Federal Court Cour fédérale

Date: 20250826

Docket: IMM-9688-24

Citation: 2025 FC 1421

Ottawa, Ontario, August 26, 2025

PRESENT: The Honourable Justice Darren R. Thorne

BETWEEN:

KAVA TANEISHA BENJAMIN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Kava Taneisha Benjamin, is seeking judicial review of a May 23, 2023 decision of a Case Processing Officer [Officer], refusing her application for permanent residence under the Spouse or Common-Law Partner in Canada class [Decision]. The Officer found that the Applicant did not meet the requirements of paragraph 4(1)(a) and section 124 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] The Applicant argues that the Officer erred in finding that her marriage had been entered into primarily to secure immigration status, something that effectively disqualified her as a member of that class.

[3] For the reasons that follow, this application is dismissed. I find that the Applicant has not established that the Decision is unreasonable.

II. Background

[4] The Applicant, who is a citizen of Jamaica, entered Canada in June 2019, utilizing a work permit for General Farm employment. She was reported absent without official leave from her employer on October 14, 2021, though she contends that she had completed her contract by that time.

[5] On December 9, 2021, the Applicant applied for a visitor record to visit her then partner in Edmonton, Alberta [Former Partner]. The visitor record was refused, but the Applicant did so regardless. She then cohabited with this party, remaining in Canada for the next two years without immigration status. On January 24, 2022, the Applicant married her Former Partner, who later died on August 5, 2022.

[6] In October 2022, the Applicant met her current husband and sponsor, Everold Aarons [Spouse]. After dating for three months, they moved in together in January 2023 and were married on March 26, 2023.

[7] On June 8, 2023, they submitted a spousal sponsorship application on behalf of the Applicant. Accordingly, on May 22, 2024, the Applicant and her Spouse were interviewed by immigration officers. During the interview, the Officer raised concerns that: (1) the Applicant had been evasive and untruthful about her Former Partner and prior marital status; (2) the Applicant and her Spouse had a suspiciously short courtship; (3) the interview revealed the Applicant and her spouse had troublingly limited knowledge about each other; (4) there were significant discrepancies in the Applicant and her Spouse's responses; and (5) the Applicant had a history of non-compliance with Canada's immigration laws. The Officer found that the answers provided by the Applicant and her Spouse did not resolve these concerns.

[8] In the May 23, 2023 Decision, the Officer found that the Applicant did not meet the requirements of paragraph 4(1)(a) and section 124 of the IRPR and refused her application for permanent residence under the Spouse or Common-Law Partner in Canada class. They found that the couple had entered into the relationship primarily to acquire status in Canada.

III. Issues and Standard of Review

[9] The sole issue raised by this matter is whether the Decision is unreasonable.

[10] The parties correctly agree that the applicable standard of review in such cases is reasonableness, as established in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraphs 10 and 25 [*Vavilov*]. In undertaking reasonableness review, the Court must assess whether the decision bears the hallmarks of reasonableness – namely justification, transparency and intelligibility: *Vavilov* at para 99. Further, it is the applicant that bears the onus of demonstrating that a challenged decision was unreasonable: *Vavilov* at para 100.

[11] Finally, I note that a reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker. The reasonableness standard requires that there is deference to such a decision: *Vavilov* at para 85.

[12] Accordingly, before a decision can be set aside as unreasonable, the reviewing court must be satisfied that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency: *Vavilov* at para 100.

IV. Relevant Provisions

[13] The relevant provisions in this case include subsection 12(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, [IRPA] which provides as follows:

Family reunification	**Regroupement familial**
12 (1) A foreign national may be selected as a member of the family class on the basis of their relationship as the spouse, common-law partner, child, parent or other prescribed family member of a Canadian citizen or permanent resident.	**12 (1)** La sélection des étrangers de la catégorie « regroupement familial » se fait en fonction de la relation qu'ils ont avec un citoyen canadien ou un résident permanent, à titre d'époux, de conjoint de fait, d'enfant ou de père ou mère ou à titre d'autre membre de la famille prévu par règlement.

[14] In addition, subsection 4(1) and section 124 of the IRPR also come into play:

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.
Member	**Qualité**
124 A foreign national is a member of the spouse or common-law partner in Canada class if they	**124** Fait partie de la catégorie des époux ou conjoints de fait au Canada l'étranger qui remplit les conditions suivantes :
(a) are the spouse or common-law partner of a sponsor and cohabit with that sponsor in Canada;	**a)** il est l'époux ou le conjoint de fait d'un répondant et vit avec ce répondant au Canada;
(b) have temporary resident status in Canada; and	**b)** il détient le statut de résident temporaire au Canada;
(c) are the subject of a sponsorship application.	**c)** une demande de parrainage a été déposée à son égard.

V. Analysis

A. The Decision was reasonable

[15] The Applicant makes a wide variety of arguments as to why the Officer's Decision should be found unreasonable. She states that the Officer failed to consider all available documentary evidence, despite the Decision stating that the Applicant had not provided

sufficient documentary evidence in support of the marriage. The Applicant also asserts that in assessing whether there is evidence that the relationship was "entered into primarily for immigration purposes," the decision-maker should consider all of the evidence, including post-marriage evidence: *Lawrence v Canada (Citizenship and Immigration)*, 2017 FC 369. The Applicant submits that in not overtly referencing submitted documents attesting to the genuineness of their marriage and cohabitation, such as a joint bank account statement, shared insurance, and photographs from their wedding and daily lives, the Officer had failed to explain the alleged deficiency in her documentary evidence.

