Federal Court  Cour fédérale

Date: 20260121

Docket: IMM-8858-24

Citation: 2026 FC 89

Ottawa, Ontario, January 21, 2026

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

FAHED SOWANE
FAYEIZ SOWANE

Applicants

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the matter

[1] This is an application for judicial review of the decision of an immigration officer [Officer] dated May 9, 2024 refusing Mr. Fahed Sowane's [Applicant] application for permanent residence [Decision]. The Officer determined the Applicant, a national of both Lebanon and Belgium, is inadmissible to Canada under paragraph 34(1)(d) of the *Immigration and Refugee*

Protection Act, SC 2001, c 27 [*IRPA*] as "being a danger to the security of Canada." Because of this finding, his dependant son, Mr. Fayeiz Sowane [together with the Applicant, the Applicants], was also found inadmissible: *IRPA* at s. 42(1)(b).

[2] In my respectful view, the Officer's reasons are transparent, intelligible, and justified. The Decision is a reasonable assessment of the record, including facts past, present, and future considered in connection with omissions made by the Applicant in response to three procedural fairness letters [PFLs]. The Applicant's responses (together with omissions) and related evidence-based findings gave the Officer reasonable grounds to believe the Applicant and his son are inadmissible to Canada under sections 34 and 42 of *IRPA* because the Applicant has either been involved previously or presently and or may be involved in the future in acts in support of Hezbollah, a listed terrorist organization, by laundering money to Hezbollah through the acquisition, shipment, and sale of automobiles and parts to Lebanon and the Port of Beruit. Therefore, this application will be dismissed.

II. Facts

[3] The Applicants are a father and son who are both citizens of Belgium and Lebanon. The Applicant has been in Canada on work permits since 2016 whereas the son and daughter have continued to reside in Lebanon.

[4] The Applicant was born in 1968 and has worked for many years in the used vehicle sales industry. The Applicant began in this industry in his twenties when he worked at his father's dealership in Lebanon. Since then, the Applicant has operated used vehicle businesses in

Lebanon, Belgium, and Canada. When he applied he was employed as a wholesale trade manager at an Ontario used vehicle business.

[5] The Applicant entered Canada in July 2016. In January 2019, he was nominated for immigration by the province of Ontario. He submitted his application in March 2019, naming his son as a dependant.

[6] The Applicant's permanent residence application underwent several processing steps and was transferred to Immigration, Refugees and Citizenship Canada's [IRCC] Etobicoke office. The Etobicoke office requested updated forms and documents (including an original signed application) in December 2021 which were provided.

[7] On March 3, 2022, the Applicant was advised his security screening results remained outstanding.

[8] The Applicants commenced an application in this Court on November 16, 2022, successfully seeking *mandamus* to compel the Respondent to process his application. At the time of commencing that judicial review, a decision on the Applicant's application was outstanding three and a half years.

[9] Justice Gascon decided the *mandamus*. Broadly, the Respondent claimed delays in processing were the result of ongoing security screenings. The Respondent advised the Court "an outstanding request for information from partners as part of an ongoing security screening

assessment" was the cause of the delay, a matter over which the Respondent had no control: *Sowane v Canada (Citizenship and Immigration)*, 2024 FC 224 at para 10 [*Sowane*].

[10] While acknowledging delays occur and vary depending on the complexity of an application, Justice Gascon considered such complexities were not clear on the Respondent's evidence: *Sowane* at paras 10, 25, 29.

[11] On February 9, 2024, Justice Gascon issued an order of *mandamus* requiring IRCC to process the Applicant's application within 90 days: *Sowane* at para 41.

[12] The Officer received information from the Canadian Security Intelligence Service [CSIS] dated February 28, 2024, and from the Canada Border Services Agency [CBSA] dated March 12, 2024. This information, with redactions, is part of the public record in this case.

[13] Counsel for the Applicants wrote to the counsel for the Respondent on March 9, 2024 requesting the Respondent advise of any further documents they required and reiterated the alleged urgency of processing the Applicant's application. Respondent's counsel replied on March 11, 2024, having noted counsel's concerns.

[14] On April 4, 2024, IRCC sent the first of three PFLs to the Applicants.

[15] This first PFL cautioned the Applicant that he may be found inadmissible to Canada pursuant to paragraph 34(1)(d) of *IRPA* as "being a danger to the security of Canada." The PFL,

which was sent to Applicant's counsel, stated the "available information suggests that your application for permanent residence may be refused as it appears you may be inadmissible to Canada, under section 34(1)(d)" of *IRPA*, which states:

Security	**Sécurité**
34 (1) A permanent resident or a foreign national is inadmissible on security ground	**34 (1)** Emportent interdiction de territoire pour raison de sécurité les faits suivants :
…	…
(d) being a danger to the security of Canada;	**d)** constituer un danger pour la sécurité du Canada;

[16] Specifically, the first of the three PFLs made clear to the Applicant (and his lawyer) that his application may be refused because of his involvement in money laundering through the sale of vehicles and their parts to and through the Hezbollah-controlled Port of Beirut in support of Hezbollah, which is a listed terrorist entity. While this is disputed by the Applicants, in my view, this is supported by the fact this PFL identified specific publications and reports focused on sales like those made by the Applicant as a part of money laundering schemes to support Hezbollah, and the terrorist entity's influence in Lebanon and over the Port of Beirut. The PFL stated:

