

Federal Court



Cour fédérale

**Date: 20210702**

**Docket: IMM-2379-20**

**Citation: 2021 FC 702**

[ENGLISH TRANSLATION]

**Ottawa, Ontario, July 2, 2021**

**Present: The Honourable Mr. Justice Lafrenière**

**BETWEEN:**

**CÉLINE AMABLE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The applicant, Céline Amable, is seeking judicial review of a decision issued on March 20, 2020, by a Senior Immigration Officer [the Officer] from Immigration, Refugees and Citizenship Canada [IRCC], in which it was determined that there were reasonable grounds to

believe that the applicant is inadmissible under paragraph 37(1)(b) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 [IRPA] for engaging in transnational criminal activity, namely the laundering of money or other proceeds of crime.

[2] The main issue is whether, as the applicant alleges, the Officer erred in basing her decision exclusively on a document provided by the Financial Transactions and Reports Analysis Centre of Canada [FINTRAC] that contained erroneous facts and information contradicted by the evidence in the record.

[3] As I will explain below, I would answer this question in the negative. Ultimately, the applicant has failed to establish any error on the part of the Officer that would justify this Court's intervention.

## II. Factual background

[4] The applicant is a French citizen who arrived in Canada in 2009 on a one-year university exchange. She holds temporary resident status in Canada.

[5] After completing her studies, she was issued a post-graduation work permit on August 13, 2014, which was valid until August 13, 2017.

[6] On June 10, 2017, the applicant applied for an Electronic Travel Authorization [eTA]. An eTA is an entry requirement for visa-exempt foreign nationals travelling to Canada by air.

A. *First procedural fairness letter*

[7] The applicant's record immediately raised concerns regarding inadmissibility on grounds of organized criminality under section 37 of the IRPA. Accordingly, an initial procedural fairness letter informing the applicant of IRCC's concerns was sent to her on August 2, 2018.

The relevant portion of the letter reads as follows:

[TRANSLATION]

According to the information on file, you were arrested on July 31, 2015, in South Burlington, U.S., for fraud by wire. You were charged with conspiracy to commit wire fraud by the U.S. District Court for the District of Vermont.

“The case involves a scheme in which individuals in Canada made telephonic contact with an elderly individual in the United States, causing the U.S. individual to send money to an account in Canada.”

Between February 2013 and February 2014, you reportedly received a total of \$224,000 in your Canadian bank account that was electronically transferred to you by the victim in the United States.

In light of the foregoing, there may be reasonable grounds to believe that your role as an individual receiving money electronically from victims in the United States via fraudulent means may render you inadmissible under paragraph 37(1)(b) of the IRPA.

Before making a final decision on this matter, we are giving you the opportunity to make submissions and address our concerns.

B. *Applicant's submissions in response to the first procedural fairness letter*

[8] The applicant responded through her counsel, who filed written submissions, documentation related to the charges against the applicant in the United States, and the

applicant's affidavit dated November 13, 2018 [first affidavit]. Counsel argued that, after analysis of the documents, there were no reasonable grounds to believe that his client had engaged in organized transnational criminality.

[9] Counsel pointed out that the charges against the applicant had been dropped and that there were no charges on the applicant's record. He acknowledged that between "February 2013 and 2014" the applicant had received several wire transfers from the United States into her TD bank account, but argued that she was unaware that this money had been obtained through criminal activity.

[10] In her first affidavit, the applicant stated that during her university studies in Quebec, she met a man named Brice Nsangou [Brice] through mutual friends. They quickly became close and began a romantic relationship during the winter of 2011/2012.

[11] In early 2013, Brice approached her about participating in his business ventures, which entailed receiving money from clients in the United States into the applicant's bank account. She explained that helping Brice with his investments was a way of thanking him for his generosity in paying for the couple's activities, including show and event tickets, as well as vehicle rentals.

[12] The applicant stated that since she had to give the bank the name and contact information of the individual sending the money—information that Brice provided to her—she had no doubt that the person had consented to sending the money. She did not suspect that the money might have been obtained through fraud.

