

# Married for the papers

## Marriage fraud in the immigration system

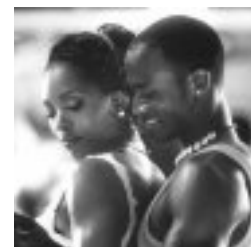
By: Emilia Liz Murphy

Several years ago I was casually dating a man from Colombia named Carlos\*. On our second date, he raised the topic of matrimony. I was a bit surprised; barely two weeks of knowing one another seemed a bit early for him to basically propose to me. Many other girls might be flattered or even elated if they received a proposal so soon in the relationship. However, while I was attracted to Carlos and was indeed considering a future with him, I suspected he might have ulterior motives for bringing up marriage on our second meeting. Carlos was in Canada on a visitor's visa. As he explained it, there were three ways he could stay in this country: by obtaining refugee status (which he ultimately did), staying here illegally and working under the table, or marrying a Canadian. Needless to say, I did not marry him.

Though I did not become an example of it, my experience with Carlos got me interested in the subject of marriage fraud. Marriage fraud is defined as the act of marrying an individual with the sole purpose of immigrating to or obtaining permanent status in his or her country of residence and lying about the true purpose of the marriage (i.e. pretending to be in love with him or her). Marriage fraud should be distinguished from marriage of convenience, where both parties agree to get married in order to help one of them immigrate but where there is no intent to deceive the other (a la Andie MacDowell and Gerard Depardieu in the film *Green Card*).

The most famous case of (probable) marriage fraud is perhaps that of African-American writer Terry McMillan and Jonathan Plummer.

At the age of 42, McMillan took a trip to Jamaica and there met Plummer, then twenty. After marrying him and bringing him to the United States, she wrote a semi-autobiographical novel about her experience entitled *How Stella Got Her Groove Back*, which was later made into a movie with Angela Bassett in the lead role. The marriage ended a decade later when Plummer revealed he was gay.



He claimed to have discovered his homosexuality only on coming to the States, but McMillan asserted he knew of it all along and merely used her to get a green card. Personally, I strongly believe McMillan's explanation to be the more likely one – though as a gay man his desire to leave Jamaica was somewhat understandable given the extensive homophobia in that nation and though maybe McMillan should have wondered why, gay or not, a man half her age in a developing country would be so eager to walk down the aisle with her.

Away from the limelight, marriage fraud has recently become an issue in Canada as well. The Toronto Sun ran an article in 2006 about a Canadian woman who married a Cuban man, only to have him abandon her three months after he received his permanent residency and social insurance number in this country. She would moreover be legally obliged to reimburse the government for any welfare costs he might incur. A local Toronto Chinese daily featured a story on a woman whom many in the community suspected of marrying her now-deceased husband solely to enter Canada. Many marriage fraud incidents involve the South Asian community. The situation among them is further complicated by the fact that a considerable proportion of their marriages are arranged by family members, so it may be even more difficult for them to gauge their would-be spouse's true intentions if he or she lives outside Canada.

Now some people have said “enough.” A number of organizations with names like Stopmarriagefraud.ca, the Canadian Marriage Fraud Victim Society, and Canadians Against Immigration Fraud have formed to combat fraudulent marriages. They have received support from British Columbia Member of Legislative Assembly Raj Chouhan. Their premise: that Canada's immigration system makes it too easy for people abroad to wed Canadians just to get a foothold in this country. For instance, the husband or wife of a Canadian citizen is provided with permanent residency papers immediately upon arriving here. Anti-marriage fraud groups suggest that Canada instead adopt a similar framework to that in the United States and Australia, whereby foreign spouses of nationals must wait three years before they can become permanent residents. If the marriage dissolved before the end of that period, barring hard cases such as domestic violence the spouse would be deported to his or her homeland, and obviously the Canadian partner would not be on the hook financially for him or her.



As a would-be victim of marriage fraud myself, I look at these organizations' sites regularly and have even contributed to one of them (Stopmarriagefraud.ca). Some of

them admittedly raise a few questions in my mind. For example, one states that the majority of Canadian-foreigner marriages involve deceit but provides no data to show this. The danger in making unsubstantiated claims is that when they are found to have no basis in fact they can cause the whole movement to lose credibility. They end up making the writer of the claim at issue (in this case, that most marriages with non-Canadians are shams) look irrational. As a result some readers might dismiss the existence of genuine marriage fraud entirely.

Under Canadian law, individuals found to have married somebody for the sole purpose of coming to Canada are automatically deported. However, deportation may not always be possible if the deception cannot be proven beyond a shadow of a doubt. On the other hand, the period required for the spouse of a Canadian citizen to obtain permanent residence should be raised from zero to three years. If the marriage ends before that time but the foreign partner is not deported, he or she should not be entitled to spousal support or to welfare from the public purse. This might ultimately push some fraudulent husbands and wives to go back to their home country if they knew they could not receive any financial assistance in Canada. Finally, these sites do an important job in raising awareness about the problem of marriage fraud.

\* Pseudonym.