> Upon review of your immigration history, application and submissions, I have identified concerns with respect to your employment and business activities. Specifically, I find that there are reasonable grounds to believe that you may be a danger to the security of Canada.
>
> The following lists sources which have identified automobile sales as being a conduit to money laundering:
>
> > Keith Nuthall, Link Between Canadian Auto Sales, Money Laundering Probed, May 3, 2021, ttps://www.wardsauto.com/dealers/link-between-canadian-auto-sales-money-laundering-probed

Sebastien Bell, Carscoops, Canadian Experts Suggest Criminals May Be Using Auto Dealers to Launder Dirty Money, May 5, 2021, Page 199 https://www.carscoops.com/2021/05/canadian-experts-suggest-criminals-may-be-using-auto-dealers-to-launder-dirty-money/

Sekuritance, Money Laundering in the Automobile Industry, May 27, 2022, https://sekuritance.com/2022/05/27/money-laundering-in-the-automobile-industry/

Thorsten J Gorny, sanctions.io, Money Laundering in Vehicle Sales, May 5, 2022, https://www.sanctions.io/blog/money-laundering-in-vehicle-sales

The following lists sources which have identified automobile sales as being a conduit to money laundering for terrorist organizations such as Hezbollah:

ABC News, Feds: Hezbollah Gets Into the Used Car Business, February 11, 2011, https://abcnews.go.com/Blotter/hezbollah-car-business/story?id=12893001

Bridget Johhson, Homeland Security Today, Drugs, Laundering and Used Cars: Hezbollah's Criminal Network Breaches U.S., Helps Iran, January 9, 2020, https://www.hstoday.us/subject-matter-areas/border-security/drugs-laundering-and-used-cars-hezbollahs-criminal-network-breaches-u-s-helps-iran/

U.S. Government Publishing Office, Committee on Foreign Affairs, Attacking Hezbollah's Financial Network: Policy Options, June 8, 2017, https://www.govinfo.gov/content/pkg/CHRG-115hhrg25730/html/CHRG-115hhrg25730.htm

United States Attorney's Office - Southern District of New York, Manhattan U.S. Attorney Files Civil Money Laundering and Forfeiture Suit Seeking More Than $480 Million Dollars from Entities Including Lebanese Financial Institutions that Facilitated a Hizbollah-Related Money Laundering Scheme, December 15, 2011,

> https://www.justice.gov/archive/usao/nys/pressreleases/December11/hizballahmoneyla underingpr.pdf
>
> The following lists sources which have identified Hezbollah as a state actor or an organization that holds influence in Lebanon, during which a time you conducted business activities:
>
> > Kali Robinson, Council on Foreign Relations, What is Hezbollah?, October 14, 2023, https://www.cfr.org/backgrounder/what-hezbollah
> >
> > Lina Khatib, Chatham House, How Hezbollah holds sway over the Lebanese state, June 2021, https://www.chathamhouse.org/sites/default/files/2021-06/2021-06-30-how-hezbollah-holds-sway-over-the-lebanese-state-khatib.pdf

[17] The PFL required the Applicant to supply additional information related to companies and individuals he claimed he had been involved with:

> Additionally, please provide the following documents with a certified translation if the information submitted is not in English or French:
>
> > M&J Canada Inc.
> >
> > - Documents confirming the identities of the auction houses in which vehicles were purchased or sold
> > - Documents related to import/export licenses or permits
> > - Documents identifying the port(s) and shipping companies used to import/export vehicles
> > - Documents identifying the names and locations of domestic and overseas sellers/buyers
> > - Documents confirming the sales/purchases of vehicles

- Documents identifying the financial institutions utilized by M&J Canada Inc.

Black Swan Trading Inc.

- Documents confirming business registration or employment
- Link to online website (if applicable)
- Documents confirming the income taxes paid/filed by Black Swan Trading Inc. or Fahed Sowane
- Documents confirming the profits/losses incurred by Black Swan Trading Inc.
- Documents related to staffing by Black Swan Trading Inc.
- Documents related to import/export licenses or permits
- Documents identifying the port(s) and shipping companies used to import/export vehicles
- Documents identifying the names and locations of domestic and overseas sellers/buyers
- Documents confirming the sales/purchases of vehicles
- Documents identifying the financial institutions utilized by Black Swan Trading Inc.

Fahed Sowane Proprietorship

- Documents confirming business registration
- Documents related to the startup of the Fahed Sowane Proprietorship
- Documents confirming the income taxes paid/filed by Fahed Sowane Proprietorship

- Documents confirming the profits/losses incurred by Fahed Sowane Proprietorship
- Documents related to staffing by Fahed Sowane Proprietorship
- Documents related to import/export licenses or permits
- Documents identifying the port(s) and shipping companies used to import/export vehicles
- Documents identifying the names and locations of domestic and overseas sellers/buyers
- Documents confirming the sales/purchases of vehicles
- Documents related to the financial transactions incurred by Fahed Sowane Proprietorship
- Documents identifying the financial institutions utilized by Fahed Sowane Proprietorship

Sara SPRL

- Documents confirming employment by Sara SPRL
- Documents confirming the income taxes paid by Fahed Sowane in relation to his employment with Sara SPRL
- Documents related to import/export licenses or permits
- Documents identifying the port(s) and shipping companies used to import/export vehicles
- Documents identifying the names and locations of domestic and overseas sellers/buyers

- Documents confirming the sales/purchases of vehicles
- Documents identifying the financial institutions utilized by Sara SPRL

[18] This first PFL also reasonably and correctly warned the Applicant he was responsible for establishing he is “not inadmissible” to Canada.

