Leaving an Abusive Relationship

If You Are Not a Canadian Citizen

Are you living in Canada but not yet a Canadian citizen?

For example, your partner or spouse may have sponsored you to come to Canada. Or maybe you are dating someone in Canada.

Are you experiencing or at risk of experiencing abuse in your relationship?

Abuse is when someone harms another. The harm can be physical, sexual, psychological, financial, neglect and more. It can be one instance or a pattern over time.

Abuse is against the law in Canada. You do not have to stay in an abusive relationship to keep your status in Canada. YOU HAVE OPTIONS.

Gender-based violence is against the law in Canada. This includes spousal or partner abuse, violence based on so-called "honour", female genital mutilation and **forced marriage**.



For more information about abuse, see the **What Is Abuse? info sheet** at: www.willownet.ca



Forced marriage is when at least one person getting married does not freely consent to the marriage. It is different from an arranged marriage – where both parties agree to the marriage. In a forced marriage, someone is being coerced to marry – usually by family members and through threats, violence or manipulation.

You should NOT rely on this booklet for legal advice. It provides general information on Alberta law only.

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For more information about your application or status, call the **IRCC Client Support Centre** at 1.888.242.2100. Or contact the IRCC office that has your application.

Your abusive spouse or partner cannot have you deported from Canada if you leave the relationship or report the abuse. Only government immigration officials can deport you.

Will I have to leave Canada if I leave my abusive spouse or partner?

No. You do not have to say in an abusive relationship to stay in Canada.

If you are a permanent resident:

You have rights and freedoms in Canada. Women and men are equal in Canada. Help and supports are available – see the last page of this info sheet.

If you are waiting for a decision on your permanent residence application:

You can tell **Immigration, Refugees and Citizenship Canada (IRCC)** office about the abuse. They will consider it in processing your application.

If you have temporary status:

You may be able to extend or renew your status.

If your temporary status has expired:

You can apply for a special permit to stay in Canada – a **temporary residence permit (TRP)**. You can also get this permit for your children in Canada.

A TRP lets you escape the abuse and gives you time to think about your options. You can work under a TRP to earn a living. You may be able to apply for another TRP if it expires.

To get a family violence TRP:

1. Fill out the application and include evidence about the abuse.
2. Mark the outside of the envelop with "FV" to help the office quickly see your application is about family violence.
3. Send your application to the IRCC office closest to you.

If you want to stay in Canada permanently, you may be table to apply for permanent residence based on Humanitarian and Compassionate grounds. You must clearly describe the abuse in your application. Mark the outside of your envelope with "FV" so that agents can quickly identify your application.

Another option may be to **restore** your status. To do so, you must apply to restore within 90 days of your status expiring. Find more information about restoring your status at bit.ly/3G7dwLB

If you do not have any status in Canada:

If you have no immigration status or temporary immigration status (such as a work or study permit, visitor, refugee claimant), **get legal help right away**.

Getting Help

Talking to a lawyer will help you understand your legal rights and options. There may be legal issues about your situation you may not know about. For example, if you are from a country that Canada is not sending people back to because of human rights abuses, you likely will not be deported to your home country. If you have children, there are other legal issues.

To get legal help:

- Contact a ***pro bono*** **(free) legal clinic** in your area. Visit www.lawcentralalberta.ca/clinics for more information.
- Contact **Legal Aid Alberta** (1.866.845.3425) to see if you qualify. Remember, you must pay back Legal Aid for legal services.
- Search the **Law Society of Alberta's Lawyer Directory** (https://www.lawsociety.ab.ca/public/findalawyer/) for the names of lawyers that practice in the areas of immigration law or family law.

Other supports:

- In an emergency, call **9-1-1**.
  NOTE: If you call police and your status has expired, they may call immigration authorities.
- Call the **IRCC Client Support Centre** for information on your citizenship or immigration status. Choose the option for victims of abuse and forced marriage to talk to an agent.
- Call **2-1-1** to find local community supports.
- Find an emergency shelter by calling the **Family Violence Info Line** at 310.1818 or visiting www.alberta.ca/find-shelters.aspx
- If a child, call the **Kids Help Phone** at 1.800.668.6868 or visit kidshelpphone.ca



Find more information about family law in Alberta at **www.cplea.ca/family/**

Find more information on the Government of Canada website: **bit.ly/2Zj9Ky7**

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About CPLEA

The Centre for Public Legal Education Alberta is dedicated to making the law understandable for Albertans. We provide legal information on a wide variety of topics through our websites, print resources, workshops and more. For more information, visit our website: www.cplea.ca

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Resources

Find more information about domestic violence and the other info sheets in this series on **WillowNet** – a CPLEA website about violence and abuse laws in Alberta. **www.willownet.ca**

- **Family Violence Info Line: 310.1818**
  Get help anonymously. Available 24/7 in over 170 languages.
- **Victim Services Alberta: 780.427.3460 or www.alberta.ca/victim-services-units.aspx**
  Connect with local supports.
- **Court and Justice Services: www.alberta.ca/court-and-justice-services.aspx**
  Get help finding court forms or information on the court process.
- **Community Legal Clinics in Alberta: www.lawcentralalberta.ca/clinics**
  Get free legal advice if you earn a low income.
- **Legal Aid Alberta's Emergency Protection Order Program (EPOP): 1.780.422.9222 (Edmonton area) or 1.403.297.5260 (Calgary area) or www.legalaid.ab.ca/services/family-violence-matters/**
  Get free legal help applying for an EPO.

We want to know what you think!
To take our one minute survey:

- capture this QR code with your phone camera, or
- go to bit.ly/3g8tby9