

Federal Court



Cour fédérale

Date: 20251126

Docket: IMM-23895-24

Citation: 2025 FC 1880

Toronto, Ontario, November 26, 2025

PRESENT: Mr. Justice Diner

BETWEEN:

MEILING WU

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Ms. Meiling Wu, seeks judicial review of a decision made by an Immigration, Refugees and Citizenship Canada [IRCC] officer [Officer], refusing her application for permanent residence [Application] and declaring her inadmissible to Canada [Decision], pursuant to subsection 12(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The Application was denied for failing to demonstrate that the Applicant's marriage was

not entered into primarily for immigration purposes, and that it is genuine. For the reasons below, this Application is dismissed.

II. Background

[2] Ms. Meiling Wu is a citizen of the People's Republic of China. She married her sponsor, Mr. Guo Qiang Wu [Sponsor], a Canadian citizen, on June 30, 2016. On September 7, 2022, the couple submitted an in-Canada Spousal sponsorship application for permanent residence under the IRPA. A procedural fairness letter [PFL] was issued to the Applicant on September 4, 2024, outlining concerns regarding the *bona fides* of the relationship. The Applicant responded providing explanations and supporting documents, including evidence of cohabitation, joint financial accounts, and communications.

[3] On November 29, 2024, the Applicant and her Sponsor attended a five-hour in-person interview at IRCC [Interview]. The Interview was conducted with the assistance of a Cantonese interpreter, whose credentials were verified prior to commencement. The purpose of the Interview was explained as an assessment of the genuineness of the relationship and to ensure that the Applicant qualified as a member of the family class under subsections 4(1), 72(1)(c)–(d), and 124(a) of the *Immigration and Refugee Protection Regulations* (SOR/2002-227) [Regulations]. In the Global Case Management System [GCMS] notes, which form part of the Decision, the Officer noted significant discrepancies and vague or conflicting answers between the Applicant and her Sponsor during the Interview. These are related in particular to four key

points of evidentiary concern for the Officer, along with a fifth, conduct issue ((e) in the list below):

- (a) the Applicant's knowledge of her Sponsor's family members and the Sponsor's knowledge of the Applicant's son;
- (b) inconsistent answers regarding whether the Applicant's son attended their 2016 wedding;
- (c) uncertainty about the Applicant's period in Venezuela and whether the Sponsor was aware of it;
- (d) conflicting information about their current cohabitation in a home in Scarborough, Ontario; and
- (e) that the Sponsor attempted to whisper or signal answers to the Applicant during questioning, despite being instructed not to do so.

[4] The explanations provided by the Applicant and Sponsor did not satisfy the Officer, who concluded that the relationship appeared to have been entered into primarily to obtain immigration status and that the couple were not cohabiting in a genuine marital relationship. As a result, on December 5, 2024, the Officer issued the Decision stating that the Applicant was not a member of the class. The Officer referenced subsections 4(1), 72(1), and 124(a) of the Regulations and subsection 12(1) of the IRPA, concluding that the marriage was neither genuine nor ongoing for reasons independent of immigration.

[5] In her affidavit, Ms. Wu describes the Interview as lengthy and stressful, asserting that both she and her Sponsor were nervous, given their advanced age. She states that the Decision

mischaracterized or omitted parts of their responses. She explains that she and her Sponsor are estranged from some family members, that she has a distant relationship with her son and his wife, and that any inconsistencies were due to anxiety rather than deceit. In her arguments for this judicial review, she claims that the Officer failed to consider documentary evidence of her marriage's genuineness, including their joint bank account, her designation as beneficiary on her Sponsor's tax-free savings account [TFSA], shared tenancy and utility bills, and phone records showing frequent communication. She maintains that she and the Sponsor have cohabited continuously since 2016 and remain committed to one another.

[6] The Respondent counters that the Decision was supported by the Interview evidence and that the Applicant merely disagrees with how the Officer weighed the facts. The Respondent submits that the Decision was made within the Officer's expertise and reasonably concluded that the marriage was not genuine given the Officer's concerns itemized above.

III. Issues

[7] Applicant's counsel raises two issues for determination on behalf of his client. First, was the Officer's decision to refuse the Applicant's spousal sponsorship application unreasonable, having regard to the evidentiary discrepancies identified during the Interview and the documentary record as a whole? Second, did the Officer breach procedural fairness by failing to provide sufficiently transparent, intelligible, and responsive reasons in the refusal letter dated December 5, 2024, including whether the reasoning adequately addressed the Applicant's submissions and supporting materials?

IV. Analysis

[8] As noted above, the Applicant alleges the Decision was unreasonable in light of the evidence before the Officer, and that there was a breach of procedural fairness in failing to provide substantive reasons in the refusal Decision.

[9] Reasonableness is the presumptive standard of review, and in my view, the circumstances of this case do not warrant a departure from the standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]). I must thus determine whether the Decision is transparent, intelligible and justified, in light of both its rationale and outcome (*Vavilov*, para 15).

[10] In terms of the procedural fairness argument, Ms. Wu also argues that the Decision is unreasonable because it provides generic reasons and fails to respond to the arguments raised in the sponsorship Application in a meaningful way. The standard of review for procedural fairness, on the other hand, has been equated to correctness, considering whether the process was fair and just (*Vavilov*, at paras 37-38; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 [*CP*], at paras 34-56). As I will explain below, I do not feel this is a question of procedural fairness – rather the quality and responsiveness of the Officer’s reasons must be evaluated on a reasonableness standard as well.