[19] IRCC also warned him he had to answer truthfully all questions put to him:

> Please note that under Canadian immigration laws, it is your responsibility to demonstrate that you are not inadmissible to Canada. Subsection 16 (1) of the *Immigration and Refugee Protection Act* states that a person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires. If the requested documents are not provided, a decision will be made based on the information currently available and may result in the refusal of your application.

[20] Additionally, the Applicant was repeatedly told, not only in this first PFL but in the two others he received, that he could ask for more time if required.

[21] Counsel for the Applicants responded to the Respondent’s first PFL on April 24, 2024, with some but not all of the requested information.

[22] The Applicant’s lawyer acknowledged security-based inadmissibility was an issue, but claimed he needed more information:

> IRCC’s letter of April 4, 2024 indicates potential inadmissibility concerns on security grounds regarding Mr. Sowane, but the letter

> is not specific about what those concerns are. The letter refers to multiple publically available news articles and documents about the used car industry and money laundering and Hezbollah, but nothing specific is mentioned with respect to Mr. Sowane. Can IRCC please be more specific about its concerns with regard to Mr. Sowane so that we can address them if necessary? The used car industry in Canada, in which Mr. Sowane is employed, is huge and employs many 10,000's of people.

[23] IRCC replied on April 26, 2024 with the second PFL. IRCC repeated their concerns in respect of the Applicant's inadmissibility to Canada. IRCC requested additional documents not supplied by the Applicant, as well as legible copies and further clarifications.

[24] Counsel for the Applicant responded on May 2, 2024, and included some but again not all requested documents, information and clarifications. Counsel again claimed he needed more particulars of the Applicant's security-based inadmissibility.

[25] IRCC replied on May 3, 2024 with a third PFL. Like the first two, IRCC noted the Applicant could ask for more time to respond if needed. As already noted, the first PFL told the Applicant he might be refused because of his involvement in money laundering to support the terrorist entity Hezbollah through sales of vehicles and parts to and through the Port of Beirut.

[26] In this third and final PFL, IRCC repeated the same concerns regarding the Applicant's money laundering to support Hezbollah:

> In response to your previous query with respect to the applicant's specific inadmissibility pursuant to Section 34(1)(d) of the Immigration and Refugee Protection Act, there are concerns that the applicant's business activities may have been used as a conduit to launder money for Hezbollah.

[27] Counsel for the Applicant replied on May 4, 2024, denying the Applicant's involvement with Hezbollah Counsel once again requested IRCC particularize their concerns with the Applicant and his inadmissibility:

> Thank you for your message below. I have checked once again with Mr. Sowane and he confirms again that he has never had anything to do with Hezbollah and that his business activities have never had anything to do with Hezbollah including allowing his business activities to be used as a conduit for money laundering for Hezbollah. As mentioned in a previous email, Mr. Sowane is Sunni (see his birth certificate which we provided) and Hezbollah is a Shiite based terrorist group. Like all Sunnis from Lebanon he hates Hezbollah and would never have anything to do with this terrorist organization.
>
> Once again, could IRCC please be more specific about the concerns that it has with Mr. Sowane's business activities having been used as a conduit to launder money for Hezbollah or his connection to Hezbollah. If IRCC could please point to a specific transaction or incident or event of concern then Mr. Sowane would readily address the concern.

[28] The Applicant applied for a renewed work permit. The permit was issued on April 30, 2024 and is valid for two years.

III. Decision under review

[29] The Officer reviewed the Applicants' application, including the three PFLs and other information in the record. The Officer determined the Applicant is inadmissible to Canada pursuant to paragraph 34(1)(d) of *IPRA*. The Applicant's inadmissibility adversely affects the son rendering him inadmissible to Canada under paragraph 42(1)(b) of *IRPA*.

[30] The Decision notes the Applicant had been employed in the used vehicle sales industry both domestically and internationally over three decades, including in Lebanon, Belgium, and Canada. The Officer concluded there were reasonable grounds to believe the Applicant's vehicle businesses were used to launder money for Hezbollah.

A. *The Applicant's employment history and documentary evidence*

[31] The Officer considered the Applicant's employment history and accompanying documentary evidence, noting many failings. First, the Officer identified a discrepancy as to when the Applicant first became employed with M&J Canada Inc. as a car dealer and wholesale trade manager. This is listed as his current employment in the Confirmation of Nomination dated January 21, 2019; however, the Applicant states he began this role in June 2022 in his Schedule A Background/Declaration.

[32] In support of this employment, the Applicant provided a letter of employment dated April 10, 2023, his 2023 T4 and paystubs, the employer's articles of incorporation, HST number, bills of lading, and bills of sale identifying the employer as the buyer and seller.