[13] The applicant stated that [TRANSLATION] “at some point the banks didn’t want to give me the money anymore” and that her bank account and wages were blocked by [TRANSLATION] “the bank.” She contacted Brice for an explanation, but he was unable to provide one. For a week, she tried to contact Brice repeatedly, but he avoided her calls. According to the applicant, [TRANSLATION] “[t]hat’s when” she became suspicious and told Brice that she no longer wanted to be involved in his dealings. A week later, the applicant received another deposit in [TRANSLATION] “[her] bank account.” She stated that Brice had lost this money [TRANSLATION] “because my bank account was frozen.” She added that she never received any additional money transfers [TRANSLATION] “after that date.” Subsequently, the applicant ended her relationship with Brice.

[14] The applicant stated that [TRANSLATION] “over a year and a half later, on July 31, 2015,” she was stopped by U.S. Customs. During an interview, a customs officer showed her a document that listed bank transfers from an elderly woman in California. She confirmed that the name was familiar to her because she had received bank transfers from the individual. She also confirmed that she had a bank account with TD and that she had received the wire transfers in question.

[15] The applicant stated that the officer arrested her, and a criminal complaint was filed against her for “conspiracy to commit wire fraud.” On August 3, 2015, she was released on conditions. After her arrest and during the proceedings, the applicant cooperated with U.S. authorities. On September 10, 2015, the charges against her were dropped.

C. *Exchange of information*

[16] Discussions regarding the applicant's financial information were subsequently held between her counsel and the Officer, including email exchanges between June 7 and June 25, 2019.

[17] On June 7, 2019, the Officer requested that the applicant's counsel send her all the banking records pertaining to the wire fraud with which his client was charged in the United States. Specifically, the Officer requested detailed bank statements for the applicant's accounts from January 2013 through June 2014, including the TD account that had been used to receive 13 wire transfers totalling \$224,000.

[18] On June 14, 2019, the applicant's counsel responded that due to the high volume, the documents were mailed the same day. Counsel indicated that the package included the applicant's notices of assessment for 2016 and 2017 and bank statements from January 2013 through June 2014 from TD Bank.

[19] On June 20, 2019, the Officer acknowledged receipt of the paper documentary evidence. She added that she wanted to know how many bank accounts the applicant had in Canada and at which institutions, and requested that evidence—such as a scan of a bank statement—be provided. With respect to the bank statements provided by TD Bank for 2013 and 2014, she asked which individual held the account in question. The Officer also requested bank statements from the TD account from July 2014 to December 2014.

[20] The next day, the applicant's counsel responded as follows:

[TRANSLATION]

Please find enclosed, as requested, Ms. Amable's recent CIBC bank statements. Ms. Amable has only three bank accounts in Canada (checking, savings and credit). As for the other information and documents requested, Ms. Amable will be going to TD bank today after work, and we will get them to you as soon as possible next week.

[21] On June 25, 2019, the Officer thanked the applicant's counsel for the information regarding the applicant's bank accounts. She reminded him that there was, however, no answer as to who was the account holder in the TD Bank statements. Counsel immediately responded that the applicant was the account holder, which led the Officer to enquire whether she was still the account holder and whether the account was still active. Counsel responded that the applicant's only active accounts in Canada were with CIBC and that the bank accounts with TD Bank were no longer active.

D. *Second procedural fairness letter*

[22] In July 2019, new information was shared with IRCC by its partners who reported that the applicant had been involved in numerous suspicious financial transactions between 2009 and 2016. Many of these transactions were associated with a Bank of Montreal (BMO) bank account that the applicant had held since 2013.

[23] The FINTRAC report included the following details. The applicant holds two bank accounts with BMO. Account XXXX-XXXV-355 [BMO 355] is funded by transfers from account XXXX-XXX-680 [BMO 680], the applicant's personal account. BMO 680 is the account into which the wire transfers from the elderly woman were deposited. From this account,

the applicant transferred money to Mike Kapela and his brother Kenzo Kapela, who had allegedly been involved in a “grandparent” scheme in 2013. According to sources, elderly victims received phone calls from fraudsters claiming to be a close family member with an urgent problem requiring money (accidents, trouble with the law, etc.).