[11] At the hearing, Applicant’s counsel relied on *McLeish v Canada (Citizenship and Immigration)*, 2020 FC 747 [*McLeish*], to argue that the Officer unreasonably assessed the sufficiency of the evidence of cohabitation and the genuineness of the relationship. As decided

by Justice Norris, this Court found the decision in *McLeish* unreasonable because the officer concluded that the couple there were not living together despite contrary evidence, including affidavits from a neighbour and two children who resided outside the home (*McLeish*, at para 39).

[12] The *McLeish* factual matrix is materially different from the present case. Here, the Officer's concerns were not grounded in documents that were on file, but rather on significant discrepancies and conduct as raised in the Officer's five key concerns, which were all well documented in the record, and which lacked the external corroboration that was present in *McLeish*. Indeed, the Officer was not satisfied with the evidence of the spouses themselves, and did not overlook the communication and financial documentation they submitted in support of the Application.

[13] While counsel is correct that the Applicant did provide tax documents, joint bank account evidence, phone records, and documentation listing the Applicant as beneficiary of the Sponsor's TFSA, all of which would be capable of corroborating the Applicant's claim, this documentation does not contradict the Officer's stated concerns – nor did the Officer fail to address documentation that was on file.

[14] Unlike in *McLeish*, where corroborative evidence went directly to the central factual finding under dispute, the documentary evidence here does not negate the inconsistencies identified by the Officer, nor does it undermine the reasonableness of the Officer's conclusion

that the relationship's genuineness was not established. Again, the Application here lacked the kind of supporting documentation that was present in *McLeish*.

[15] Specifically, the Officer did not imply that the Applicant and the Sponsor did not live under one roof – but rather found that they were not living in a marital relationship. That determination, citing stark discrepancies and knowledge gaps that indicated a lack of common knowledge after nearly a decade of marriage, were open and justifiable for the Officer to make. The fact that there were documents indicating that the Applicant and Sponsor had the same address does not mean that they were living as a married couple, which is what the Officer found.

[16] As to the Applicant's contention that the Officer did not consider the totality of evidence, given the generic answers the Officer provided in the Decision, I disagree. The Officer rather determined on the basis of the key concerns raised that this was not a genuine relationship and that it was entered into primarily for the purpose of acquiring any status or privilege under the IRPA.

[17] In short, there is no evidence to suggest that the totality of evidence was not considered. To the contrary, the GCMS notes reflect that the Applicant and Sponsor were not able to alleviate the discrepancies raised by the Officer's inquiry into the genuineness of the marriage.

[18] This Court owes deference to the Officer's assessment of the evidence, as IRCC officers have considerable expertise in hearing and deciding issues such as the genuineness of marriages

(*Joseph v Canada (Citizenship and Immigration)*, 2023 FC 1067 [*Joseph*], at para 26). The Officer understood and applied the law, in that the test under subsection 4(1) of the Regulations is disjunctive, such that an applicant must demonstrate both that the marriage was not entered into primarily for an immigration purpose and that the relationship is genuine (*Joseph* at para 17). In this case, it is clear that the Officer had fundamental concerns as to the genuineness of the relationship.

[19] On the second issue, Ms. Wu submits that the Officer breached her right to procedural fairness because the Officer did not provide adequate reasons for the refusal Decision.

[20] I note that the duty of fairness owed by visa officers in the context of permanent residence applications is at the low end of the spectrum (see, for instance, *Khan v Canada (Citizenship and Immigration)*, 2001 FCA 345 (CanLII) at para 31; *Mahmoudzadeh v Canada (Citizenship and Immigration)*, 2022 FC 453 at para 14).

[21] I would point out that while the Applicant argues that the reasons breach her right to procedural fairness, what she is really arguing is that the reasons did not make an explicit finding on each constituent element of her Application. This is because the Applicant knew the case to meet and had a full and fair chance to respond (*CP* at paras 55-56; *Chesnais* at para 38): not only were the Applicant and Sponsor provided a chance to satisfy the Officer on paper, but they were also afforded a lengthy Interview during which they had every opportunity to satisfy the Officer of the *bona fides* of their relationship. They were not able to do so, and the Decision that ensued

was both fair and reasonable. Indeed, a procedural fairness letter was issued to the Applicant on September 4, 2024, outlining concerns regarding the *bona fides* of the relationship.

[22] Here the Applicant is, rather than making a procedural fairness argument, really alleging that the Officer's reasons were inadequate. I disagree. The reasons were quite adequate, and indeed more comprehensive than many other officers would issue in the context of a spousal sponsorship application. They were responsive to the evidence and testimony provided during the Interview. Furthermore, the Officer was clear on the concerns he had and repeated questions to ensure that there was nothing lost in the communication process. The reasons were clear, justifiable, transparent and intelligible. They were, in short, responsive to the issues raised (*Chesnais v. Canada (Attorney General)*, 2025 FC 1564 at paras 33-37).

V. Conclusion

[23] In this matter, the Respondent has persuaded me that the arguments raised by Ms. Wu represent simply a disagreement with the refusal Decision and the factors that contributed to it, rather than the reasonableness or procedural fairness elements involved throughout the Application process and refusal Decision. The Officer provided transparent and intelligible reasons, through five key concerns that are neither reviewable errors in judicial review, nor made without justification. This Application for Judicial Review is accordingly dismissed.

JUDGMENT in IMM-23895-24

THIS COURT’S JUDGMENT is that:

1. The judicial review is dismissed.
2. The parties had no questions to certify, and I agree that there are none.
3. No costs will issue.

“Alan S. Diner”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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