[16] The Applicant also contends that the Officer assessed her application with a hostile and closed mind, and that while they dwelled on indicia which called into question the genuineness of the relationship, the Officer ignored positive evidence to the contrary. She states that the Officer was unduly concerned with evidence which called into question her credibility, to the detriment of considering other evidence before it. While the Applicant concedes that she was vague about her past relationship with her Former Partner, she takes issue with the Officer's focus on the brevity of her courtship with her current Spouse, asserting that six months should not be viewed as unduly, or suspiciously, short. She also ascribed numerous indications that she and her Spouse lack basic knowledge about each other and their past, lives and family members, to inattentiveness, and points out that the jurisprudence has indicated that such inattentiveness is not unusual amongst spouses. The Applicant states that in finding it suspicious that her Spouse did not know the names of the Applicant's adult children, the Officer had erred in failing to consider the cultural context of Jamaica, under which she claims that the use of nicknames is pronounced. The Applicant also contends that the Officer was unduly microscopic in his analysis.

[17] Despite the able submissions of counsel for the Applicant, I do not find these arguments persuasive. As counsel for the Respondent stressed, the Officer was not required to refer to each piece of evidence, as it is well established that officers are presumed to consider all the evidence presented to them unless the contrary has been proven: *Hashem v Canada (Citizenship and Immigration)*, 2020 FC 41 at para 28 [*Hashem*]. The Respondent submits that the Officer did consider all the evidence but was not swayed by the couple's interview responses and referred to the numerous factors identified in the Decision which called into question both the credibility of the Applicant and the genuineness of the relationship. Among these were the lack of basic knowledge the Applicant and her Spouse seemingly possessed about each other's lives – such as the Applicant not knowing the age of her Spouse's children, even though one of them was essentially the Applicant's own age, as well as her Spouse not knowing the actual names of her children. The Respondent also drew attention to the brevity of the Applicant's courtship, as well as the fact that the Decision noted that the Applicant had misrepresented her relationship with her Former Partner, along with the short period between this party's unfortunate death and her marriage to her current Spouse. The Respondent also stressed that the Decision highlighted the Applicant's previous violation of Canada's immigration laws, and argued that in doing so, this was not unduly focusing on credibility concerns. The Respondent essentially argued that the Officer had not ignored positive evidence with respect to the genuineness of the marriage, but rather that these considerations were overwhelmed by considerations to the contrary, and that in light of this it was not unreasonable for the Officer to conclude that the marriage had been for the purpose of attaining immigration status.

[18] As noted, subsection 4(1) of the IRPR holds that a foreign national will not be considered a spouse if the marriage was not genuine or, was entered into primarily for the purpose of

acquiring a status or privilege under the IRPA. Importantly, the onus is on an applicant to prove, on a balance of probabilities, that the sponsored spouse is not excluded under either paragraph 4(1)(a) or (b). The test under subsection 4(1) is disjunctive—a finding that either the marriage was entered into primarily to acquire status, or that it is not genuine will disqualify an applicant: *Kusi v Canada (Citizenship and Immigration)*, 2021 FC 68 at para 9.

[19] The determination of the genuineness of a relationship is a highly fact-driven analysis. Having regard to the submissions of the parties and the evidentiary record that was before the decision-maker, I find that the Applicant did not meet her burden to establish that it was unreasonable for the Officer to find in the Decision that the marriage was entered into primarily to acquire status or that it was not genuine pursuant to subsection 4(1) of the IRPR.

[20] In my view, it is clear that in this judicial review the Applicant essentially takes issue with the weight afforded to the evidence before the Officer. However, I cannot accept her counsel's invitation to step into the shoes of the Officer and reevaluate the evidence in this matter, as the Court must refrain from "reweighing and reassessing the evidence considered by the decision-maker": *Joseph v Canada (Citizenship and Immigration)*, 2023 FC 1067 at para 26; *Vavilov* at para 125.

[21] Although the Applicant argues that the Officer failed to consider all the documentary evidence, the Officer was not obliged to refer explicitly to each piece of evidence, including the evidence thought beneficial to the Applicant. As the Respondent noted, it is presumed that the decision-maker considered all the evidence in making the decision, unless the contrary can be established: *Hashem* at para 28. I do not find that has been established in this matter.

[22] I also do not find, in light of the relatively extensive set of findings in the Decision, that the Applicant has met her burden to demonstrate that there are shortcomings in the Decision sufficiently serious to deprive it of the requisite degree of justification, transparency, and intelligibility. Rather, the reasoning of the Decision is intelligible, internally coherent and rational and, in my view, is justified in relation to the facts and law. In short, I do not find the Officer's decision to be unreasonable.

VI. Conclusions

[23] For the above reasons, this application for judicial review is dismissed.

[24] The parties proposed no question for certification, and I agree that none arises.

JUDGMENT in IMM-9688-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. No question of general importance is certified.

3. No costs are awarded.

"Darren R. Thorne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-9688-24
STYLE OF CAUSE:	KAVA TANEISHA BENJAMIN v. MCI
PLACE OF HEARING:	TORONTO, ON
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