

Federal Court



Cour fédérale

Date: 20240829

Docket: IMM-6801-23

Citation: 2024 FC 1348

Ottawa, Ontario, August 29, 2024

PRESENT: The Honourable Mr. Justice Southcott

BETWEEN:

**MASOOD MEER, FROZAN HASSAN ZAI,
ARASH SIPASS AND FARHAN SUBHAN
HOSSEYNI BY HIS LITIGATION GUARDIAN
FROZAN HASSAN ZAI**

Applicants

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for judicial review of a decision of an immigration officer [the Officer] of Immigration, Refugees and Citizenship Canada [IRCC], dated May 19, 2023, and

communicated to the female adult Applicant, Frozan Hassan Zai [the Principal Applicant] on May 23, 2023 [the Decision], in which the Officer refused an application for permanent residence by the Principal Applicant, sponsored by her husband, the male adult Applicant [the Sponsor], and identifying the other Applicants, who are her children, as her dependants. The Officer refused the application on the basis that the Principal Applicant's marriage to the Sponsor was not genuine or was entered into primarily for the purpose of acquiring permanent residence in Canada.

[2] As explained in greater detail below, this application is dismissed because the Applicants' arguments do not undermine the reasonableness of the Decision.

II. Background

[3] The Principal Applicant is a citizen of the Netherlands. Prior to living in Canada, she moved from Afghanistan to the Netherlands, where she obtained citizenship (as did her children). Following their arrival in Canada, the Principal Applicant and her children claimed refugee protection, initially providing a false narrative under a false identity. After the Minister intervened, the Principal Applicant provided a substantially amended narrative, alleging that she feared gender and domestic violence in the Netherlands by her then ex-husband and her brother-in-law.

[4] On January 17, 2019, the Refugee Protection Division [RPD] rejected the refugee claims, on the basis of credibility and finding that state protection existed in the Netherlands. On January 22, 2020, the Refugee Appeal Division [RAD] dismissed the appeal of the RPD's rejection of the

claims, again finding *inter alia* that the Principal Applicant was not credible and concluding that there was adequate state protection in the Netherlands. The Federal Court subsequently dismissed a leave application with respect to the RAD's decision.

[5] The Principal Applicant claims to have met the Sponsor on January 31, 2018, following which they began to date, moved in together in March 2018, and married on May 12, 2018. Their wedding reception allegedly took place two years later, in August 2020.

[6] The Principal Applicant submitted a first spousal application for permanent residence, which application was denied on June 22, 2020, due to credibility concerns and a failure to establish a genuine relationship. The Applicants did not seek judicial review of that decision.

[7] On May 4, 2021, the Principal Applicant submitted a second spousal application for permanent residence. As a part of the application process, the Principal Applicant and the Sponsor attended an IRCC office on May 16, 2023, where they were interviewed separately and then together, to allow IRCC to assess the bona fides of the marriage and determine whether the application met the relevant statutory requirements in s 12(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 and ss 4(1) and 124(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

[8] Following the interview, in the Decision that is the subject of this application for judicial review, the Officer denied the application for permanent residence, as she was not satisfied that

the Principal Applicant's marriage to the Sponsor was genuine or that it was not entered into primarily for the purpose of acquiring permanent residence in Canada.

III. Decision

[9] The Officer's Global Case Management System [GCMS] notes include details of the interview and the Officer's resulting analysis. The GCMS notes indicate that lack of credibility was the Officer's principal concern. The portion of the notes in which the Officer identifies credibility concerns resulting from the interview, as well as concerns about financial and emotional dependency, reads as follows:

....

Lack of credibility was the officers number one concern with the PA and Sponsor. The Officer began the interview by asking the PA about Mothers day, which took place two days before the interview on 14th May, 2023. The PA stated that the Sponsor gave her eldest son money to buy her flowers and a card. The PA then explained she took her three children out for lunch at A&W but the Sponsor did not attend the lunch because he was working. The PA explained she face timed the Sponsor during the their lunch at A&W and showed the Officer a screen shot on her phone as proof they had face timed during lunch. When the Officer asked the Sponsor if he did anything for his wife on Mothers Day he responded, no. The Officer asked the Sponsor if he gave the PA's eldest son money to buy his mother a gift. The Sponsor responded no. The Officer asked the Sponsor if the PA did anything with her children on Mothers Day. The Sponsor stated that he wasn't sure if she did anything with her children. When the Officer questioned the couple together about Mothers Day, both the PA and Sponsor became very agitated and defensive. The Sponsor stated it must have been a translation/ language issue. The Officer does not accept this as she prompted the Sponsor to give her the correct answer by asking if the Sponsor gave the PA's eldest son money to buy a gift. The Officer also made it very clear at the beginning of the interview the Sponsor needed to stop her if he did not understand. The PA then stated that the Sponsor gives her eldest