[24] The transactions show that the applicant received several wire transfers from seven individuals residing in the United States who deposited amounts totalling approximately \$94,000 CAD and \$575,000 USD into her BMO account.

[25] It was also noted that the applicant transferred \$30,000 via wire transfer and money order to a third party over a 20-day period in December 2014. Between December 23, 2014, and January 5, 2015, she withdrew \$9,918 from the Casino de Montréal. Between December 5, 2014, and January 7, 2015, she transferred \$83,830 to herself in another personal account.

[26] The FINTRAC report includes a list of the money transfers that are considered suspicious. On page 3, the report notes that the applicant was not acting alone but in collaboration with other individuals who received electronic money transfers at least until the end of 2015:

Another STR involving Celine Jeanne Juliette AMABLE, Mathieu BAAKLINI and Mike KAPELA states that “in addition to the . . . EMT from Mathieu Baaklini at TD, Mike KAPELA received . . . email transfers from Celine J Amable at BMO between December 5 and 22, 2015. These EMTs funded (at minimum) \$15,992.95 in immediate cash payouts. The source and purpose of these EMTs is unknown, nor is their relationship understood. Given the clients received the proceeds of fraud into their RBC accounts, this file is being deemed suspicious and reported to FINTRAC.



[27] A second procedural fairness letter was sent to the applicant on July 11, 2019, to inform her of the results of FINTRAC's financial investigation. Here is an excerpt:

[TRANSLATION]

We have received new information from our partners indicating that you were involved in numerous suspicious financial transactions between 2009 and 2016.

Some of these transactions involved a bank account with the Bank of Montreal (BMO) that you have held since 2013. According to our partners, the transactions show that you received several wire transfers from seven individuals residing in the United States who transferred approximately \$94,000 CAD and \$575,000 USD into your BMO account.

It was also noted that you transferred funds via email money transfer and money order to a third party in an amount totalling \$30,000 over a twenty-day period in December 2014.

...

Individuals who sent you electronic transfers include the following:

From 2014-12-05 to 2014-12-19 Celine Jeanne Juliette AMABLE was the beneficiary of electronic funds transfer ordered by The XXXX Trust XXXX Trustee or XXXX XXXX Trustee with a reported address in xxxxxxxx USA that totalled 120,000.00 USD.

[TRANSLATION]

The adult child of this victim contacted your bank, BMO, to inform it that your mother had been the victim of financial fraud whereby she was asked to make three payments to your account. She subsequently filed a complaint with the police.

E. *Applicant's submissions in response to the second procedural fairness letter*

[28] On July 29, 2019, the applicant's counsel requested access to the evidence submitted by the IRCC partners. The FINTRAC financial investigation report was forwarded to him on August 7, 2019.

[29] On September 20, 2019, counsel for the applicant submitted a second affidavit from his client with the same date [second affidavit]. According to counsel, the affidavit directly addresses in detail the allegations outlined in the second procedural fairness letter. He also submitted an expert psychologist report.

[30] The second affidavit essentially states the following:

- The applicant reports that she began a romantic relationship with Brice in the winter of 2011/2012.
- She indicates that she received a payment at Brice's request during 2012 as a favour to him.
- In early 2013, Brice asked her if she wanted to participate in his business dealings. She would receive money from clients and associates in the U.S.
- She agreed to receive the money associated with Brice's company in her bank account during 2013 and 2014.
- With respect to the withdrawals made from the Casino de Montréal during the 2015 holiday season, she states that she only made one transaction at the request of Brice, who was urging her to withdraw her money.
- As for the other transactions performed at the casino, she states that she did not make them. She claims that she gave her bank card and PIN to Brice, who reportedly made withdrawals. She states that Brice had been using her card regularly since 2013 and that he was the one who allegedly emailed funds to her friend Mike Kapela via her email address.
- She states that Brice had access to and possession of her bank card to make numerous transactions.
- She says that in early 2015, she began to have issues withdrawing money from her bank account. Another transaction was allegedly deposited into her account without her consent. She states that she has not received additional money transfers since February 2015 and that no other transactions were made from her bank accounts between February 9, 2015, and the date of her arrest (July 31, 2015).
- She says that she was unaware that the money entering her account had come from a fraudulent source. She had been blinded by her love for Brice and complied with his requests out of fear of losing him.