[33] The Officer identified a second discrepancy in the Applicant's evidence in respect of his own company, Black Swan Trading Inc. The IMM 5669 Schedule A Background/Declaration lists the Applicant's employer as Black Swan Trading Inc. from July 2016 to June 2022. However, the Certificate of Incorporation indicates the Articles of Incorporation were first effective on October 28, 2015. The Applicant also provided his 2016 to 2022 Notices of Assessment, T2 tax returns, Notice of Re-Assessment, invoices, and bills of lading.

[34] The Officer noted many additional concerns with the documentary evidence provided by the Applicants. The Officer found most of the purchase invoices provided do not have corresponding sales invoices and vice versa. When put to the Applicants, counsel for the Applicants confirmed the Applicant only has bills of lading for most vehicles saying this was so because they were sold overseas. He confirmed sales invoices and purchase invoices were missing.

[35] The Officer also found other documents were missing. Counsel for the Applicant attempted to address this issue, alleging documents were discarded because some transactions had occurred over six years ago. However, the Officer was not persuaded because the Canada Revenue Agency [CRA] requires records be kept for six years from the final tax year in question. Considering the Applicant is an experienced businessman, the Officer concluded the Applicant was not only obliged to keep these records, but knowledgeable enough to perform accurate record keeping.

[36] The Officer therefore found there were reasonable grounds to conclude the Applicant not only retained these 2017 and 2018 records but was withholding them and other required information.

[37] Weighing and assessing the documentary evidence, the Officer identified six matching purchase and sales invoices. Notably, five of these vehicles were sold below purchase price – a practice common in money laundering schemes as outlined in the material sent in the first PFL. These vehicles were sold overseas within a month of their purchase:

MODEL (YEAR)	VIN	PURCHASE PRICE	SALE PRICE	PROFIT/LOSS
Audi Q5 Premium Plus (2010)	WA1LKCFP7AA013511	$7,854.50 (22-Feb-17)	$7,350 (23-Feb-17)	-$505
Audi Q5 Premium Plus (2010)	WA1MKAFP1AA042818	$12,413.05 (24-Jan-17)	$11,500 (23-Feb-17)	-$913
BMW X6 IDRIVE35I (2009)	5UXFG43559L224704	$15,125.05 (01-Feb-17)	$14,750 (23-Feb-17)	-$375
Mercedes Benz E350 (2011)	WDDKJ5GB6BF073826	$12,269.25 (10-Apr-17)	$11,900	-$369
Toyota Corolla (2013)	2T1BU4EE3DC079877	$5,949.45 (24-Dec-15)	$5,200 (03-Jan-16)	-$749
Toyota RAV4 (2013)	2T3DFREV4DW075584	$15,750.00 (18-Dec-18)	$15,800 (20-Dec-18)	$50

[38] The Officer also identified shipments of vehicle parts to international purchasers in Lebanon. However, the Officer, reasonably I should say, noted there was little documentary evidence describing these parts, where or from whom they were purchased, their purchase price, or their sale price.

[39] The Officer also found the Applicant reported a loss for most of his reporting years from 2016 to 2022 due to his expenses often being higher than his revenue.

[40] The Officer turned to the Applicant's sole proprietorship in Lebanon, Black Swan, which traded vehicles and vehicle parts domestically and internationally. In his IMM 5669 Schedule A Background/Declaration, the Applicant noted he was the sole proprietor of his business and acted as a car dealer from September 1989 to June 2016. However, in counsel's response to the PFL

dated April 24, 2024, the Applicant advised the “company was active from 2012 to around 2020 to 2021.” The Officer drew a negative inference considering counsel’s response was to corroborate the IMM 5669 Schedule A Background/Declaration.

[41] Having weighed the record, the Officer reasonably in my view, concluded the Applicant did not retain company documents as he was required to do by Lebanese corporate tax law. I note in this connection that the Applicant has an Accounting certificate from Saidou College. The Officer found that corporate tax laws in Lebanon require documents to be retained for five to ten years which would include documents from 2018 or 2019. Given the Applicant was able to provide invoices and other tax and financial documents from 2017 to 2019, the Officer drew a negative inference and again reasonably concluded there were reasonable grounds to believe the Applicant withheld information.

[42] The Officer reviewed the Applicant’s 2017 translated income tax documents and business registration documents. These documents, along with the IMM 5669 Schedule A Background/Declaration, indicate his sole proprietorship operated out of Saida, Lebanon. However, the bills of lading supplied by the Applicant indicate to the contrary, that in fact the sole proprietorship operated out of Beirut, Lebanon. In light of this evidence, the Officer concluded the Applicant’s sole proprietorship operated out of the Port of Beirut, Lebanon.

[43] The Officer also found the Applicant’s sole proprietorship was more profitable than his Canadian business during 2017 to 2019 despite the Applicant not being physically present in

Lebanon at the time. The Officer confirmed this by the Applicant's financial statements for those years.

[44] The Officer also found several discrepancies in the Applicant's evidence in respect of the sole proprietorship. Despite having no other employees and the Applicant being physically present in Canada continually since 2016, shipments were received in 2016 and sales were completed in Lebanon in 2017 and 2018. Financial services were also provided by an accountant who was paid on an "ad hoc basis." However, the Officer found little evidence to corroborate these payments.

[45] Moreover, the Officer found there was little evidence either the Applicant's daughter or his accountant were authorized to sell or receive cars. The Officer found little explanation as to how the Applicant found buyers and sold cars in Lebanon while he was physically present in Canada.