son money regularly and the Sponsor is not always aware what the son spends it on. The PA was very specific when initially asked and stated that the Sponsor gave her son money to buy flowers and a card for Mothers day, so the Officer does not accept this excuse. The Sponsor initially stated he was unaware of the Mothers Day lunch at A&W. If the PA indeed Face timed the Sponsor while eating, you would think the Sponsor would have known they were eating at A&W. Even if the Sponsor didn't know the specific restaurant, he could have said the family went out for lunch on Mothers Day.

The Officer then asked the PA if her and the Sponsor had dinner together last night (which would have been Monday May 15th, 2023). The PA explained that the Sponsor worked late and they ate together when he got home from work. The PA made a beef stew that they enjoyed it together. The Officer asked to see the PA's phone at the end of her interview. The PA sent the Sponsor a text message dated May 16th, 2023 at 6:00am (which was the morning of the interview) alluding to the fact that the Sponsor was not sleeping with the PA. When the Officer questioned the PA about this, she confessed and said that the Sponsor spent the night at his parents last night because he was too tired to drive home. He ultimately drove home to Mount Forest early in the morning May 16th, 2023. Therefore the PA lied about the Sponsor eating dinner with her on May 15th, 2023. When the Officer questioned her about this lie, she had no explanation. The Officer also asked the Sponsor where he spent the night on May 15th, 2023. The Sponsor stated he slept with his wife and she made him dinner. The Officer asked what side of the bed he slept on that night. The Sponsor responded with the right side of the bed. When the Officer told the Sponsor she knew he spent the night at his parents house in Toronto and asked why he lied about that, he responded that it was a translation issue. The PA tried to explain why they had lied and the Sponsor cut her off and told her to stop speaking as the Officer was "just putting words in their mouth". Again, the Officer caught both the PA and the Sponsor in a lie although the PA promised she would never deceive an Immigration official again.

When the Officer was looking through the PA's text messages between her and the Sponsor, it should be noted that the PA and Sponsor argued regularly most times about other women. The couple argued about the same woman multiple times who was apparently a singer they had met at an event. The PA had pictures on her phone of the singer and Sponsor posing together. The PA accused the Sponsor multiple times of doing "haram things with girls". Haram is the things which are prohibited in the Quran and the Sunnah, things that Muslims can not do. The Officer will

upload physical proof to the PA's file of these text messages. Even when the PA would send loving text messages to the Sponsor, he would reply with the middle finger emoji. The PA said this was the Sponsors way of joking around but the Officer went back a whole month in the text messages and not once did she see the Sponsor say anything nice to the PA. The Officer also noted 2 text messages the PA had sent to the Sponsor with information about herself and her children. These pictures will be uploaded to the clients file. It appeared the PA was training the Sponsor on her daily life. For example, the PA had listed her kids birthdays, medical concerns and activities they enjoy. She also listed her monthly expense such as \$839 for rent, \$300 for utilities, Fido \$40 and listed what topics the Sponsor should be ready to explain to the Officer such as, health issues, family doctor, holidays, how many hours the PA works, how many hours the Sponsor works etc. The Sponsor should easily know the birthdays and medical conditions of the children he supposedly lives with seeing as he has been married to the PA since May 12th, 2018. They have been married for 5 years and the Sponsor needs to be coached on basic information like the amount of rent they pay?

The final piece of evidence the Officer came across was text messages the PA sent to the SPR asking him about his wedding ring. The Officer is going to type out their conversation below.

PA: Did you find your ring, if not go and get one today, that is the most important thing.

Sponsor: No.

PA: You can bring it back Friday, go to the store and buy one, keep the bill, it should be a wedding band, like the one you had.

