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## INTELLIGENCE INDICATORS

### Marriage of Convenience: China

May 2013

Migration Intelligence Section,  
Intelligence Operations and  
Analysis Division

Enforcement and Intelligence  
Operations Directorate

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**Link to the Canada Border Services Agency's intelligence priorities, and implications for the Canadian border**

The Canada Border Services Agency's (CBSA) current intelligence priorities stem from those of the Government of Canada, and guide the workflow of the CBSA Migration Intelligence Section (MIS) within the Intelligence Operations and Analysis Division. One of these priorities is combatting marriages of convenience (MOC), a sub-set of immigration fraud. In order to maintain the integrity of Canada's immigration program, the CBSA must be vigilant in identifying and preventing this form of fraud.

**Product Context**

This product is being developed at the request of Citizenship and Immigration (CIC) as MOCs, as a means to circumvent lawful immigration processes, have become a threat to the integrity of Canada's immigration program. As this trend is increasing, it is important that CBSA and CIC officers are informed about this issue, and equipped with the necessary tools to identify this illicit activity.

**Target audience and recommended distribution**

This document contains detailed operational intelligence and is geared towards front-line officers and decision-makers, including visa officers, liaison officers, border services officers, inland enforcement officers, and hearings officers. As such, it is highly recommended that this screening aid be widely distributed within the CBSA and CIC.

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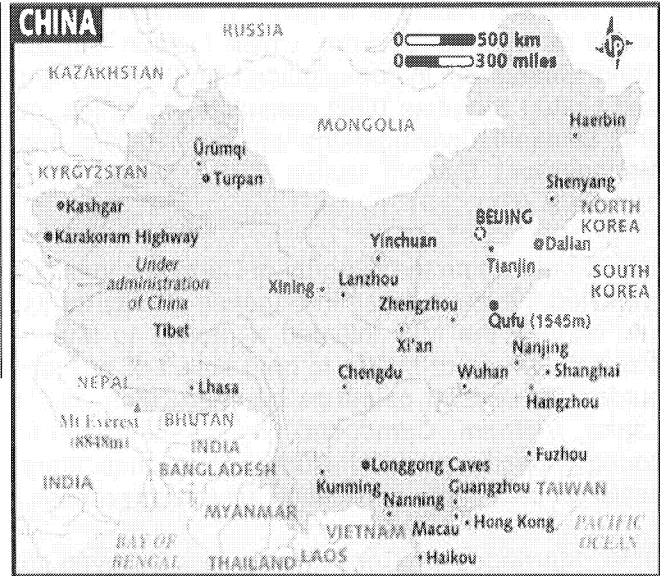


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**HIGHLIGHTS**

- The People's Republic of China (PRC, China) is a high-risk country for MOCs. (Protected A)
- It has been estimated that as much as 36% of the spousal caseload may be fraudulent. (Protected A)



Source: Lonely Planet – No date cited – Map of China

**PURPOSE**

These intelligence indicators provide information on trends in marriage fraud involving Chinese nationals, including a list of possible indicators, which may assist officers in the screening of spousal applicants from the PRC, and information on Family Class (FC) fraud investigations in Canada. FC1 applications are the sponsorships by Canadian citizens (CC) or permanent residents (PR) of their legally married spouse. Common-law partnerships and conjugal partnerships were not reviewed in this project. (Protected A)

**BACKGROUND**

The *Immigration and Refugee Protection Act* (IRPA) permits eligible CCs and PRs to sponsor family members, including spouses, common-law and conjugal partners, for immigration to Canada. MOCs, also known as “bad faith” relationships, are prohibited under the Act. These include relationships “entered into for the purpose of acquiring any status or privilege under the Act.” While the majority of spouses and partners who are sponsored to immigrate to Canada are in legitimate relationships, the spousal sponsorship process has been targeted for fraud as a means to immigrate to Canada. Estimates of the prevalence of marriage fraud are as high as one in six, with the majority of the fraud believed to be concentrated in about 10 to 15 countries, including PRC. (Protected A)

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The following report is a guide to assist in the screening FC1 applicants from China. The guide is based on information from: CBSA Liaison Officers (LOs) posted in China (Beijing, Guangzhou, Hong Kong, Shanghai), in consultation with the CIC Family Class Units; Australian (AUS), United States (US) and United Kingdom (UK) consulates in China, consulted by CBSA LOs; CBSA Regional Intelligence and Criminal Investigations officers (Pacific and Greater Toronto Area, GTA); CBSA Intelligence Management System (IMS); CBSA Migration Intelligence Section email inbox; and open source materials. (U)

