Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 3, 2025 9:14:30 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Tue, 8 Apr 2025 13:30:37
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Common-Law Relationships Where Evidence of Cohabitation is Lacking/Minimal (Economic Immigration Streams - REP-B-2025-0010 - Due 23-Apr-25
Importance: Normal
Sensitivity: None

Hello,

[redacted] to Immigration, Refugees and Citizenship Canada's Immigration Representatives mailbox. We appreciate your patience.

Question

When a romantic couple has met the threshold of 12 months of consecutive cohabitation without interruption, it is understood that they may meet the definition of common-law status. However, some candidates believe they should not claim the common-law status in their application is lacking. There is a perception that they do not have to claim the perceived benefits of a family member (e.g., have them accompanying), but it is noted that family members must be inspected, too, for admissibility reasons.

Question 1
In the case of a person who meets the definition of *common-law* during the processing of their permanent residence application, but who lacks full proof of cohabitation during the 12-month period, can you please confirm the necessity of claiming that person as common-law despite the lack of evidence?

Question 2
Furthermore, it is understood that the reasons for doing so are to avoid misrepresentation. In the case that someone makes the claim, assuming no misrepresentation of their claim, how does IRCC handle the issue of the lack of evidence provided by the candidate re: processing the common-law partner claimed?

Response

Please refer to the following to confirm whether the relationship falls within a common law partner:

- * Immigration and Refugee Protection Regulations (justice.gc.ca)
- * Conjugal relationships - Canada.ca

For all permanent residence applications, an applicant must provide information about all family members in form IMM5406, regardless of whether they are accompanying or not. If the applicant is unsure whether their partner meets the definition of a common-law partner due to not meeting the one-year threshold, they should provide a letter of explanation. The applicant may also declare the common-law relationship, even if the one-year threshold has not been met, by submitting the *Statutory Declaration of Common Law Union* (IMM5409) form along with their application.

While the one-year threshold is a requirement for defining a common-law partnership, processing officers will decide on a case-by-case basis if the relationship qualifies. If the common-law partner is an accompanying dependent but the relationship is less than one year, the applicant may consider waiting until they meet the one-year threshold before applying for permanent residence.

Please be advised that the assessment of an application is based on a case-by-case basis, considering the particular

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circumstances in conjunction with the supporting documentation available to the officer. The onus is always on the applicant to provide sufficient documentation to satisfy an officer that they meet the requirements.

We trust that this information will assist you.

If you were unable to find the information on IRCC's website, and as we are unable to respond to case-specific enquiries, please contact our Client Support Centre by:

- * IRCC Web form
- * Telephone at **1-888-242-2100** (Monday to Friday from 8 a.m. to 4 p.m. local time)

For general information regarding a personal immigration file, please consult the links below:

- * Find answers to common questions in the Help Centre
- * Check your application status
- * Find application forms and guides

[redacted]

The Immigration Representatives Mailbox

From:
Sent: [redacted] 10, 2025 11:39 AM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Subject: Common-Law Relationships Where Evidence of Cohabitation is Lacking/Minimal (Economic Immigration Streams

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19(1)

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