The Officer then questioned the PA about the lost ring and explained it would have been better for them to be truthful and explain the Sponsor lost his ring, rather than go and buy a fake one just for the interview. The PA confirmed the Sponsor had the new ring on his finger for the interview. The Officer asked the Sponsor if the ring he had on his finger was the original ring they used to get married. The Officer even asked a second time to make sure the Sponsor understood and he answered yes.

When the PA and Sponsor were questioned together, both of them became agitated but failed to come up with reasoning as to why their stories were different.

These examples above demonstrate the PA entered the marriage to acquire status and this union is not genuine. R4(1)(a)(b)

The lack of financial dependency was also a red flag for the Officer. The Sponsor and PA have one joint chequing account together. There is a “special deposit” coming out of their chequing account regularly. The PA explained that it was a transfer of money into her daughters account. There was also a charge from a company called “Paybright” which came out regularly. The PA explained it was like a loan that she was repaying. When the Officer asked the Sponsor about the “special deposit” and “Paybright” he had no idea what the payments were for. He kept telling the officer that if he didn’t know, he shouldn’t answer. There were also insurance payments coming out of the checking account but the Sponsor wasn’t sure what the insurance was for. The Sponsor stated multiple times that he trusts his wife and doesn’t ask her what she spends money on. The Officer hears this excuse a lot when clients are not truly in a genuine marriage. The Officer would expect that a couple with a joint account would know why money was routinely being transferred in/out of the account.

The above reason is concrete proof that the PA and Sponsor do not have financial interdependency which is crucial to prove a genuine relationship. IP8(5.20).

Emotional dependency IP8(5.20) is also very important for a genuine relationship. The Officer asked the PA if they have any plans for the long weekend coming up. The PA explained that she is working all weekend (Friday- Monday) so they will not be doing anything. The Sponsor did not know what the wife works and said they will be going out. The Officer clarified with the Sponsor and asked again, if he knew what days the PA worked this weekend. Again, he didn’t know and reiterated if he didn’t know he wouldn’t make something up.

The Officer asked the PA how she found their lawyer. The PA stated she found their lawyer through the First Baptist Church she attends. The Sponsor had no idea how they found their lawyer.

The Officer asked the PA if she and the Sponsor wanted to have children together. The PA said yes and explained they had been seeing a fertility doctor for the last two years in Guelph as she has a prolapsed uterus. When the Officer asked the Sponsor, he said yes they do want to have more children. The Officer asked the Sponsor if they were doing anything to help them have another baby. The Sponsor stated no. The Officer even offered help to the

Sponsor by prompting him and asking if they were seeing a fertility doctor. The Sponsor said yes they were but didn't know the doctors name or where the doctor was located, or how long they had been seeing this doctor. The PA stated she has been seeing this fertility doctor for the past two years. It is very fair to assume that a couple trying to conceive a baby would attend fertility treatments together and at the very least know the location of the treatments/ doctors name.

....

IV. Issues and Standard of Review

[10] The sole substantive issue for the Court's determination is whether the Decision was reasonable. As suggested by that articulation, the merits of the Decision are reviewable on the standard of reasonableness.

[11] The parties' submissions also raise the following procedural issues, which I will address before moving to the substantive issue:

- A. Whether the style of cause should be amended to remove the Applicants other than the Principal Applicant; and
- B. Admissibility of an affidavit included in the Application Record.

V. Analysis

A. *Whether the style of cause should be amended to remove the Applicants other than the Principal Applicant*

[12] The Respondent takes the position that neither the Sponsor nor the Principal Applicant's children have standing in this application for judicial review and that their names should therefore be removed from the style of cause. Noting that subsection 18.1(1) of the *Federal Courts Act*, RSC 1985, c F-7, provides that an application for judicial review may be brought by anyone directly affected by the matter in respect of which relief is sought, the Respondent argues that only the Principal Applicant is directly affected by the within matter.