[46] The Officer also found major discrepancies in the Applicant's bank account statements. Further, the sales invoices did not correspond with credit entries per the Statement of Accounts.

[47] Notably also, the Officer identified a significant transaction of $100,000 USD occurring every January since 2014. On this point, the Applicant's lawyer said it was his error, not his client's, notwithstanding the Applicant had certified its truthfulness. Counsel said he made an error in describing these statements and claimed this transaction was for the Applicant's mortgage. However, the Officer reasonably noted the April 2016 statement indicates the account

is “Current A/Cs.” Counsel for the Applicants provided the company’s bank statements accessed in January 2019. Based on the date of access, the Officer concluded it would be reasonable to believe the Applicant indeed had banking records and invoices from 2017 or 2018 which were not produced as required.

[48] The Officer also addressed the Applicant’s employment in Belgium as a car dealer at his own Belgian company from April 2005 to January 2009. No documents were provided with counsel explaining the Applicant did not have these documents 15 years after leaving the company.

B. *Hezbollah and money laundering*

[49] As follows, the Decision assesses and weighs the information referred to in the PFLs that Hezbollah is a Shia Muslim political party and militant group in Lebanon (and elsewhere). It is not disputed that Hezbollah is a “state within a state,” and Hezbollah has an “extensive security apparatus, political organization, and social services network” which contributes to its vast influence in the region and particularly in the Port of Beirut and Lebanon’s border with Syria.

[50] Indeed, the record confirms Hezbollah’s influence extends beyond physical borders as they have influence within Lebanon’s municipalities and state institutions. Hezbollah’s control allows it to import goods, including drugs, weapons, and explosives, through Beirut without having to pay customs and without oversight.

[51] Once again, weighing and assessing information identified in the first PFL, the Officer outlines how Hezbollah uses the vehicle trade to launder money to support its operations. The Officer cited several publicly available sources describing Hezbollah's involvement in the sale of vehicles and vehicle parts to move dirty money and receive "hot money." Hezbollah takes advantage of the relaxed legislative scheme, lack of regulations of the grey market, and the minimal examination to launder money domestically and internationally. In the United States, funds are wired from Lebanon to the United States to purchase used vehicles. These vehicles are then transported to West Africa and the cash from the sale of the vehicles and proceeds from narcotics trafficking are sent back to Lebanon. Hezbollah's influence and criminal operations in respect of the used vehicle trade, drug trafficking, and money laundering extend to North America generally.

[52] The Officer reasonably assessed that the evidence indicates the Applicant used the Port of Beirut to import and export vehicles and their parts. The Officer noted the Applicant's financial statements indicate no fees and taxes were identified concluding the Applicant did not pay customs taxes when importing materials through the Port of Beirut.

[53] Having weighed and assessed the record, the Officer found there were reasonable grounds to believe the Applicant and his businesses acted as conduits for money laundering to aid Hezbollah. The Officer considered the Applicant's allegation his Sunni religion meant he did not support Hezbollah but concluded his religion was not determinative considering the opportunity for personal economic profit.

IV. Issues

[54] The issues are whether the Decision is reasonable and whether it was reached in a procedurally fair manner.

V. Standard of review

A. *Reasonableness*

[55] The parties agree, and I concur, the standard of review for the Officer's Decision in this case is reasonableness. With regard to reasonableness, in *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 issued contemporaneously with the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 [*Vavilov*], the majority per Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard:

> [31] 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" (*Vavilov*, at para. 85). Accordingly, when conducting reasonableness review "[a] reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at [the] conclusion" (*Vavilov*, at para. 84, quoting *Dunsmuir*, at para. 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para. 97, citing *Newfoundland Nurses*).
>
> [32] A reviewing court should consider whether the decision as a whole is reasonable: "what is reasonable in a given situation will always depend on the constraints imposed by the legal and factual context of the particular decision under review" (*Vavilov*, at para. 90). The reviewing court must ask "whether the decision bears the hallmarks of reasonableness – justification, transparency and

> intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (*Vavilov*, at para. 99, citing *Dunsmuir*, at paras. 47 and 74, and *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 13).
>
> [33] Under reasonableness review, "[t]he burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov*, at para. 100). The challenging party must satisfy the court "that any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov*, at para. 100).
>
> [Emphasis added]

[56] Per the Supreme Court of Canada's more recent judgment in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21, the purpose of reasonableness review is to uphold the rule of law while according deference to administrative decision-makers:

> [57] *Vavilov* explained that the purpose of reasonableness review is "to give effect to the legislature's intent to leave certain decisions with an administrative body while fulfilling the constitutional role of judicial review to ensure that exercises of state power are subject to the rule of law" (para. 82). Reasonableness review starts from a posture of judicial restraint and "a respect for the distinct role of administrative decision makers" (para. 13), arising from the legislature's institutional design choice to give administrative decision makers rather than courts the jurisdiction to decide certain issues (para. 24). Reasonableness review also serves to "maintain the rule of law" (para. 2) and "to safeguard the legality, rationality and fairness of the administrative process" (para. 13). Thus, the purpose of reasonableness review is to uphold "the rule of law, while according deference to the statutory delegate's decision" (*Canada Post*, at para. 29).
>
> [Emphasis added]

