

## 1.2 Family Class

The Family Class immigration program aims to reunite citizens and permanent residents of Canada with their immediate family members. By committing to sponsor family class members, the sponsor promises that, for a specified period, they will meet their basic needs so that they do not have to receive social assistance.

Priority is given to sponsorship applications involving spouses, common-law partners or conjugal partners and dependent children.

Priority is also given to sponsorship applications for adopted children, children to be adopted and orphans, as they often involve minors without parental care.

No processing priority is granted for other members of the family reunification category.

The application for permanent residence under Family Class is sent along with the sponsorship application to a Case Processing Center (CPC) in Canada. CPCs are the main offices responsible for processing sponsorship applications submitted under the family reunification category. Other Immigration, Refugees and Citizenship Canada (IRCC) offices may make certain decisions regarding eligibility under Family Class, if applicable.

### Minimum Necessary Income (MNI)

When signing a commitment, the sponsor promises to offer financial support to meet the basic needs of the people they sponsor.

Immigration, Refugees and Citizenship Canada assesses whether the sponsor's total income is equal to or greater than the MNI that the co-signer (if applicable) and sponsor must achieve to convince IRCC they are able to meet basic needs, such as food, clothing and accommodation for the sponsored person (s), other persons for whom they are responsible and themselves [R2].

MNI is based on Statistics Canada's Low Income Cut-Offs (LICOs), that establish the level of income at which a family may find itself spending a greater proportion of its income to meet basic needs (food, clothing and housing), compared to an average family of the same size.

MNI - 2020

Family unit size	Minimum Necessary Income	
1 person (the respondent)	\$ 25,921	\$ 25,921
2 people	\$ 32,270	\$ 32,270
3 people	\$ 39,672	\$ 39,672
4 people	\$ 48,167	\$ 48,167
5 people	\$ 54,630	\$ 54,630
6 people	\$ 61,613	\$ 61,613
7 people	\$ 68,598	\$ 68,598
If more than 7 people, for each additional person add	\$ 6,985	\$ 6,985

### Sponsorship of parents and grandparents

Total number of people you would be responsible for	Minimum income required for each of the three tax years immediately preceding the date of your request				
	2018	2017	2016	2016	2015
2 people	\$ 40,379	\$ 39,813	\$ 39,372	\$ 39,372	\$ 38,618
3 people	\$ 49,641	\$ 48,945	\$ 48,404	\$ 48,404	\$ 47,476

<b>4 people</b>	\$ 60,271	\$ 59,426	\$ 58,768	\$ 58,768	\$ 57,642
<b>5 people</b>	\$ 68,358	\$ 67,400	\$ 66,654	\$ 66,654	\$ 65,377
<b>6 people</b>	\$ 77,095	\$ 76,015	\$ 75,174	\$ 75,174	\$ 73,733
<b>7 people</b>	\$ 85,835	\$ 84,631	\$ 83,695	\$ 83,695	\$ 82,091
<b>More than 7 people, for each additional person, add this amount</b>	\$ 8,740	\$ 8,616	\$ 8,521	\$ 8,521	\$ 8,358

### Conjugal partners

The key to assessing the category of conjugal partners is that obtaining common-law status when marriage is not possible, most often due to their marital status or sexual orientation, combined with a barrier to immigration. It only applies to family class and to a foreign national abroad sponsored by a Canadian citizen or permanent resident living in Canada. It does not apply to applicants under the class of spouse or common-law partner in Canada. A foreign partner may be from a country where divorce is not possible or where same-sex marriage is not recognized. Such partners may not be able to obtain a long-stay visa to live together and meet the cohabitation requirement for common-law partners. When the option of marriage is not open to them, such couples could be permanently separated. In all other respects, conjugal partners are similar to those who are married or in a common-law relationship.

### Duration of the respondent's responsibility for members of the family class category

<b>Category</b>	<b>Code</b>	<b>Duration of the commitment</b>	<b>Disposition</b>
Spouse	CF1	3 years	R132(1)b)(i)
Common-law partner	CFC	3 years	R132(1)b)(i)
Conjugal partner	CFE	3 years	R132(1)b)(i)