MOCs undermine the integrity of Canada's immigration system. As such, both CIC and the CBSA have identified the issue as an intelligence priority for fiscal years 2011-2012 and 2012-2013. In response to this priority, the MIS initiated a project to improve the detection of high risk spousal applicants to prevent the use of MOCs to gain status or privilege in Canada. The result of this project is a series of guides for several countries deemed "high risk" for marriage fraud (i.e., China, India, Pakistan, Sri Lanka, Vietnam, Cambodia, Nigeria, Ghana, Ethiopia, Guyana, and Haiti, among others). These country-specific guides include lists of "indicators" and trends related to marriage fraud, which may assist officers in the application screening process. (Protected A)

Note: Marriages of Convenience are believed to be most prevalent in

FC1 applications from these provinces are processed by the Canadian consulate in Hong Kong. Many of the indicators in this guide are based on information provided by the CBSA LO in Hong Kong, in coordination with the Hong Kong Family Class Unit, as well as by the US, UK and Australian consulates in the region. (Protected A)

## TRENDS ASSESSMENT

The following table provides an overview of decisions made on spousal sponsorship applications of Chinese nationals between 2008 and 2011.

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**Figure 1: PRC National Spousal Applications (2008-2012)**

	Approved	Refused	Refusal rate	Missing/ Pending/ Withdrawn	Total
<b>2008</b>	4086	2262	36%	156	6504
<b>2009</b>	3513	2232	39%	169	5914
<b>2010</b>	2872	1323	31%	150	4345
<b>2011</b>	3554	1162	25%	113	4829
<b>2012 (extrapolated)</b>	3584	633	15%	152	4370
<b>2012 (Q1- Q3**)</b>	2689	475	15%	114	3278

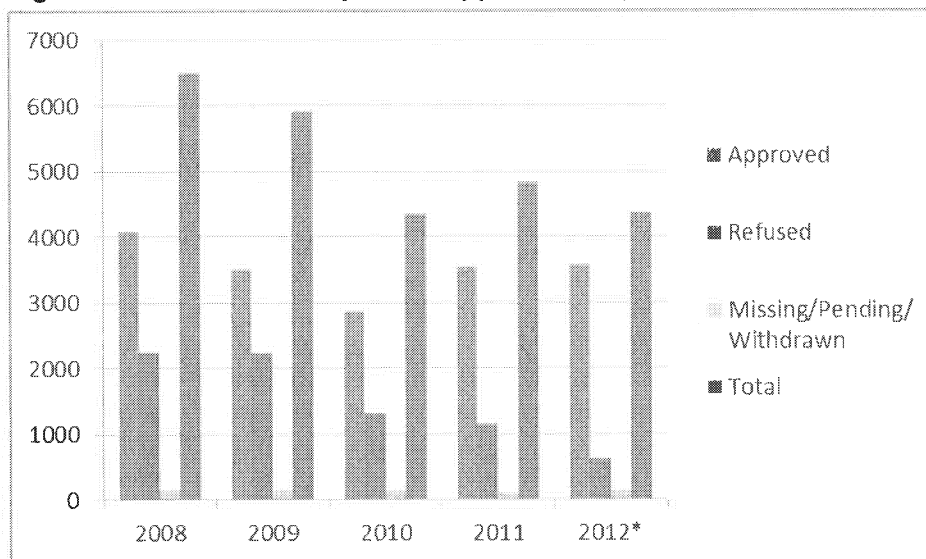
\*Refusal Rate = Refused/(Refused+Approved)

\*\* 2012 (Q1- Q3) = January 1, 2012 to September 30, 2012

Source: Cognos Cubes data [extracted March 26, 2012 and February 5, 2013] (Protected A)

Between 2008 and 2011, CIC processed an average of approximately 5398 Chinese spousal applications per year. The refusal rates between 25% and 40% over the four years are strong indicators of fraud. (Protected A)

**Figure 2: PRC National Spousal Applications (2008-2012)**



\*2012- data extrapolated from Q1-Q3 data, therefore is subject to change.

Source: Cognos Cubes data [extracted March 26, 2012 and February 5, 2013] (Protected A)

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Figure 2 shows an overall decrease in FC1 applications over the past five years. According to the LO in Beijing, in 2012, Beijing received 1824 FC priority cases, compared to 1891 in 2011. In general terms, the intake continues to decline due to the economic prosperity experienced by China and the smaller of applicants in the other PR categories such as the Skilled Worker (SW) category. Therefore, there are less and less people who land as SWs for example and who eventually would sponsor someone in the FC category. On the other hand, due to the economic prosperity, Beijing has seen an upsurge of Temporary Resident applications over the past two to three years. (Protected A)