[57] In the words of the Supreme Court of Canada in *Vavilov*, a reviewing court must be satisfied the reasoning "adds up":

> [104] Similarly, the internal rationality of a decision may be called into question if the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise. This is not an invitation to hold administrative decision makers to the formalistic constraints and standards of academic logicians. However, a reviewing court must ultimately be satisfied that the decision maker's reasoning "adds up".
>
> [105] In addition to the need for internally coherent reasoning, a decision, to be reasonable, must be justified in relation to the constellation of law and facts that are relevant to the decision: *Dunsmuir*, at para. 47; *Catalyst*, at para. 13; *Nor-Man Regional Health Authority*, at para. 6. Elements of the legal and factual contexts of a decision operate as constraints on the decision maker in the exercise of its delegated powers.
>
> [106] It is unnecessary to catalogue all of the legal or factual considerations that could constrain an administrative decision maker in a particular case. However, in the sections that follow, we discuss a number of elements that will generally be relevant in evaluating whether a given decision is reasonable, namely: the governing statutory scheme; other relevant statutory or common law; the principles of statutory interpretation; the evidence before the decision maker and facts of which the decision maker may take notice; the submissions of the parties; the past practices and decisions of the administrative body; and the potential impact of the decision on the individual to whom it applies. These elements are not a checklist for conducting reasonableness review, and they may vary in significance depending on the context. They are offered merely to highlight some elements of the surrounding context that can cause a reviewing court to lose confidence in the outcome reached.
>
> [Emphasis added]

[58] *Vavilov* and related law makes it clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances." The Supreme Court of Canada instructs:

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual

> findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
>
> [Emphasis added]

[59] To the same effect, the Federal Court of Appeal holds in *Doyle v Canada (Attorney General)*, 2021 FCA 237 that the role of this Court is not to reweigh and reassess the evidence unless there is a "fundamental error":

> [3] In doing that, the Federal Court was quite right. Under this legislative scheme, the administrative decision-maker, here the Director, alone considers the evidence, decides on issues of admissibility and weight, assesses whether inferences should be drawn, and makes a decision. In conducting reasonableness review of the Director's decision, the reviewing court, here the Federal Court, can interfere only where the Director has committed fundamental errors in fact-finding that undermine the acceptability of the decision. Reweighing and second-guessing the evidence is no part of its role. Sticking to its role, the Federal Court did not find any fundamental errors.
>
> [4] On appeal, in essence, the appellant invites us in his written and oral submissions to reweigh and second-guess the evidence. We decline the invitation.

[60] *Vavilov* requires reviewing courts to assess whether the decision subject to judicial review meaningfully grapples with the key issues:

> [127] The principles of justification and transparency require that an administrative decision maker's reasons meaningfully account for the central issues and concerns raised by the parties. The principle that the individual or individuals affected by a decision

> should have the opportunity to present their case fully and fairly underlies the duty of procedural fairness and is rooted in the right to be heard: Baker, at para. 28. The concept of responsive reasons is inherently bound up with this principle, because reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties.
>
> [128] Reviewing courts cannot expect administrative decision makers to "respond to every argument or line of possible analysis" (*Newfoundland Nurses*, at para. 25), or to "make an explicit finding on each constituent element, however subordinate, leading to its final conclusion" (para 16). To impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice. However, a decision maker's failure to meaningfully grapple with key issues or central arguments raised by the parties may call into question whether the decision maker was actually alert and sensitive to the matter before it. In addition to assuring parties that their concerns have been heard, the process of drafting reasons with care and attention can alert the decision maker to inadvertent gaps and other flaws in its reasoning: *Baker*, at para. 39.

B. *Procedural fairness requires officers to provide the "gist of their concerns"*

[61] On the issue of procedural fairness, the Applicant submits the standard is correctness. The Respondent submits questions of procedural fairness do not lend themselves to a standard of review analysis; rather, the reviewing Court must be satisfied the process was fair having regard to all the circumstances. In my view, the question remains whether the Applicant knew the case to meet and had a full and fair chance to respond, as discussed below.

[62] The Respondent submits that although frequently referred to as a correctness standard, the Federal Court of Appeal has stated questions of procedural fairness are not decided according to any particular standard of review. More importantly, the Federal Court of Appeal conclusively determines, and I agree, that on procedural fairness "the ultimate question remains whether the

applicant knew the case to meet and had a full and fair chance to respond": see *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 55-56 [*Canadian Pacific Railway*] [per Rennie JA]):

> [55] Attempting to shoehorn the question of procedural fairness into a standard of review analysis is also, at the end of the day, an unprofitable exercise. Procedural review and substantive review serve different objectives in administrative law. While there is overlap, the former focuses on the nature of the rights involved and the consequences for affected parties, while the latter focuses on the relationship between the court and the administrative decision maker. Further, certain procedural matters do not lend themselves to a standard of review analysis at all, such as when bias is alleged. As Suresh demonstrates, the distinction between substantive and procedural review and the ability of a court to tailor remedies appropriate to each is a useful tool in the judicial toolbox, and, in my view, there are no compelling reasons why it should be jettisoned.
>
> [56] No matter how much deference is accorded administrative tribunals in the exercise of their discretion to make procedural choices, the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond. It would be problematic if an *a priori* decision as to whether the standard of review is correctness or reasonableness generated a different answer to what is a singular question that is fundamental to the concept of justice—was the party given a right to be heard and the opportunity to know the case against them? Procedural fairness is not sacrificed on the altar of deference.
>
> [Emphasis added]

[63] Specifically, in the immigration context, procedural fairness does not require disclosure of all relevant extrinsic documents or concerns, but rather that the Applicant be given an adequate understanding of the "gist of the concerns" (*El Rifai v Canada (Citizenship and Immigration)*, 2024 FC 524 at para 4 [*El Rifai*] [per Grammond J].