### III. The Officer's decision

[31] On March 10, 2020, the Officer found the applicant inadmissible under paragraph 37(1)(b) of the IRPA:

#### **Organized criminality**

**37.(1)** A permanent resident or a foreign national is inadmissible on grounds of organized criminality for

**(b)** engaging, in the context of transnational crime, in activities such as people smuggling, trafficking in persons or laundering of money or other proceeds of crime.

#### **Activités de criminalité organisée**

**37. (1)** Emportent interdiction de territoire pour criminalité organisée les faits suivants :

**b)** se livrer, dans le cadre de la criminalité transnationale, à des activités telles le passage de clandestins, le trafic de personnes ou le recyclage des produits de la criminalité.

[32] The Officer based her decision on documentary evidence derived from credible documents issued by reliable and objective authorities such as the U.S. Department of Justice, FINTRAC's financial investigation report, and detailed bank statements from the applicant's personal bank accounts, including her account with TD BANK.

[33] The Officer's reasoning and conclusions are outlined in the following excerpt taken from her decision:

[TRANSLATION]

Paragraph 37(1)(b) requires that the applicant has engaged in transnational criminality as outlined in the IRPA for the purposes of inadmissibility to Canada.

The applicant was involved in receiving several electronic money transfers across the U.S. border into her Canadian bank account for nearly three years in a row.

Acting as a platform for receiving and distributing money from fraud, she played a key role in the large sums of money and a scheme in which she had been involved for several years, from 2012 to 2015.

The documentary evidence based on her bank statements indicates that the applicant received substantial amounts of money in her account and subsequently transferred it electronically to third parties, but also noted that she regularly transferred money to another bank account in her name.

She contributed directly to the criminal activity and played a key role in it by serving as a platform to receive and redistribute money to third parties, but also since funds were used for her personal expenses and she paid herself a portion of the amounts through transfers to other personal accounts, it is reasonable to believe that the applicant was not unaware of the illicit scheme from which she had been benefitting substantially.

Although there was a stay or suspension of proceedings for the criminal charges against the applicant in exchange for her testimony before a grand jury, it should be noted that an individual subject to paragraph 37(1)(b) of the IRPA does not have to be charged with a criminal offence.

In light of the above, I have reasonable grounds to believe that the applicant, Céline Amable, is inadmissible under paragraph 37(1)(b) for engaging in transnational criminality such as people smuggling, trafficking in persons or proceeds of crime (laundering of money or other proceeds of crime).

#### IV. The errors alleged by the applicant

[34] In this judicial review, the applicant raised the following issues:

- a) Did the Officer err in basing her decision exclusively on the FINTRAC document that contained erroneous facts and information contradicted by the evidence in the record?

- b) Did the Officer err in unreasonably assessing the extent of the applicant's knowledge of the criminal activity that she had to possess to be inadmissible under paragraph 37(1)(b) of the IRPA?
- c) Did the Officer err in unreasonably concluding that the applicant acted in order to obtain a material or financial benefit from the criminal wire fraud?
- d) Did the Officer err in making her decision without regard to the evidence, specifically by failing to consider the psychological expert report?

V. Standard of review

[35] In Canada (*Minister of Citizenship and Immigration*) v. *Vavilov*, 2019 SCC 65 [*Vavilov*], at paragraph 10, the Supreme Court of Canada concluded that the presumptive standard of review is reasonableness, and a reviewing Court should only derogate from that presumption “where required by a clear indication of legislative intent or by the rule of law.” There is no such indication in this case.

