

## NAVIGATING FAMILY CLASS SPONSORSHIP

**Course Summary:** This course provides an in-depth overview of the family sponsorship application process, including the sponsorship of spouses (married, conjugal and CML), parents, grandparents, children and other family members. Eligibility requirements and exclusions will be reviewed, as well as each step involved in the preparation of a family sponsorship application. The course will also include a discussion about how to handle ineligibility and refused applications, as well as ethical dilemmas that may surface in these types of applications and how to manage them.

**Course Outline:**

1. Eligibility requirements for a sponsor

- Age
- Status in Canada
- Place of residence
- Minimum necessary income

2. Barriers to sponsor eligibility

- 5 Year Bar for previously-sponsored spouses
- Criminality

3. Categories of family members who can be sponsored

- Spouses – legality, genuineness, primary purpose of marriage
- Common law partners – cohabitation, conjugality
- Conjugal partners – conjugality
- Dependent child – age limits, medical exceptions
- Parent/Grandparent
- Others – adopted children, orphaned children, etc.

4. Excluded Family Members

- Underage marriages
- Multiple marriages
- Proxy marriages
- Undeclared dependents

## 5. Spouse in Canada Class

- Cohabitation in Canada
- Lack of status
- Open Work Permit

## 6. The Application Process

- Completeness check - application forms, required documents, suggested documents
- Process steps
- Processing times
- Following up

## 7. How to handle ineligibility

- Humanitarian requests
- Temporary Resident Permits
- Appeals and Judicial Review

## 8. Ethical considerations in Family Class applications

- Joint retainers and implications
  - No confidentiality between the parties to a retainer
- Receiving instructions and payment from third parties
- Conflicts of interest – avoidance and management
  - Potential sources of conflicts of interests
  - Handling conflicts and withdrawal of representation
- The role of counsel in judging the genuineness of the relationship
  - Responding appropriately to client dishonesty
- Omissions and misrepresentations
  - Duty to not mislead immigration authorities
- Advising one client and not the other after the completion of the retainer
- Poison pen letters involving former clients