VI. Relevant legislation

[64] Section 21(1) of *IRPA* generally requires applicants for permanent residence to satisfy an officer they are not inadmissible:

Permanent resident	**Résident permanent**
21 (1) A foreign national becomes a permanent resident if an officer is satisfied that the foreign national has applied for that status, has met the obligations set out in paragraph 20(1)(a) and subsection 20(2) and is not inadmissible.	**21 (1)** Devient résident permanent l'étranger dont l'agent constate qu'il a demandé ce statut, s'est déchargé des obligations prévues à l'alinéa 20(1)a) et au paragraphe 20(2) et n'est pas interdit de territoire.

[65] Section 33 of *IRPA* outlines the rules of interpretation relevant to ss. 34 to 37:

Rules of interpretation	**Interprétation**
33 The facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.	**33** Les faits — actes ou omissions — mentionnés aux articles 34 à 37 sont, sauf disposition contraire, appréciés sur la base de motifs raisonnables de croire qu'ils sont survenus, surviennent ou peuvent survenir.

[66] Paragraph 34(1)(d) of *IRPA* outlines inadmissibility to Canada by being a danger to the security of Canada:

Security	**Sécurité**
34 (1) A permanent resident or a foreign national is inadmissible on security	**34 (1)** Emportent interdiction de territoire pour raison de

ground	sécurité les faits suivants :
…	…
(d) being a danger to the security of Canada;	**d)** constituer un danger pour la sécurité du Canada;

[67] Paragraph 42(1)(b) of *IRPA* describes an individual being inadmissible to Canada if they accompany an inadmissible family member:

Inadmissible family member	**Inadmissibilité familiale**
42 (1) A foreign national, other than a protected person, is inadmissible on grounds of an inadmissible family member if	**42 (1)** Emportent, sauf pour le résident permanent ou une personne protégée, interdiction de territoire pour inadmissibilité familiale les faits suivants :
…	…
(b) they are an accompanying family member of an inadmissible person.	**b)** accompagner, pour un membre de sa famille, un interdit de territoire.

VII. Submissions of the parties

A. *Procedural Fairness*

(1) There was no breach of procedural fairness because IRCC provided the Applicants with the gist of its concerns

[68] The Applicants submit the Officer reached their Decision in a procedurally unfair manner. In particular, the Applicants allege the Officer's failure to particularize their concerns regarding the Applicant's actions in relation to Hezbollah and money laundering breached his

right to procedural fairness. Because of this, the Applicant says he could not address the Officer's concerns, and the Decision should be set aside.

[69] With respect, I find no merit in these submissions.

[70] To begin with, I note the Applicants appears to complain IRCC's first PFL was dated some two months after *mandamus* was ordered suggesting delay was somehow relevant on this application; it was not. This issue in the application now before the Court is not delay– that was the issue before and decided by Gascon J. Now, the issue is whether the Applicant had the gist of IRCC's concerns and an opportunity to respond. I will add that time in this case was compressed, but each of the three PFLs allowed the Applicants to seek more time which they never did. Not having asked for more time, the Applicants may not now complain they feel they were rushed.

[71] To repeat, the issue now is whether the Applicant had the gist of IRCC's concerns and an opportunity to respond. In my view, IRCC gave the Applicants the gist of its concerns. Therefore the Applicants' right to procedural fairness was met.

[72] On this issue, the Applicants say they were not given sufficient details as to IRCC's concerns and were thus deprived of procedural fairness. The key issue is what degree of specificity is required in the immigration context. The Court's jurisprudence, in my respectful view, is well-concluded by my colleague Justice Grammond who determined procedural fairness does not require disclosure of all relevant extrinsic documents or all relevant concerns. Rather, IRCC is only obliged to provide applicants with an adequate understanding of the "gist of the

concerns": *El Rifai* at para 4. In my view, this is what the three PFLs gave these Applicants in this factually-suffused case.