[13] The Respondent relies on authorities in which the Court has similarly concluded that sponsors for permanent residence applications do not have standing in applications for judicial review challenging the resulting decisions (e.g., *Sinnathamby v Canada (Citizenship and Immigration)*, 2011 FC 1421 [*Sinnathamby*] at paras 21-23; *Chinenye v Canada (Citizenship and Immigration)*, 2015 FC 378 at paras 17-18). The Respondent's position is strictly procedural and is not intended to affect the outcome of this application for judicial review. As noted at paragraph 22 of *Sinnathamby*, whether the sponsor had standing had no impact on the ultimate issue in that matter.

[14] The Respondent's authorities do not speak directly to whether the Principal Applicant's children have standing. However, I take the Respondent's point that the application for permanent residence in the case at hand appears to be in the Principal Applicant's name,

identifying her children as dependents, and that the Decision under review was issued to the Principal Applicant. The Applicants' counsel explained at the hearing that, while he was not necessarily convinced of the Respondent's arguments, he was not taking a strong position on the point. Moreover (and consistent with the reasoning at paragraph 22 of *Sinnathamby*), the Respondent's counsel confirmed at the hearing the Respondent's position that whatever rights are possessed by the Principal Applicant's children, as a result of her application for permanent residence, will not be adversely affected by their removal from the style of cause in this judicial review.

[15] Based on the above, I am satisfied that the style of cause should be amended to remove the names of the Applicants other than the Principal Applicant, and my Judgment will so provide (although I have left the original style of cause reproduced above, so that the references in these Reasons to the other Applicants are intelligible). Through the remainder of these Reasons, I will refer to the Principal Applicant as the Applicant.

B. *Admissibility of an affidavit included in the Application Record*

[16] The Application Record includes an affidavit of the Applicant, sworn September 19, 2023, in which she deposes to information that she says she provided to the Officer during her interview. In support of the admissibility of that affidavit, the Applicant's submissions include references to authorities addressing whether the absence of a transcript of an administrative proceeding represents a denial of procedural fairness or natural justice (*Canadian Union of Public Employees, Local 301 v Montreal (City)*, 1997 CanLII 386 at para 81, [1997] 1 SCR 793 (SCC); *Canada (Citizenship and Immigration) v Liang*, 2009 FC 955 at paras 23-24). These

authorities explain that, in the absence of a statutory requirement for a transcript, the lack of a transcript does not violate natural justice if the record before the Court allows it to properly dispose of an application for judicial review.

[17] The Applicant raises these authorities, not in support of a position that the Decision should be set aside based on a denial of procedural fairness or natural justice, but rather in support of her position that the Applicant's affidavit should be admitted into evidence. She argues that the GCMS notes do not comprehensively capture the Officer's interviews of the Applicant and the Sponsor, which together took approximately four hours, and that principles of procedural fairness and natural justice favour the admission of her affidavit so that the Court has the benefit of a record of the evidence that was before the Officer.

[18] The Respondent does not take issue with the admissibility of the Applicant's affidavit but argues that it should be given little weight, in particular based on the Applicant's history of providing false information.

[19] Although the general principle is that the evidence admissible on judicial review is limited to evidence that was before the administrative decision-maker, in my view the admission of the Applicant's affidavit does not fall afoul of this principle. While the affidavit itself was not before the Officer, the Applicant describes the conduct of the interview and says that certain information provided therein was given to the Officer in the course thereof. When assessing the Applicant's arguments on the merits of this application, I will consider as necessary the weight to

be afforded to the Applicant's evidence as to what transpired at the interview. However, I am satisfied that the affidavit is admissible.

C. *Reasonableness of Decision*

(1) Ignoring evidence

[20] The Applicant argues that the Decision is unreasonable because the Officer ignored substantial components of the evidence submitted in support of her permanent residence application. She references the well-known principle explained in *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)* (1998), 157 FTR 35, 1998 CanLII 8667 (FCTD) [*Cepeda-Gutierrez*] at paragraph 17, to the effect that the more important the evidence that is not specifically mentioned and analysed in a decision-maker's reasons, the more willing a court may be to infer that the evidence was overlooked.

[21] Applying that principle in the judicial review of a decision finding that a marriage was not genuine, *Momi v Canada (Citizenship and Immigration)*, 2017 FC 50, held that the decision-maker did not identify the evidence that it found supportive of the genuineness of the marriage and did not explain why that evidence was insufficient to overcome minor discrepancies in the evidence given by the applicant and his wife (at para 11). Similarly, in *Williams v Canada (Citizenship and Immigration)*, 2017 FC 707 [*Williams*], the Court noted that the sponsorship application under review was refused on the sole ground that the applicant appeared to be unaware of the sponsor's educational pursuits. Commenting that inattentive spouses are not

unknown, the Court found it was unreasonable that the officer did not assess a significant body of positive factors before concluding that the marriage was not genuine (at paras 40-42).

