

Federal Court



Cour fédérale

Date: 20210830

Docket: IMM-2010-20

Citation: 2021 FC 893

Ottawa, Ontario, August 30, 2021

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

MIRJETA SLLAMNIKU

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of an exclusion order by a Minister of Citizenship and Immigration Canada's delegate [Minister's delegate] , dated March 4, 2020 for failure to comply with the requirements of paragraph 20(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001 [IRPA] and section 6 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

[2] The Applicant is a citizen of Kosovo. She initially arrived in Canada as a visitor in February 2019, whereupon she enrolled her children in school and sought employment. In June 2019, she left Canada, but returned the following month as a visitor for four days, though it is alleged that she intended to declare a stay of forty days. An extension of the visit was requested thereafter. After applying for a work permit in February 2020, which was refused, the Applicant was interviewed by an officer of the Canada Border Services Agency.

[3] A report of inadmissibility was then issued against her, as the officer found that the Applicant came with the sole intention of establishing herself permanently, without having obtained the documents required under the IRPA. Following a second interview and further to consideration of the Applicant's file, the Minister's delegate issued an exclusion order.

[4] This judicial review relates to the reasonability of the Minister's delegate's decision. The applicable standard of review by this Court is, thus, reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23, 77).

[5] The Applicant submits that the Minister's delegate breached procedural fairness, as she was not provided a capable interpreter, which – in turn – impeded her ability to understand and respond to inquiries in respect of her documentation on file. The Applicant further argues that the decision is unreasonable as it fails to consider the evidence. After consideration of the entire record, that is not the case.

[6] The record clearly shows from the written material of the Applicant and her oral answers in the English language that the Applicant enrolled her children in high school, and was looking for measures by which to be employed in Canada. The Applicant also explained in an interview that she intended to remain in Canada. In recognition of the fact that the Applicant came to Canada on a one-way ticket, the Applicant's behaviour is not that of a visitor in Canada under a visitor's visa.

[7] Any misunderstanding of interpretation, which might have taken place, would have had to be specified at the first opportunity subsequent to any misunderstanding of interpretation. The issue of dialects as spoken in the South and North of Albania is moot, if any, as there was no mention of difficulty with interpretation. When asked, the Applicant, herself, confirmed that she understood the interpreter; that, the Applicant had had three repeated exchanges with officers, she never mentioned any difficulty with interpretation throughout the interviews; and, in addition, the Applicant demonstrated an understanding of English.

[8] As per jurisprudence directly on point, interpretation need not be perfect but clearly understandable, as per multiple judgments of the Federal Court, confirmed in a key decision of the Federal Court of Appeal (*Mohammadian v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 191).

[9] The decision for judicial review is reasonable; and thus the application for judicial review is denied.

JUDGMENT in IMM-2010-20

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is denied;
2. The style of cause is amended to replace the “Minister of Public Safety and Emergency Preparedness” with the “Minister of Citizenship and Immigration”;
3. No question of general importance is certified.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2010-20

STYLE OF CAUSE: MIRJETA SLLAMNIKU v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: AUGUST 26, 2021

JUDGMENT AND REASONS: SHORE J.

DATED: AUGUST 30, 2021

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