

SEPARATING IN VIOLENT SITUATIONS

Consequences for Immigrants

Reference Guide

A person who is separating from their partner due to violence may be anxious to know if this will affect their immigration status or their partner's immigration status.



How separation affects immigration status

Separation can have different consequences depending on each partner's immigration status.

The list that follows is not exhaustive. Also, each person's individual situation can influence how separation will impact their status.

People living in Canada under another status or without status can consult a lawyer for information on their specific situation.

Sponsored person who has permanent residence

If one partner was sponsored by the other and their sponsorship application has been accepted, they can separate and leave the home **without losing their status** since they are already a permanent resident.

The other partner (the sponsor) must continue to provide for the person's needs for three years after they become a permanent resident. This rule applies even if the partners no longer live together and even, barring exceptional circumstances, if the sponsor was the one who experienced violence.

If a sponsor who has experienced violence wishes to be exempted from providing for their partner's needs, they must submit a request to the [Centre spécialisé des demandeurs d'asile, des garants défaillants et des services aux parrainés](#) (Sponsored Persons Service Centre). The request will be reviewed by a committee, whose decision is discretionary.

Person awaiting permanent residence through a sponsorship application

If the partners' sponsorship application is still pending, **it will be denied** if the partners separate or divorce. Partners must usually live together until the sponsorship application is accepted.

In some cases, **the person can stay in Canada** under another status, for instance by obtaining a [temporary resident permit for victims of family violence](#).

They may consult a lawyer to learn about their options.

Refugee claimant (asylum seeker)

Separation or divorce generally has **no impact** on each partner's right to claim refugee status in Canada. However, it could affect the **reasons for the claim**, for instance if one partner based their claim on the persecution experienced by the other partner.

The person who experienced violence can consult a lawyer for guidance on their or their partners' specific situation.

Protected person (accepted refugee)

Separation has **no impact** on the immigration status of a protected person (i.e., a person whose refugee claim has been accepted).



For more information:

- [Immigration options for victims of family violence - Canada.ca](#)
- [Get More Help - Educaloqi.qc.ca](#)



Support for LGBTQ+ immigrants

Support is available for immigrants undergoing a separation. Some organizations work specifically with LGBTQ+ immigrants.

They include:

- [AGIR Montréal](#) – individual support for LGBTQ+ immigrants living in Montreal.
Services are offered in French, English, Spanish and Arabic.
- [Clinique Mauve](#) (website in French only) – integrated medical, psychosocial, sexual and mental health services for LGBTQ+ immigrants living in Montreal.
Services are offered in French, English, Spanish, Arabic and Haitian Creole.

There are also language support resources that help immigrants integrate into Quebec society and can assist people who don't speak French or English with various steps after a separation.

They include:

- [Interpretation, support and referral service for immigrants \(SIARI\)](#) – language support services for immigrants of all ages in more than 30 languages.



For more information about resources available to LGBTQ+ immigrants in specific regions, consult [Interligne's directory \(in French only\)](#).

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