

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.

Using marriage as a ticket into Canada.

Question: I am a Canadian Citizen. I sponsored my newly wedded husband to come to Canada. Within two months he split and I'm heart broken. Do I have to wait one year to get divorced? Am I on the hook for him if he goes on welfare?

Answer: You have to wait one year of separation until a court can grant a divorce judgment. However, you can commence your divorce action at anytime within the year. This is important since when the one year is over by starting the action early you will save about two months waiting time in the process. Secondly, when you sponsored your husband to come to Canada you signed a contract with the taxpayers that if he goes into welfare you are on the hook to repay what he took from the public purse. So start praying that he doesn't go on public assistance. There are a growing number of cases where both men and women (equally women) pretend to many a Canadian citizen. Then shortly after getting landed immigrant status and arriving in Canada they leave the marriage. They simply deceive their partners and Canada immigration by using the marriage as a vehicle to short circuit the immigration application process. The end result is heartbreaking for those Canadians who truly thought they'd met their match, sort of like Puccini's Madam Butterfly in reverse. Women are often emotionally or even physically abused and then abandoned by such phony immigrants. Men often spend large sums on mail-order type brides and then find that the woman had not the slightest intention in continuing with the relationship. By victims reporting such cases, the RCMP and Canadian Immigration is beginning to successfully prosecute such individuals.

Question: I've been paying \$417 monthly child support to my ex-wife for years, but since 2003 my daughter moved out to go to university permanently and never comes back to my wife's home, even in the summers. The Ontario Governments Family Responsibility office keeps deducting these support payments from my paycheque. What do I do?

Answer: Go to a competent family-law lawyer who has sufficient experience. The lawyer will bring a court application to change (vary) the court order or agreement. The lawyer brings evidence before the court to show that your daughter is not living with your ex-wife. If she resists any reasonable offer to settle the ex-wife could pay your legal fees and court costs. In your case the court will likely eliminate the child-support payments and maybe get you a refund.

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