Spouse and common-law partner in Canada (public policy)	CFH	3 years	R132(1)b)(i)
Dependent child and child accompanying a spouse or partner	CF3	Child under 22: 10 years or until he is 25 years old Child 22 and over: 3 years	R132(1)b)(ii) R132(1)b)(iii)
Parent or grandparent and child accompanying a parent or a grandparent	CF4	Sponsorship request received before January 1, 2014: 10 years  Sponsorship request obtained after January 1, 2014: 20 years	R132(1)b)(iv)
Brother, sister, nephew or orphaned grand-child	CF5	10 years	R132(1)b)(v)
Child to adopt [R117(1)g)]	CF6	Child under 22: 10 years or until he is 25 years old	R132(1)b)(ii)
Other relative	CF7	10 years	R132(1)b)(v)
Adopted child [R117(2) et (3)]	CF9	Child under 22: 10 years or until he is 25 years old  Child 22 and over 3 years	R2 R132(1)b)(ii) R132(1)b)(iii)

## **Once permanent resident status has been granted, the commitment is irrevocable**

### Duration of the responsibility of the Quebec sponsor towards a member of the family class

<b>Person sponsored</b>	<b>Duration of the commitment</b>
Spouse, common-law partner or conjugal partner	3 years
Child under 16	10 years or until the child turns 18, whichever is longer
Child 16 and over	3 years or until the child is 25 years old, whichever is longer
Other relatives	10 years

### Child who is not declared on the first request

The child who is not declared on the first request cannot be added later.

To remedy to this unintended consequence, the Minister of Immigration, Refugees and Citizenship announced on May 31, 2019 a pilot project that will allow a resettled refugee, a person in Canada who has been granted asylum, or to a person who has himself been sponsored as a spouse, partner or dependent child, to sponsor undeclared close family members (a spouse, partner or dependent child).

The pilot project will start on September 9, 2019 and will run for 2 years. It will facilitate family reunification and ensure that dependents who were not declared on their family member's immigration application are not further penalized and banned from entering Canada. It will also allow some newcomers to sponsor undeclared family members.

### Conditions (eligibility criteria)

Based on public interest considerations, delegated officers may grant exemption from the provisions of the *Law* listed below to foreign nationals who meet all of the following conditions (eligibility criteria):

- the foreign national applied as a spouse or common-law partner under the spouse and common-law partner in Canada category or as a spouse, common-law partner or dependent child under the family class;
- The respondent from abroad:

1. has applied for permanent residence, and has been granted permanent resident status, as a Convention refugee or a person in a similar situation; or
2. has been granted permanent residence after being recognized as a protected person; or
3. has been recognized as a member of the family class category and has been granted permanent residence as a spouse, common-law partner, conjugal partner or sponsored dependent child; or
4. has been recognized as a member of the spouse and common-law partner category in Canada and has been granted permanent residence as a sponsored spouse or common-law partner.

When the foreign national is declared and checked at the same time the sponsor immigrates to Canada, the foreign national does not render the sponsor ineligible in the category in which the sponsor applied.

#### Sponsorship of a dependent child who has a dependent child

- Must show that the dependent child of the dependent child has a severe disability, it cannot be inadmissible for excessive burden.

#### Family class and inadmissibility

- the applicant and its family members must not be inadmissible;
- if a dependent child is inadmissible, the applicant cannot become a permanent resident. However, if a dependent child is deemed inadmissible (married child under 22 years old), the main applicant can still obtain permanent resident status if he withdraws that child from his application.

#### Definition of family member and inadmissibility

IRPA (3) For the purposes of the Act - except section 12 and paragraph 38 (2) (d) - and the present regulation - except for paragraph 7.1 (3) (a) and sections 159.1 and 159.5 -, family member, with respect to a person, means:

- a) his spouse or common-law partner;
- b) any child who is dependent on him, his spouse or common-law partner;
- c) the dependent child of a dependent child referred to in paragraph b).

#### Sponsorship ban

- Ban for a conjugal partner who has been sponsored to sponsor another spouse, common-law partner or conjugal partner for a period of **5 years**.

Ban on acting as a sponsor (guarantor) - Canadian Citizen and PR

- At least 5 years before the filing of an application the sponsor must not have been convicted of a serious violent sexual offense, or an offense causing bodily harm or an attempt or threat to commit such offense;
- When the person is subject to a removal order;
- When the person is detained in a penitentiary, prison, or correctional center;
- When the person receives social assistance for reasons other than disability;
- When the person is RP and lives outside Canada;
- When you **don't have**
  - reimbursed an immigration loan;
  - reimbursed a deposit;
  - honored a court-ordered alimony payment obligation.
  
- When you have not provided the financial support agreed upon under a sponsorship agreement for another person that you have signed for in the past;
- When you have declared bankruptcy and are not yet discharged from that bankruptcy.