[22] Similarly, in the case at hand, the Applicant argues that her application for permanent residence included voluminous documentation supporting the genuineness of her marriage, including a marriage certificate, banking and other financial documentation, tax returns filed as spouses, letters of support from employers, friends, and family, photographs, the couple's lease and related correspondence, and bills in both parties' names. She also submits that, as evidenced by the GCMS notes, the Applicant and the Sponsor gave consistent evidence at the interview on many topics, including the Applicant's job, how they met and dated, their finances, the Applicant's son's employment and intention to start college, social media platforms in which they correspond with each other, their wedding, their relationship with each other's families, who lives in their house, the meal they shared the night before the interview, and details about wanting to have children together.

[23] I accept the authorities upon which the Applicant relies. However, the application of the *Cepeda-Gutierrez* principle is inherently case-specific. As the Respondent notes, arguments similar to those now advanced were rejected by the Court in *Kornas v Canada (Citizenship and Immigration)*, 2010 FC 517 at paragraphs 11 to 15, where there was evidence supporting the couple's claim that they lived together, but there was also contrary evidence. I consider the circumstances and reasoning in the case at hand to be comparable to *Sharma v Canada (Citizenship and Immigration)*, 2009 FC 1131, in which the Court upheld the officer's reasoning that, even if every piece of documentary evidence supporting the couple's relationship had been

accepted, the inconsistencies in the couple's answers at their interviews were such that the officer was not persuaded that the couple was in a genuine marriage (at para 14).

[24] While the documentary evidence upon which the Applicant relies supports her application, it was available to the Officer to test the genuineness of the relationship by considering the consistency of the couple's responses at their interview (see *Essaidi v Canada (Citizenship and Immigration)*, 2011 FC 411 at paras 13-21; *Mendoza Perez v Canada (Citizenship and Immigration)*, 2011 FC 1 at paras 29-30). Applying *Cepeda-Gutierrez*, the Officer is presumed to have considered all the available evidence, and the documentary evidence is not sufficiently inconsistent with the Officer's reasoning to rebut that presumption and conclude that the evidence was overlooked.

[25] The Applicant also argues, based in part on her affidavit, that the Officer's reasoning regarding perceived inconsistencies and credibility concerns resulting from the interview is flawed. I will address those arguments individually below, in relation to the principal concerns identified in the Decision.

(2) Mother's Day

[26] As noted in the extract of the GCMS notes set out earlier in these Reasons, the Officer's first negative credibility finding was based on inconsistencies in the evidence of the Applicant and the Sponsor surrounding the Applicant's activities with her children on Mother's Day.

[27] The Officer first identified an inconsistency between the Applicant's evidence, that the Sponsor gave her eldest son money to buy her flowers and a card for Mother's Day, and the Sponsor's evidence that he did not give the son money to buy his mother a gift. When the couple was questioned together about this inconsistency, the Applicant offered the explanation that the Sponsor gives her eldest son money regularly and that the Sponsor is not always aware what the son spends it on. She submits that there is little difference in these two versions of the events and that it was unreasonable for the Officer to develop a credibility concern based on this evidence.

[28] The Applicant's affidavit evidence on this point is principally argumentative and does not particularly add to the evidentiary record before the Officer. It is clear from the GCMS notes that the Officer was aware of the Applicant's explanation for the inconsistency, and I agree with the Respondent's position that it was not unreasonable for the Officer not to accept this explanation. Moreover, the Officer notes that the Sponsor's response, when the couple was questioned together, was simply that there must have been a translation or language issue. This is a different explanation from that of the Applicant. The Officer declined to accept the Sponsor's explanation, noting that she made it very clear at the beginning of the interview that the Sponsor needed to stop her if he did not understand a question. Again, I find nothing unreasonable in this aspect of the Decision.

