

## Few options available to bring 10-year-old niece to Canada

Written by special to the filipino reporter  
Sunday, 24 April 2016 11:06

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**IMMIGRATION  
NEWSWEEK**



By: Atty. Henry Moyal

**Q.** I want to sponsor my niece who is only 10 years old.

Her parents abandoned her and I have acted as her mother for many years now.

I cannot bear children myself and I am single.

How can I adopt her or bring her to Canada?

**A.** Under the family class rules you have a few options.

You can sponsor the child if she is an orphan.

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If she is not an orphan then you might want to consider going through the adoption process.

To do that you first must contact the relevant provincial office in Canada before the adoption to do a home study report.

If you have a formal adoption done before it is not valid.

It will be important to prove that the adoption is in the best interests of this child and there is a true mother-child relationship.

The final option is not to adopt the child but to sponsor the child with the intention of adopting in Canada.

To do this you must obtain consent from the province in Canada and you must demonstrate the intended option is not an adoption of convenience nor one that is merely to obtain immigration to Canada.

**Q.** I obtained permanent residence in Canada in 2011 under the live-in caregiver program.

I was single at the time.

Shortly before attending my landing interview however, I married my boyfriend in the Philippines.

My current husband is applying on his own to become a permanent resident and he will come to Canada soon.

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Neither of us have informed immigration about our change in marital status because we did not want to complicate things.

Since my husband will obtain his visa on his own (and with no assistance from me), is it necessary to inform immigration?

What should I do?

Should he cancel his application and I will start a sponsorship?

**A.** This is an interesting case and which stresses the need to always tell the truth.

Firstly, in my opinion you made a mistake by not informing immigration about your marital status before landing.

I understand that you did not want to sponsor the spouse at the time but that is irrelevant.

What if you married and your spouse never had the intention of immigrating?

Does that mean the applicants must only inform immigration if there is a benefit to them?

The answer is no.

An applicant has a duty to inform immigration of any material change in their application up to

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landing.

It is trite to say that your change in marital status is a material change.

The more interesting aspect of your case is that your spouse may enter Canada on his own merit and therefore will likely not rely on your sponsorship.

I do not believe that this changes anything nor the duty to report.

**Q.** I landed in Canada in 2007.

In 2012, I returned to the Philippines to care for my sick mother and I have not returned to Canada since.

During my stay in the Philippines I met a woman and we married a few months ago.

I want to come back to Canada and bring my wife with me.

Can I start the sponsorship now?

**A.** There are a few legal issues here.

You have stated that you are a permanent resident of Canada and not a Canadian Citizen.

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As such, that triggers two important points.

Firstly, you have a PR card that has an expiry date.

You will not be able to board a plane with an expired card.

To obtain a new card you must have been in Canada for two years within the last five.

This seems to be a problem.

As well, as a permanent resident you cannot file a sponsorship while abroad.

You must be in Canada to sponsor your spouse (Canadian Citizens by the way can live abroad and remain abroad while sponsorship a spouse).

Therefore, you need to return to Canada to file the sponsorship application and you can do so even if you do not have a job.

The financial requirements are waived when sponsorship a spouse as long as you can demonstrate you are able to support yourself without collecting social assistance.

**Q.** I'm a live-in caregiver and I already have my open work permit.

I met a man on line.

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He is from Mexico and has no status in USA.

We recently married in Las Vegas.

Do I need to add him to my application or should I sponsor him after I become an immigrant?

If I need to add him how is this done?

**A.** You absolutely must inform the immigration authorities of the change of your marital status.

It is crucial.

You cannot become an immigrant until your husband completes applications and does a medical exam.

Failure to do so will mean you will not be able to sponsor him in the future.

To add your husband he must complete the generic application and send photos with processing fees.

If he has no status in USA it may trigger an interview if there is a question on the genuineness of the relationship.

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***The above article is general advice only and is not intended to act as a legal document.***

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