

##### 5. "Punitive" Humanitarian and Compassionate Criteria for Consideration

The following issues are also raised for the immigration officer's consideration under the category of "humanitarian and compassionate grounds":

a) Was the marriage a genuine marriage or was it entered into solely for the purpose of obtaining permanent residence for the sponsored spouse?

b) Has the applicant acted fraudulently or in bad faith, e.g., did she report her change in circumstances voluntarily or were they revealed as a result of an investigation?

##### 6. Why "Punitive" Criteria are Inappropriate

These criteria are particularly problematic in situations involving abuse by the sponsor. It is not uncommon for the husbands to lie to Canada Immigration officials and say that the marriage was not genuine, as a way of punishing the women.

The typically cyclical nature of wife abuse, with the intense period of abuse followed by a "honeymoon" phase, then a gradual building of tension again may mean that women are not certain as to whether or not the separation is permanent. Their husbands' promises and apologies and feelings the women may have of guilt may contribute to this and they may therefore not have any certain change in their circumstances to report. Further, women may feel too traumatized to even think of the immigration consequences of the marriage breakdown, let alone report it immediately to Canada Immigration.

Finally, their husbands may lie to them and tell them that they have not withdrawn the sponsorship. Women may therefore believe that they have time to sort out what is happening to them and to act on urgent priorities such as finding accommodation, getting medical attention, pursuing criminal and family law remedies and looking after their children's immediate needs, before reporting to Canada Immigration.

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7 Ibid. I.E. 9.14 (3)(c)(11).