[29] The Officer was also concerned about the Sponsor's lack of knowledge of the Applicant's activities on Mother's Day. The Applicant submits that it was unreasonable for the Officer to make a negative credibility finding based on the Sponsor being unable to identify the particular restaurant (A&W) at which the Applicant and her children had lunch that day. Again,

the Applicant's affidavit adds little on this point, referring principally to the fact that she showed the Officer a screenshot of her FaceTime conversation with the Sponsor. She submits that it would not necessarily have been apparent from the FaceTime conversation that the family was in an A&W.

[30] However, as the Respondent emphasizes, the Officer drew the adverse finding not only because the Sponsor could not identify the particular restaurant but also because he did not identify that the family went out for lunch on Mother's Day. Rather, the Sponsor's evidence was that he wasn't sure if the Applicant did anything with her children that day. I find nothing unreasonable in this aspect of the Officer's analysis.

(3) Night before the interview

[31] The Officer concluded that the couple lied about how they had spent the night before the interview. The Officer arrived at this conclusion based on the inconsistency between the evidence, given by both the Applicant and the Sponsor at the interview, and text messages on the Applicant's cell phone that alluded to the Sponsor not having spent the night with the Applicant.

[32] In her affidavit, the Applicant asserts that the Officer misunderstood what she and the Sponsor told her. The Applicant states that, although the couple ate and slept together on the night before the interview, the Sponsor later said that he was frustrated that he could not find his wedding ring and told her that he was going to go to the restaurant where he worked to look for it. After finding the ring, he was so tired that he ended up sleeping in his car before coming home.

[33] It is not particularly clear from the Applicant's affidavit whether she is deposing that she told the Officer about the Sponsor going to the restaurant to look for the ring. The GCMS notes reflect that, when confronted with the inconsistency demonstrated by the text messages, the Applicant said that the Sponsor spent the night at his parents' because he was too tired to drive home, and the Sponsor responded that there was a translation issue. Again, I find that the Officer was under no obligation to accept the couple's efforts to explain the inconsistency, particularly as it does not appear that even their respective explanations were consistent.

(4) Texts preparing for the interview

[34] The Officer noted that the Applicant's text messages to the Sponsor provided information about herself and her children, which the Officer concluded represented the Applicant attempting to train the Sponsor on her daily life. The Officer noted that these texts included the children's birthdays, medical concerns, and activities, the Applicant's monthly expenses, and topics the Sponsor should be ready to explain to the Officer such as health issues, family doctor, holidays, and how many hours the Applicant and the Sponsor each worked. The Officer reasoned that the Sponsor should easily know the birthdays and medical conditions of the children he had supposedly been living with, as he had been married to the Applicant since May 2018. The Officer also expressed surprise that, after five years of marriage, the Sponsor needed to be coached on basic information like the amount of rent they paid.

[35] In her affidavit and in her submissions in this application, the Applicant recognizes that these texts appear damaging. However, she states that they were an innocent effort to ensure that the Sponsor turned his mind to the upcoming interview. She notes that their eldest two children

are hers from her first marriage and states that the Sponsor sometimes needs reminding about key dates, birthdays, and some numbers, which the Applicant handles. (I interpret the latter reference to relate to financial matters for which the Applicant takes responsibility.) The Applicant states that the couple tried to tell the Officer that the texts merely represented an effort to help the Sponsor get ready for the interview, but that she did not believe them.

[36] Again, I find no basis to conclude that the Officer was obliged to accept such an explanation for these texts. As I interpret the Officer's reasoning, she concluded that these texts represented an effort by the Applicant to coach the Sponsor on details of which he was not aware because the relationship was not genuine. I am conscious of the point made in *Williams* (at para 42) that inattentive spouses are not unknown. However, as the Respondent emphasizes based on the copies of the text messages in the record before the Court, the information on which the Applicant was coaching the Sponsor included the fact that one of the children has asthma. I agree with the Respondent that it strains credibility that, if the Applicant and the Sponsor were living with the children as a family in a genuine relationship, the Sponsor would need to be reminded of this medical condition.