[36] Prior to *Vavilov*, this Court has repeatedly held that a finding that a person is a person described in paragraph 37(1)(b) of the IRPA is a question of mixed law and fact and is reviewable on a standard of reasonableness: *Singh Sidhu v. Canada (Citizenship and Immigration)*, 2012 FC 1533 at para 22; *Saif v. Canada (Citizenship and Immigration)*, 2016 FC 437 at paras 7–8; *Singh Bagri v. Canada (Citizenship and Immigration)*, 2016 FC 1034 at para 21; *Bagri v. Canada (Citizenship and Immigration)*, 2018 FC 197 at paras 22–23; *B010 v. Canada (Citizenship and Immigration)*, 2015 SCC 58 at paras 25–26.

[37] There is no reason to depart from the standard of review adopted in the earlier case law, since applying the *Vavilov* framework requires the same standard of review, namely that of reasonableness.

[38] On this standard of review, the Court must ensure that it understands the reasoning process followed by the decision maker to determine whether the decision as a whole is reasonable. The Court must ask whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility—and whether it is justified in relation to the relevant factual and legal constraints (*Vavilov*, para 99).

## VI. Analysis

[39] The applicant claims that the Officer made an unreasonable decision because she drew several negative inferences about the applicant's inadmissibility based primarily on the FINTRAC document, which contains erroneous information that is contradicted by the evidence in the record.

[40] The applicant criticized the Officer for rejecting the explanations provided by the applicant on the grounds that they contradicted the FINTRAC report, stating that the said explanations were not corroborated by reliable objective evidence. In my view, this argument is without merit.

[41] In support of her claims, the applicant submitted the following facts in her memorandum:

[TRANSLATION]

13. The applicant always returned all funds in her account to her ex-boyfriend or to his associates, Mike Kapela and Kenzo Kapela;

(Footnote: Exhibit P: Bank statements from TD Bank, January 2013 to November 2014; Exhibit Q: Bank statements from BMO, November 2014 to January 2015; affidavit dated November 13, 2018, supra, para 31; affidavit dated September 20, 2019, paras 6 and 7).

...

15. In early 2015, the applicant began to have issues accessing her BMO bank account. The banks would no longer allow her to transfer to or withdraw money from her account and the account was even frozen, as were incoming funds such as her wages;

(Footnote: Affidavit dated September 20, 2019, supra, para 11; affidavit dated November 13, 2018, para 35).

...

52. Based on these bank statements, it is clear to us that the applicant never transferred to herself, between December 5, 2014, and January 7, 2015, the sum of \$83,380 by wire transfers as reported in the Fintrac/Canafe document;

(Footnote: Exhibit Q: Bank statements from BMO for the year, December 2014 to January 2015).

53. Between December 2014 and February 2015, the applicant held no bank accounts other than the BMO account, as evidenced by the notices of account closures at TD Bank, dated September 2014 and November 2014, respectively, and the opening of her CIBC account in February 2015;

(Footnote: Exhibit R: Letters confirming TD Bank account closures; Exhibit M: CIBC bank statements confirming account opening).

...

56. However, the applicant's banking records show that she did not transfer \$17,000 to Mike Kapela between December 5 and 22, 2015, as evidenced by the BMO bank statements;

(Footnote: Exhibit Q: Bank statements from BMO, November 2015 to January 2015 [sic]).

...

59. In fact, the applicant did not deposit \$83,830 into her own account, nor did she accept, receive or distribute any money from illegal activities after January 2015, with the exception of a transfer received without her consent on February 9, 2015, which she never deposited;

(Footnote: Exhibit Q: Bank statements from BMO, February 2015; affidavit dated September 20, 2019, supra, para 14; affidavit dated November 13, 2018, supra, para 38).

...

70. The Officer claims that the applicant continued transferring money to her ex-boyfriend's accomplices, including Mike Kapela, in December 2015, which was after she was arrested by U.S. Customs and she knew about the illegal sources of the funds;

71. As previously demonstrated, this allegation is false because the applicant did not conduct any transactions from her BMO account in December 2015.

(Footnote: Exhibit Q: Bank statements from BMO, November 2015 to January 2016).

...

