Federal Court  Cour fédérale

Date: 20250820

Docket: IMM-14285-23

Citation: 2025 FC 1396

Ottawa, Ontario, August 20, 2025

PRESENT: Madam Justice Pallotta

BETWEEN:

SHANDEEN WILLIAMS

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a spousal sponsorship appeal. Ms. Shandeen Williams applied to sponsor her foreign spouse for permanent residency as a member of the family class. The Immigration and Refugee Board's Immigration Appeal Division (IAD) dismissed her appeal of a visa officer's decision that refused the application. The IAD found that Ms. Williams' marriage did not qualify as a relationship that would permit her spouse to apply under the family class because the marriage was likely entered into primarily for the purpose of

acquiring a status or privilege under the *Immigration and Refugee Protection Act*, 2001, c 27 [*IRPA*].

[2] A spouse cannot take advantage of the family class route to permanent residence if the marriage falls within either of the two exclusions in subsection 4(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*]:

Bad faith	**Mauvaise foi**
4 (1) For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner or a conjugal partner of a person if the marriage, common-law partnership or conjugal partnership	**4 (1)** Pour l'application du présent règlement, l'étranger n'est pas considéré comme étant l'époux, le conjoint de fait ou le partenaire conjugal d'une personne si le mariage ou la relation des conjoints de fait ou des partenaires conjugaux, selon le cas :
(a) was entered into primarily for the purpose of acquiring any status or privilege under the Act; or	**a)** visait principalement l'acquisition d'un statut ou d'un privilège sous le régime de la Loi;
(b) is not genuine.	**b)** n'est pas authentique.

[3] The IAD found that the evidence about the development of the couple's relationship before they got married was weak. Ms. Williams and her spouse gave contradictory testimony about when they decided to marry, and the evidence of their communications before getting married did not establish anything more than friendship. The IAD found that Ms. Williams' evidence did not establish that the primary purpose of the marriage was to enter into a genuine marital relationship, and it was more likely than not that the primary purpose of the marriage was to obtain a status or privilege under *IRPA*. The IAD found this was sufficient to dismiss the appeal notwithstanding "some evidence to support a conclusion that the marriage may have become genuine in the last couple of years."

[4] Ms. Williams alleges that the IAD's decision is unreasonable. She alleges that the IAD did not conduct a proper analysis of the purpose for entering into the marriage and merely stated a conclusion that the purpose was primarily to acquire a status or privilege under *IRPA*. She also alleges that the IAD found that her marriage was genuine and failed to take this into account in assessing the purpose for entering into the marriage. She contends this was an error because the stronger the evidence regarding the genuineness of the marriage, the less likely it is that the marriage was entered into for an immigration purpose: *Gill v Canada (Citizenship and Immigration)*, 2014 FC 902 at para 15. Ms. Williams also challenges the IAD's findings about the couple's lack of knowledge about each other's lives and previous relationships, as well as their conduct at the time of their engagement and wedding.

[5] The guiding principles for reasonableness review are set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. A reviewing court's role is to conduct a deferential but robust form of review that considers whether the administrative decision, including the reasoning process and the outcome, was transparent, intelligible, and justified: *Vavilov* at paras 13, 99.

[6] I am not persuaded that the IAD's decision was unreasonable.

[7] I do not agree with Ms. Williams that the IAD merely stated a conclusion about the primary purpose of the marriage without conducting a proper analysis. Before stating its conclusions, the IAD systematically addressed the parties' positions and the evidence and

explained how it weighed each point as a positive, neutral, or negative factor in assessing both the genuineness of the marriage over time and the primary intent for entering into the marriage.

[8] The IAD did not find that Ms. Williams' marriage was genuine. The IAD stated that the marriage "may have become genuine in the last couple of years" and found that it did not have to make a conclusive finding as to whether the marriage is now genuine. The IAD did not err by doing so. The test under *IRPR* subsection 4(1) has two elements—Ms. Williams had to prove both that her marriage is genuine and that it was not entered into for the purpose of acquiring status in Canada: *Chen v Canada (Citizenship and Immigration)*, 2018 FC 840 at para 10; *Wang v Canada (Citizenship and Immigration)*, 2019 FC 978 at para 21.

[9] I do not agree with Ms. Williams that the IAD failed to consider how the evidence about genuineness affected the purpose of entering into the marriage, and *Gill* is distinguishable. The IAD assessed the evidence of genuineness over time, finding that the evidence about the development of the couple's relationship was weak and the bulk of the evidence to support a genuine marriage post-dated the wedding.

[10] Turning to the IAD's specific findings, Ms. Williams repeats arguments that she made to the IAD or offers explanations as to why the evidence could support a different finding, without explaining how the IAD erred by making the findings that it did. It is the IAD's role to assess and weigh the evidence. A reviewing court must refrain from reassessing and reweighing the evidence that was considered by the administrative decision maker: *Vavilov* at para 125. I agree

with the respondent that Ms. Williams' arguments effectively ask the Court to consider the evidence anew and reach its own findings, which is not the purpose of judicial review.

[11] Furthermore, an applicant bears the burden of showing that a decision suffers from sufficiently serious shortcomings to render it unreasonable: *Vavilov* at para 100. Ms. Williams has not established any errors in the IAD's findings that, individually or cumulatively, render its decision unreasonable.

[12] The parties did not propose a question for certification. I find there is no question to certify.

JUDGMENT in IMM-14285-23

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. There is no question for certification.

" Christine M. Pallotta "
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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