(5) Wedding ring

[37] Also arising from her review of the Applicant's text messages, the Officer developed a credibility concern based on the Applicant asking the Sponsor, who had lost his wedding ring, to purchase a new one, explaining that it should match the ring he already had, and that he could return it to the store after the interview. The Officer explained to the Applicant that it would have been better for them to have been truthful and explain that the Sponsor lost his ring, rather than

buying a fake one just for the interview. The Officer also noted that the Applicant stated that the Sponsor was wearing the new ring for the interview, while the Sponsor said that he was wearing the original ring that they used to get married. The couple were questioned together, and the Officer observed that they both became agitated but failed to explain why their stories were different.

[38] In her affidavit, the Applicant asserts that the Officer's conclusions about the wedding ring do not match the information the couple provided at the interview. The Applicant deposes that the Sponsor was wearing his original wedding ring at the interview and that she confirmed this to the Officer later in the interview. She states that she and the Sponsor explained to the Officer that the Sponsor did find his original ring the night before the interview, as a result of which he never purchased a new ring. As such, she asserts that their respective narratives were not inconsistent as the Officer concluded.

[39] On this issue, the Applicant's evidence in her affidavit diverges from the record of the interview reflected in the Officer's notes. The Officer does not record an explanation that the Sponsor had actually found his wedding ring and therefore did not purchase a new one. Indeed, the Officer expressly states that the Applicant and the Sponsor failed to come up with an explanation why their stories were different.

[40] On this point, I do not accept the Applicant's version of what was said at the interview. As the Respondent submits, there is no basis to doubt the Officer's version, as recorded in notes created within days of the May 16, 2023 interview, and instead prefer the evidence of the

Applicant as set out in an affidavit sworn four months later. Moreover, unlike the Applicant, who has a history of providing false information to Canadian immigration authorities, the Officer has no personal interest in the outcome of the application for personal residence.

[41] Also, regardless of whether the original ring was actually found and worn on the day of the interview, I agree with the Respondent that, much like with the text messages intended to coach the Sponsor, the Officer's credibility concerns related to the wedding ring arose principally from the intention to deceive the Officer reflected in the Applicant's texts.

[42] Finally, I note the Applicant's submission at the hearing that the Officer ignored the final text messages in the sequence about the ring, in which the Applicant says "Thank you for losing that" and "I would never forgive you for that" and finishes with a sad face emoji. The Applicant argues that these messages demonstrate an emotional reaction to the loss of the ring, which is consistent with the genuineness of the relationship, and submits that the Officer's omission of these texts from her notes and analysis demonstrates zeal to deny the application.

[43] I find no merit to these arguments. As the Respondent submits, the latter text messages are equally consistent with the Applicant being upset with the Sponsor because she considered the loss of the wedding ring to undermine the couple's prospects at the interview. There is certainly no basis to conclude that the fact the Officer did not expressly reference these texts demonstrates any sort of bias on the Officer's part.

(6) Other findings

[44] The Officer concluded that the adverse credibility analyses canvassed above demonstrated that the Applicant entered the marriage to acquire status and that her union with the Sponsor was not genuine. The Officer then provided additional reasons for that conclusion, focusing on a lack of financial and emotional dependency, including a conclusion that the Sponsor was unaware of medical treatment the Applicant had been seeking in the interests of conceiving a baby.

[45] The Applicant advances arguments in an effort to impugn various aspects of these additional analyses. However, I agree with the Respondent's position that the Officer's credibility concerns, particularly arising from the text messages coaching the Sponsor and asking him to purchase a new wedding ring, are sufficient to sustain the Decision as reasonable. The Officer noted lack of credibility to be her primary concern and, after explaining the reasons for this concern, concluded that it demonstrated that the union was not genuine.

[46] As such, the Decision is reasonable, this application for judicial review must be dismissed, and it is unnecessary for the Court to canvas the Applicant's other arguments. Neither party proposed any question for certification for appeal, and none is stated.

JUDGMENT IN IMM-6801-23

THIS COURT'S JUDGMENT is that:

1. The style of cause in this application is amended to remove the names of the Applicants other than the Applicant, Frozan Hassan Zai.
2. This application for judicial review is dismissed.
3. No question is certified for appeal.

"Richard F. Southcott"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6801-23

STYLE OF CAUSE: FROZAN HASSAN ZAI v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: AUGUST 15, 2024

JUDGMENT AND REASONS: SOUTHCOTT J.

DATED: AUGUST 29, 2024

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