



Safe Pathways

APPLYING FOR PR OR
CITIZENSHIP IN
CANADA



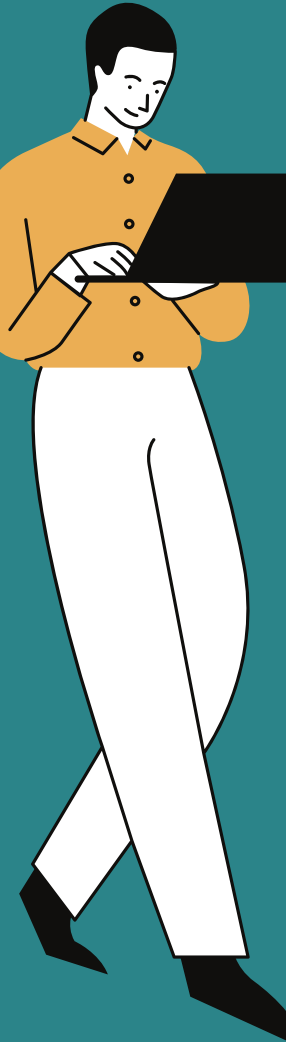


With gratitude for the wisdom of Indigenous Peoples, we acknowledge that SWAN Vancouver is situated on the stolen ancestral lands of the x^wməθk^wəyəm (Musqueam), Sk̓wxwú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.

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Introduction

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This resource is for people who are wishing to apply for permanent residency and/or citizenship in Canada

This is a preliminary overview and will focus specifically on **sex work & precarious status** and **immigration fraud**, looking at **hiring representatives** and **sponsorship through marriage**.

The community that SWAN supports has identified fraudulent experiences, and we hope to help clarify what these processes entail, to build working knowledge so people within this community and beyond can better protect themselves.

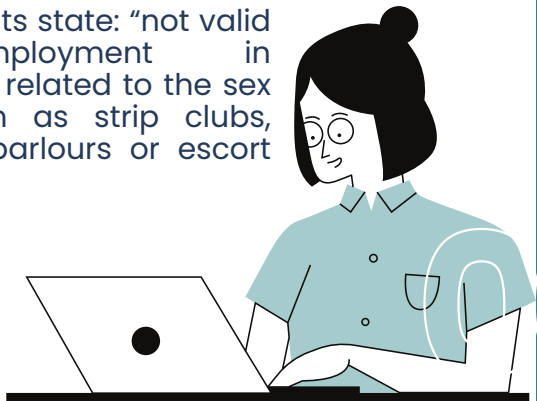


Sex work & precarious status

- Permanent residents have the right to work anywhere in Canada

If you don't have Canadian citizenship or permanent residency, you CANNOT legally work in the sex industry

- EVEN with a work permit, you cannot legally work in the sex industry, whether you are self-employed or work for an employer
- Immigration Regulations state that you cannot legally work for “an employer on a regular basis [that] offers striptease, erotic dance, escort services or erotic massages”
- Work permits state: “not valid for employment in businesses related to the sex trade such as strip clubs, massage parlours or escort services”



Hiring Representatives

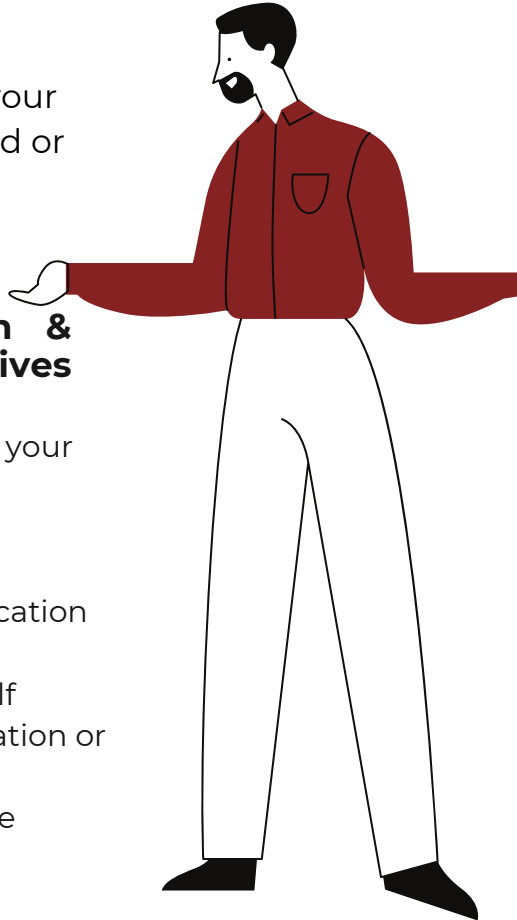


People that you compensate in any way to help you immigrate is considered paid, and therefore must be authorized

If they are not authorized, your application may be returned or refused

What do immigration & citizenship representatives do?