One other possible explanation for a decrease in application numbers is the demographic shift in China. The One Child Policy established in 1978 and a lower birthrate between 1978 and 1995 (18-35 year olds) decreases absolute numbers of people eligible to marry. China's fertility rate dropped below its replacement level in the early 1990s, and is currently around 1.5 children per woman or lower (in some more developed regions it is closer to 1.0 per woman). Longer term implications include decreased numbers of children registered for school and universities, decreased competition for employment, decreased desire to leave ageing parents, and therefore decreased pressure to leave China for locales abroad. This will have an impact on the number of immigrant applications Canada receives in the future, and on the rates of fraud seen in the FC and SW business lines. (U)

### ***Snapshot of spousal fraud and indicators***

Unlike cases involving nationals from other countries where there are clear trends and patterns in marriage fraud, MOCs involving PRC nationals are constantly evolving and creatively testing the bounds of the Canadian immigration system. Due to the large population of China and a dispersed diaspora community there is no one-size-fits-all pattern of marriage of convenience fraud. There are, however, six generalized scenarios that are seen in this population in our visas overseas which provide a snapshot of spousal fraud. Additional trends seen in Canada by our regional intelligence officers are listed under *Investigations in Canada*. (Protected A)

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## **Refusals**

Over the past five years, the overall number of FC1 applications for PRC nationals has decreased by 32% (~2100 applications). Decreased numbers of applications could be due to the increased Chinese economic prosperity, the effects of the One Child Policy, or even the media campaign lead by CIC and CBSA warning against marriages of convenience, use of unregistered consultants and human smuggling. The refusal rates for 2008 to 2011 ranged from 25-39% of cases, with a substantial drop to 15% for 2012. At this point, it is unclear if the 85% acceptance rate in 2012 is due to increased *bona fides* within the decreased application pool or if there are other factors at play. (Protected A)

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## Appeals

Figure 3: PRC appeals filed and finalized (2008-2012)

	Cases Refused	Appeals Filed**	Appeals Filed as % of Cases Refused	Appeals Finalized <sup>1</sup>				
				Total Appeals Finalized	Allowed	Dismissed	Abandoned	Withdrawn/ Other
2008	2262	1201	53%	744	334	72	24	314
2009	2232	1087	49%	1116	495	151	72	398
2010	1323	737	56%	1099	411	286	79	323
2011	1162	623	54%	902	298	316	56	232
2012	633**	253	40%**	666	232	231	39	164

\* Note: Table represents appeals filed from 2008-2012; Cases refused at the visa office and appeals finalized (IRB) were not necessarily filed in the same period. Files are refused at the visa office and the sponsor has thirty (30) days to file the appeal with the Immigration Appeal Division (IAD) of the Immigration and Refugee Board (IRB). An FC1 case could be refused in December 2009 and be counted as a 2009 refusal by the visa office, and then be filed as an appeal in January 2010 and counted as a 2010 Appeal filed for the IAD. The same case could be finalized by the IAD in 2011. This time lag in processing is not considered to be a concern for this bulletin because of the length of time (5 years) used for the statistics.

\*\*2012- data extrapolated from Q1-Q3 data, therefore is subject to change.

\*\*\*Number of appeals filed, appeals finalized and outcomes are actual.

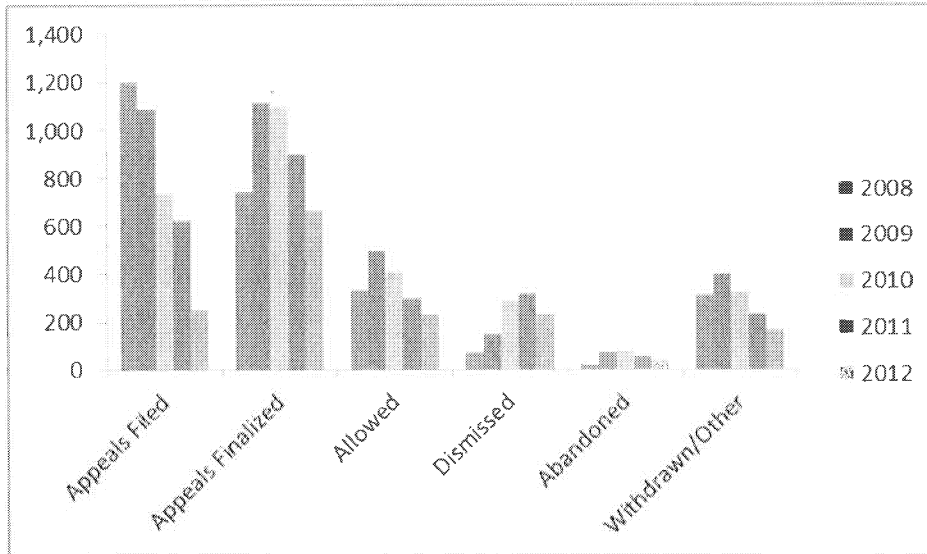
Source: Standards, Analysis and Monitoring Unit, Immigration Appeal Division (IAD), Immigration and Refugee Board (IRB) (Protected A)