86. In this case, and as previously outlined, when the events of late December 2014 and January 2015 aroused suspicion in the applicant, she not only enquired about the nature of the transactions but also stopped assisting Brice Nsangou altogether by refusing to receive additional payments on his behalf;

(Footnote: Exhibit Q: BMO bank statements, December 2014 to December 2015; Exhibit M: CIBC bank statements, February 2015 to January 2016).



...

101. As noted in the first issue, the officer relied on erroneous facts contained in the Canafe/Fintrac report that the applicant transferred herself \$83,830 between December 5, 2014, and January 7, 2015;

(Footnote: Exhibit F: Fintrac/Canafe documents, supra).

102. The banking documents provided by BMO establish that the information reported by the officer is inaccurate;

(Footnote: Exhibit Q: Bank statements from BMO, current account and savings account, December 2014 and January 2015).

[Emphasis added.]

[42] It is important to note, however, that the applicant's affidavits make no reference whatsoever to BMO, let alone to the fact that she reportedly had trouble using her BMO account in early 2015 or that her BMO account had been frozen.

[43] The same is true for the material that her counsel provided to the Officer. The applicant was asked to comment on this new information obtained by IRCC in July 2019. In particular, it was brought to her attention that she had been involved in numerous suspicious transactions between 2009 and 2016, including payments that had passed through her BMO account in December 2015. Yet the applicant simply denied the allegations.

[44] In support of her application for judicial review, the applicant submitted an affidavit from an articling student who had been working at the applicant's law firm since June 2020. The articling student said that she had personal knowledge of the facts, the issues raised and

[TRANSLATION] “the documents supporting this application for judicial review.” She adduced 21 documents into evidence, including Exhibit Q, which consists of 262 pages of statements from the applicant’s BMO bank account from January 2014 to May 2019. However, there is no record of these statements in the Certified Tribunal Record [CTR].

[45] There is no indication that the CTR prepared by IRCC for these proceedings is incomplete. If the applicant found the CTR to be incomplete, it was open to her to apply to the Court to have the situation corrected, if a correction was necessary and warranted (*Yadav v. Canada (Minister of Citizenship and Immigration)*, 2010 FC 104 at para 23). For whatever reason, she did not. Given the importance of this evidence to support the applicant’s case, it is surprising that she never attempted to rely on it before the Officer.

[46] Even more troubling is the fact that after the Court asked her for the exact date on which the BMO bank statements were sent to Officer, counsel for the applicant confirmed in writing that the statements had indeed been sent, relying solely on her belief that the solicitor in charge of the file, who left the firm in 2019, had attended to the matter.

[47] It is well established that, in principle, only the evidence that was before the tribunal can be considered by the Court in determining whether there is cause for intervention (*Association of Universities and Colleges of Canada v. Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [*Access Copyright*] at para 19).

[48] In the absence of any objective evidence to the contrary, the Officer had no obligation to verify or cross-check the accuracy of the information in the FINTRAC report. In my view, she had reasonable grounds to believe that the report was credible and trustworthy since FINTRAC is an independent, arm's-length agency established under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2000, c. 17, that collects, analyses and discloses information in order to assist in the detection, prevention and deterrence of money laundering and of the financing of terrorist activities (s. 40–41). In particular, it receives reports, statements and other information from financial institutions and intermediaries disclosed to it under that Act.

[49] Although there was a stay of proceedings on the criminal charges against the applicant in the U.S. in exchange for her testimony before a grand jury, it should be noted that an individual subject to paragraph 37(1)(b) of the IRPA does not have to be charged with a criminal offence.

[50] The applicant was involved in a multi-party fraud scheme whereby individuals in Canada contacted an elderly woman in the United States by telephone, forcing her to send money to an account in Canada, in this case the applicant's bank account.

[51] When questioned during her arrest by U.S. authorities, the applicant described herself as a "platform" for receiving electronic money transfers.

[52] Moreover, according to the report issued by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), seven other individuals in the United States

electronically deposited substantial amounts of money into the applicant's bank accounts over a three-year period.

[53] The Officer concluded that the applicant served as a platform for receiving and distributing the proceeds of wire fraud from individuals in the United States over a three-year period. Bank statements from the applicant's personal bank account with TD Bank spanning a period from January 2013 to June 30, 2014, show that the applicant received wire transfers for significant amounts of money.

