

How to Prove Your Relationship to a Family Member in Canada (Exception #1)

Don't go to the Canadian border without proof and expert advice!

Without good proof you risk being returned to the US. (3pages)

In order to enter Canada to claim asylum at the land border with the US you must qualify for an **exception under the Safe Third Country Agreement (STCA)**. If you have an eligible family member (called an 'anchor' relative) in Canada with the right status, then you may qualify for an exception.

** See our STCA Document on this page for full details.

You will only be able to enter Canada if you can PROVE the relationship with your anchor relative and their immigration status. If the Canadian Border Services officer (CBSA) is not convinced by your proofs, then you will be returned to the United States Customs and Border Protection (CBP). You will never be able to apply for asylum in Canada again, unless you can appeal the decision. You may be detained in the US. So, please read this document carefully! Below at point # 5 we provide examples of different situations.

1. You prove the family relationship through interviews and using genuine documents (paper documents, digital photos and scans) such as: birth certificates, marriage certificates, passports, other identity documents (such as family registration cards, national ID cards, drivers license etc) and documents showing the immigration status of the anchor relative (including their UCI number: Unique Client Identifier). If you do not have access to any original document, be prepared to explain why to CBSA.

If you are unable to get the needed documents you can try other means to prove the family tie such as: photos, letters and emails and statutory declarations from family members in Canada (stating how they are related to you).

If your documents are not in English or French, it will be helpful to get certified translations made. If this is not possible, the interpreter who is present during the STCA interview with CBSA will be able to translate the documents for the CBSA officer.

2. CBSA will rely on both documents and interviews with you and your anchor relative to verify the family connection. They can also gather information through the Canadian immigration database, US database and Canadian consulates in other countries.

If the anchor relative has not listed you on their 'Basis of Claim' form when claiming asylum in Canada or on applications for permanent residency, work visas etc, they must be able to explain why. Check that they have listed you correctly (your full name and date of birth).

3. You should tell your anchor relative when you will be entering Canada so they can be present at the Port of Entry (at the border) or be available by phone if they cannot come to the border. CBSA will interview them in order to confirm the relationship. CBSA ask detailed questions, but usually ask for more details from spouses, especially common law spouses who must prove that they have lived together for one uninterrupted year. See example 5B below.

It is important to talk in advance with your anchor relative to make sure you are both know about each other's lives and are clear about your previous contacts with one another. If you have not been in contact with your anchor relative, be ready to explain why.

4. Things to note: In some countries a relative or family friend is commonly called 'auntie or uncle' but is not in fact a biological aunt or uncle. These people cannot be anchor relatives. On the other hand sometimes a niece or nephew is referred to as a 'cousin'. Nieces and nephews can be anchor relatives, but cousins cannot.

5. EXAMPLES TO HELP YOU

How you prove the relationship will depend on the particular anchor relative. Here are seven examples (out of many possibilities). Since these are examples be aware that each situation needs careful consideration.

A. You have a spouse (wife or husband, including same sex spouse) in Canada who is an eligible refugee claimant.

Documents needed (and any other supporting proofs): 1. Marriage certificate. 2. ID documents for you and your spouse. 3. A copy of the spouse's eligibility document (stating that the spouse has a refugee claim that has been referred to the Immigration and Refugee Board). NOTE: Polygamous marriages and 'proxy' marriages are not recognized. Proxy wedding ceremonies take place when one or both of the individuals being married are not physically present, and are usually represented by another person.

B. You have a common-law spouse (opposite sex or same sex) in Canada with a valid work visa.

Applicants must prove they have lived together for at least one uninterrupted year. If you have one or more children together, this will be very helpful. Discuss your joint history to ensure your interview answers match each other.

Documents and proofs required: 1. ID documents for you and your spouse in Canada. 2. Birth certificates of any children you have had together. 3. Documents showing the immigration status of the anchor common-law spouse (including work visa). 4. Proofs of at least one year uninterrupted cohabitation. Read the document on this web page: '*How Common-law couples can Prove One year of Cohabitation*'.

C. You have a brother in Canada who has permanent residence.

(They can also be your sister, or half-brother, half-sister or a legally adopted sibling)

Documents needed (and any other supporting proofs): 1. birth certificates from both you and your brother showing that you have one or both parents in common, or family registration cards listing all family members, or ID cards which list the full names of your parent(s). 2. If you or your brother are adopted, provide the adoption paperwork. 3. ID documents for both of you. 4. a copy of your brother's Permanent Residence card or other proof demonstrating this status.

D. You have a mother, father, adoptive parent or a legal guardian in Canada who has been recognized as a convention refugee or a protected person.

(Grandparents can also be anchor relatives)

Documents needed (and any other supporting proofs): 1. your birth certificate showing the name of your parent or a family registration card or an ID card giving the parent's full name. 2. If you are adopted, provide your adoption paperwork. 3. If you have a legal guardian, provide the guardianship papers. 4. Identity documents for you and your parent. 5. Copy of the document recognizing your parent/legal guardian as a convention refugee or a protected person.

E. You have an aunt in Canada, who is your mother's sister and has Canadian citizenship.

(They can also be your uncle or an aunt/uncle who is half-sister or half-brother to one of your parents or the legally adopted sister or brother to one of your parents)

Documents needed (and any other supporting proofs): 1. Your birth certificate (or family registration cards or ID cards) listing your mother's name. 2. birth certificates for both your aunt and your mother each showing their parents names and demonstrating that they are sisters. 3. If you, your mother or aunt are adopted then provide the adoption papers. 4. ID document(s) for you and your aunt. 4. Your aunt's Canadian citizenship papers **or** passport.

F. You have an adult child in Canada who has a valid study permit.

(Grandchildren can also be anchor relatives)

Documents needed (and any other supporting proofs): 1. Your child's birth certificate or family registration card or ID card showing your full name as parent 2. ID documents for you and for your child. 3. If your child is adopted then provide the adoption papers. 4. A copy of your child's study permit.

G. You have an adult niece in Canada who is your brother's daughter and is a Permanent Resident.

(They can also be a nephew (your brother's son) or one of your sister's children)

Documents needed (and any other supporting proofs): 1. Birth certificates for you, your sister and your niece (or family registration cards or ID cards) showing that a. you and your brother have the same parents (or at least one parent in common) and b. that your niece is your brother's child. 2. If you or your brother or your niece are adopted, then provide the adoption papers. 3. ID documents for you, your brother and your niece. 4. A copy of your niece's Permanent Resident card or other proof demonstrating this status.

Even if you believe you can prove your relationship, it is still strongly advisable to consult with one of the following experts before going to the Canadian border: 1. Vive Shelter 2. Peace Bridge Newcomers Center 3. a Canadian refugee Lawyer. See their contact details on the STCA web page.

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(with the assistance of Vive Shelter and the Peace Bridge Newcomers Centre)