- explain and give advice on your options
- help you choose the best program for you
- fill out & submit your application
- communicate with the Government on your behalf
- represent you in an application or hearing
- advertise that they can give advice





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Representatives can be:

- citizenship or immigration consultants
- lawyers
- friends
- family members
- other third parties

You may choose to use a representative to act on your behalf for applications

There are 2 types of representatives:

- paid
- unpaid

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Authorized representatives 07

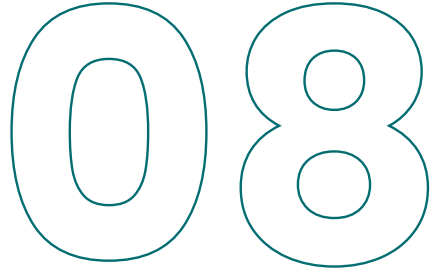
Only some people can charge you a fee or receive any other type of payment. These people are called “authorized” representatives”. They are:

- lawyers and paralegals who are in good standing of a Canadian provincial or territorial law society
- notaries who are members in good standing of the Chambre des notaires du Quebec
- citizenship or immigration consultants who are members in good standing of the College of Immigration and Citizenship Consultants

You can check if a person is licensed to represent immigrants or to give advice. If they are not in good standing, you should not use their services

In Canada, the only consultants who can give you advice for a fee or benefit are licensed immigration consultants

- consultants must be a member of the College of Immigration and Citizenship Consultants
- lawyers/paralegals must be a member of a Canadian provincial or territorial law society, or the Chambre des notaires du Quebec
- paralegals (Ontario only) must be members of the Law Society of Ontario



- Find out if they're authorized
 - this means they have license to practice and give advice
- if you choose a paid representative who is NOT authorized, IRCC may return your application or refuse it
- if you give a representative money or compensate them in any way in exchange for their services, they're considered paid and must be authorized

Beware of representatives who:

- advertise their services as free and then later ask you to pay a fee
- advise you to lie on your application
- guarantee permanent residency and/or citizenship
 - only immigration officers can decide to issue you a visa

It's against the law to give false or misleading information in your application

Getting help



You can get help from someone who isn't acting as your representative

For example, someone can check your application status for you

This person is not considered a representative if they do not:

- advise you on which program to apply for
- complete or update your application as you
- act as you when dealing with IRCC

As a result, SWAN cannot fill out your application for you. Moreover, SWAN does not have lawyers and cannot provide legal advice

However, SWAN can confidentially help you check if a person is licensed and in good standing



More tips to protect yourself from fraud

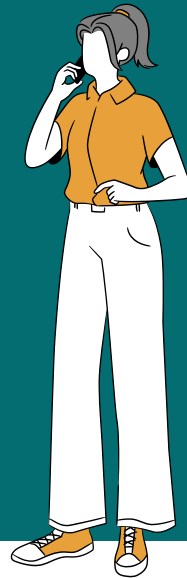
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- Be careful of anything that sounds too good to be true
- Using a representative will not draw special attention to your application or guarantee that IRCC approve it
- Beware of representatives who encourage you to give false information in your application
 - It's against the law, and you could be denied entry into Canada or deported after you arrive
- Don't leave original documents or photos with your representative
- Don't sign blank application forms
- Don't sign forms or documents unless you can read them
 - If you don't understand them, ask someone to translate
- Make sure to get copies of any documents your representative makes for you
- Any time you pay your representative, get a signed receipt
- Make sure your representative updates you on your application often

More tips to protect yourself from fraud

Protect your money and remember:

- IRCC will never call you and ask you to deposit money into a personal bank account
- IRCC will never ask you to transfer money through a private money transfer company
- IRCC processing fees are in Canadian dollars, and they are the same around the world



Marriage sponsorship

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Sponsorship through marriage is another potential pathway to immigration

- the sponsor will apply through the online application forms on the Government of Canada website
- part of the application package involves the sponsor promising to provide financial support for your basic needs for **3 years**
 - basic needs refer to food, clothing, shelter, etc., and any healthcare needs not covered by public health services
- the sponsor must be at least 18 years old, a Canadian citizen or permanent resident, and be living in Canada
- you and your sponsor must either be legally married or in a common-law partnership



Marriage fraud

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It is a crime to marry a Canadian permanent resident or citizen for only the purpose of immigration.

This is called 'marriage fraud' or 'relationship of convenience'.

All applicants applying through the marriage sponsorship pathway must prove that their relationship is genuine.

You and your spouse must submit the marriage certificate, joint financial records, relationship photos, statements from friends and family, etc.

- immigration officers have ways to check for a false marriage
 - if they are not satisfied with the submitted documents, they may request further information or for an interview

Marriage fraud

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if you/your spouse is found to be committing marriage fraud:

- your visa will be refused, and you may be banned from Canada for 5 years
- marriage fraud will be on your record
- you may face deportation
- you may be charged with a crime

Remember that people who offer or agree to a ‘relationship of convenience’ can also be scamming you

- Canadian permanent residents/citizens who sponsor must support them financially for 3 years, even if the marriage fails (i.e., divorce, separation, etc.)
- they also must continue to support you financially even after you have gained citizenship, if you or the sponsor move to another province or country, or if the sponsor is experiencing financial difficulties

Not many people would be willing to support someone financially outside of a real relationship!

- be cautious of people who offer to do this for you

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