[54] The FINTRAC report shows that the same scheme had been employed using the applicant's BMO accounts, repeating the same pattern of receiving wire transfers and redistributing money to third parties, as well as transferring a portion of the deposited money to another personal account.

[55] According to the report, each time a substantial money transfer was received, money was quickly withdrawn from the account via money transfers to third parties or by bank withdrawals at branches or ATMs. These were indeed structured and recurring patterns of behaviour, i.e., a *modus operandi*.

[56] In this case, it was open to the Officer to conclude that there were reasonable grounds to believe that the applicant had knowingly engaged in the laundering of money or other proceeds of crime, or else was willfully reckless with respect to suspicious activities that any reasonable person would have questioned.

[57] Furthermore, it was entirely reasonable for the Officer to conclude that there were reasonable grounds to believe that the applicant had received a material and financial benefit in this case. By her own account, the applicant was being paid for car rentals and tickets to various events for acting as a platform, which in itself constitutes a material benefit.

[58] The applicant submits that the Officer failed to refer to the expert psychological report on the applicant's knowledge of the illegal scheme into which she had been unwittingly drawn. Yet contrary to the applicant's assertion, the Officer did consider the psychological report and specifically referred to it but gave it little weight. I agree with the Officer that the report does not establish that the applicant had a psychological disorder or mental incapacity that made her unable to discern that the money she had been receiving from Brice's U.S. clients was from illegal activities. A psychological report of this kind does not make a record credible when it is not (*Demberel v. Canada (Citizenship and Immigration)*, 2016 FC 731 at para 71).

[59] It was therefore reasonable for the Officer to conclude that the acts committed by the applicant fall within the definition laundering proceeds of crime under subsection 462.31(1) of the *Criminal Code* (R.S.C. (1985 c. C-46):

**Laundering proceeds of crime**

**462.31 (1)** Every one commits an offence who uses, transfers the possession of, sends or delivers to any person or place, transports, transmits, alters, disposes of or otherwise deals with, in

**Recyclage des produits de la criminalité**

**462.31 (1)** Est coupable d'une infraction quiconque — de quelque façon que ce soit — utilise, enlève, envoie, livre à une personne ou à un endroit, transporte ou modifie des biens ou leurs produits, en

any manner and by any means, any property or any proceeds of any property with intent to conceal or convert that property or those proceeds, knowing or believing that, or being reckless as to whether, all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of

...

dispose, en transfère la possession ou prend part à toute autre forme d'opération à leur égard, dans l'intention de les cacher ou de les convertir sachant ou croyant qu'ils ont été obtenus ou proviennent, ou sans se soucier du fait qu'ils ont été obtenus ou proviennent, en totalité ou en partie, directement ou indirectement:

...

[60] The Officer's finding is well supported by overwhelming evidence and therefore cannot be characterized as unreasonable.

## VII. Conclusion

[61] Having regard to all of the above, I find that the Officer's decision was reasonable, transparent, intelligible and entirely justified given the relevant factual and legal constraints.

[62] Accordingly, the application for judicial review is dismissed. There is no question to be certified.

**JUDGMENT in IMM-2379-20**

**THE COURT’S JUDGMENT is that:**

1. The style of cause is amended to replace the Minister of Citizenship and Immigration as the respondent;
2. The application for judicial review is dismissed.

“Roger R. Lafrenière”

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Judge

Certified true translation  
This 27th day of July 2021

Sebastian Desbarats, Translator

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-2379-20

**STYLE OF CAUSE:** CÉLINE AMABLE v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HEARD BY VIDEOCONFERENCE BETWEEN  
OTTAWA, ONTARIO, AND MONTRÉAL, QUEBEC

**DATE OF HEARING:** JUNE 15, 2021

**JUDGMENT AND REASONS:** LAFRENIÈRE J.

**DATED:** JULY 2, 2021

**APPEARANCES:**

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Michel Pépin FOR THE RESPONDENT

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