his estranged wife that she and her entire family were in grave danger if they continued with the divorce process.

“My family and I are terrified. We are begging for protection and that his status as a permanent resident of Canada be cancelled,” she wrote in an affidavit.

Where there are countries such as Canada with generous welfare provisions, there will always be marriage fraud.



Chris Roussakis / National Post Stories like that of Clifton Cunningham are heartbreaking but they used to be more common than they are now.

Cunningham admitted he was flattered by Williams' attentions when he visited Jamaica in 2007.

“She courted me with intense interest, affection, respect and courtesy — I appreciated and trusted her words but unfortunately, I was gullible,” he said.

“The entire marriage was a sham and done in bad faith, not out of the love she expressed to me constantly,” he said in an affidavit.

But his gullibility has been compounded by an immigration system that, as the auditor general noted last week, does not do enough to detect or prevent fraud. The auditor also found the immigration department does not communicate well with its partners — the RCMP and the CBSA.

I don't have that money — I have four kids. I can't sleep sometimes

Throw in a provincial department that, ludicrously, demands social assistance repayment from the victims of fraud and you have a system in dire need of reform.

The tragedy here is that a legislative fix that appears to have been effective is about to be repealed for political and ideological reasons.

None of that particularly resonates with Cunningham. All he knows is that he is stuck with a bill he will never be able to pay, no matter how many buses he cleans.