The number of sponsors whose spouses' cases were refused who chose to appeal between 2008 and 2011 remained consistent between 49% and 56%, despite the decrease in overall applications, whereas only approximately 40% of sponsors chose the same in 2012 (the year of the 85% acceptance rate). Figure 4 shows the consistent decrease across all possible outcomes of the appeal process in accordance with the decreasing number of FC1 spousal applications for the years 2009 to 2012. (Protected A)

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**Figure 4: PRC appeals filed and finalized (2008-2012) (Graphic representation)**



Source: Immigration Appeal Division of the Immigration and Refugee Board [extracted March 13, 2013] (Protected A)

It is commonly believed amongst immigration officers across CIC and CBSA that the majority of cases which go to appeal are allowed because the hearings are *de novo*, whereas Figure 5 shows that for the PRC nationals whose cases have gone to appeal over the past five years the opposite is actually true with 3 of 5 cases being dismissed, abandoned, or withdrawn/other (see pie chart below). (Protected A)

**Figure 5: Appeals Finalized as percentages (2008-2012)**

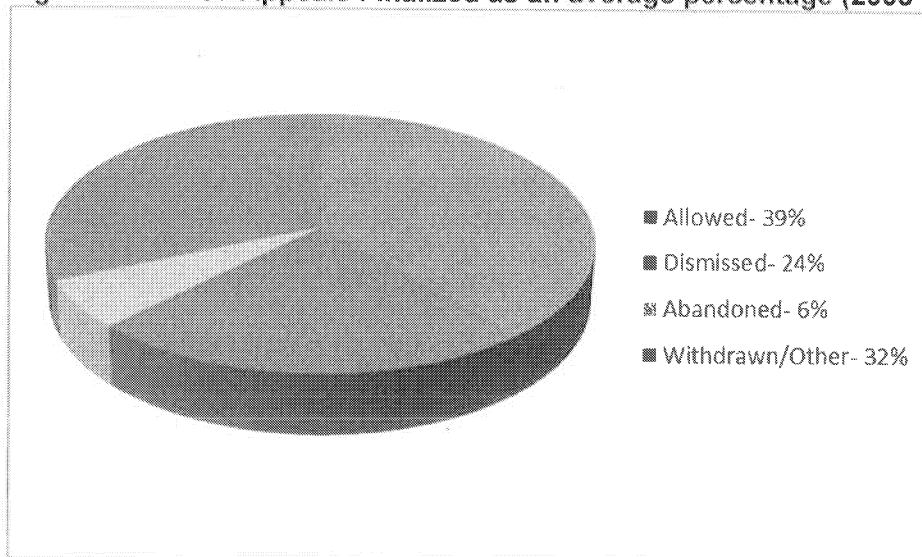
	Appeals Finalized								
	Total Appeals Finalized	Allowed	Allowed as % of Appeals Finalized	Dismissed	Dismissed as % of Appeals Finalized	Abandoned	Abandoned as % of Appeals Finalized	Withdrawn/Other	Withdrawn as % of Appeals Finalized
<b>2008</b>	744	334	45%	72	10%	24	3%	314	42%
<b>2009</b>	1116	495	44%	151	14%	72	6%	398	36%
<b>2010</b>	1099	411	37%	286	26%	79	7%	323	29%
<b>2011</b>	902	298	33%	316	35%	56	6%	232	26%
<b>2012</b>	666	232	35%	231	35%	39	6%	164	25%

Source: Immigration Appeal Division of the Immigration and Refugee Board [extracted March 12, 2013] (Protected A)

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**Figure 6: Overall Appeals Finalized as an average percentage (2008-2012 combined)**

Source: Immigration Appeal Division of the Immigration and Refugee Board [extracted March 12, 2013] (Protected A)

## CONCLUSION

- MOCs have become increasingly well organized and complex, making them difficult to detect. (Protected A)
- China has been identified as a “high risk” country for marriage fraud. (Protected A)
- Based on a review of suspected MOC files in 2011, MIS has compiled possible indicators (Appendix A) that may be used to identify fraud. It must be noted that the list is not definitive and should be considered in combination with the particular facts and circumstances of each case. (Protected A)

Please notify the Migration Intelligence Section ( [Intell\\_Migration-Rens\\_Migration@cbsa-asfc.gc.ca](mailto:Intell_Migration-Rens_Migration@cbsa-asfc.gc.ca) ) of suspected MOC cases involving PRC nationals.

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Source: CIA World Factbook- November 14, 2012- Map of China (showing provinces)

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