[73] Justice Grammond's reasons in the immigration context are consistent with the Federal Court of Appeal's holding in *Canadian Pacific Railway*, cited above:

> [4] Moreover, the fact that the officer relied on verifications with the bank and considered the fact that other fraudulent documents had similar characteristics does not constitute extrinsic evidence that had to be disclosed to Mr. El Rifai: *Kong* at paragraph 28. It is true that some decisions of this Court state that a visa officer who intends to rely on extrinsic evidence must give the applicant an opportunity to provide submissions in this regard: *Kniazeva v Canada (Citizenship and Immigration)*, 2006 FC 268 at paragraph 21; *Youssef v Canada (Citizenship and Immigration)*, 2011 FC 399 at paragraph 12; *Sharma v Canada (Public Safety and Emergency Preparedness)*, 2022 FC 779 at paragraph 28. In such situations, however, procedural fairness does not require that all documents in the officer's possession be provided to the applicant: *Maghraoui v Canada (Citizenship and Immigration)*, 2013 FC 883 at paragraph 22; *Jemmo v Canada (Citizenship and Immigration)*, 2021 FC 1381 at paragraph 33. Rather, procedural fairness "does demand that the Applicant be given an adequate understanding of the gist of the concerns": *Geng v Canada (Citizenship and Immigration)*, 2023 FC 773 at paragraph 74. The scope of this requirement must be assessed on the basis of the circumstances of each case.
>
> [Emphasis added]

[74] With respect, the Applicant was given the gist of IRCC's concerns in the PFLs discussed above. I can appreciate counsel's decision to keep pressing for additional information (after all, that is their job) but more than IRCC providing the gist of its concerns is not required. I am certainly not persuaded foreign nationals applying for status in Canada have any sort of *Charter* rights of full disclosure such as are available to criminal accused in Canada per *R. v Stinchcombe*, [1991] 3 S.C.R. 326; submissions to that effect are misplaced and of course

doctrinally unsound. See also *Wang v. Canada (Citizenship and Immigration)* 2024 FC 1965 at paragraph 38 and following.

[75] Specifically, as outlined above, IRCC sent the Applicant three PFLs. The Applicant provided some (but by no means all) of the requested information, but them repeatedly asked for particulars allegedly to allow him to make submissions.

[76] However, as noted already, in my view they received the gist of IRCC's concerns in the first PFL. In my respectful opinion, this careful and detailed letter, including even the titles of materials referred to (all articles had hyperlinks to enable their complete and thorough review by Applicants' counsel) provided the gist of the Officer's concerns that the application may be refused because of the Applicant's involvement in money laundering in support of Hezbollah through sales of vehicles and their parts to and through the Port of Beirut, Lebanon. The Applicant's repeated request (in the second and third responses to the further two PFLs) for more information cannot surmount the fact the additional requests were not well founded in the first place.

[77] Notably, IRCC expressly told the Applicants in the third PFL dated May 3, 2024: "[in] response to your previous query with respect to the applicant's specific inadmissibility pursuant to Section 34(1)(d) of the *Immigration and Refugee Protection Act*, there are concerns that the applicant's business activities may have been used as a conduit to launder money for Hezbollah."

[78] I note the Officer referred to several transactions and drew negative inferences based on the evidence submitted (and not submitted and in fact material withheld) by the Applicant. The Applicants contend the Officer drew conclusions which were not brought to their attention and were denied an opportunity to make further submissions. I am not persuaded this argument has any merit, particularly because the Officer is entitled to deference with respect to the weighing and assessment of what the Applicant chose to reveal (and withhold).

[79] Specifically, the Officer was entitled to and expressly did rely on the evidence the Applicant had chosen to conceal in the face of lawful requests. While the Applicant effectively asks the Court to ignore the Officer's findings of deliberate non-disclosure, I am not persuaded that is something the Court may do generally, let alone where this Court is required not only to give respectful deference to the Officer's reasons but decline invitations to reweigh and reassess the evidence (see *Vavilov* and *Doyle*, above).

[80] To conclude on this point, as the Respondent submits, the Applicants' right to procedural fairness was not breached. The Applicants were advised of the possibility of a finding of inadmissibility pursuant to paragraph 34(1)(d) of *IRPA*. The Officer provided a list of publicly available documents on vehicles sales as a conduit for money laundering for terrorist organizations like Hezbollah and made specific requests in the three PFLs for documents. Among the requested documents were documents for auction houses used, import/export licenses/permits, ports and shipping companies used, names and locations of overseas buyers, purchase/sales evidence, financial institutions used, business registrations, income tax documents, company profits/losses, staffing used, and financial transactions. The Applicant was

also requested to produce documents to address inconsistencies in his evidence, including documents explaining a significant annual transaction beginning in January 2014 and his travel history.

(2) Explanations and new evidence

[81] The Applicants now say there were simple explanations in respect of certain conclusions drawn by the Officer which could have been communicated to the Officer had they sent more PFLs. They attempt to advance this argument by filing fresh evidence that was not before the Officer. Notably, the Applicants properly concede they are not generally allowed to adduce new evidence on judicial review unless it qualifies for one of the stated exceptions in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at para 20. The Applicants say their new evidence should be admitted under one of those exceptions.

[82] With respect, I am not persuaded by this submission.

[83] The Applicants argue the six transactions referenced by the Officer were not sold at a loss. Instead, they now claim the purchase prices include the HST/GST and claim this was remitted once the vehicles were exported. Therefore, they now allege the Applicant made a profit on all six vehicles. However, in my view, whether and to what extent this is true is a matter that readily could and should have been addressed by the Applicant in response to the PFLs. It is not new evidence at all. With respect, the profitability of vehicle sales was very relevant in money laundering schemes in support of Hezbollah – the central issue in this case of which IRCC gave

them notice. Rather than bring this additional information to the attention of the Officer, the Applicants when asked provided only partial responses. With respect, they are not entitled to provide half answers and then seek judicial review when they could and should have made these submissions when asked at the outset. The onus was on them to establish this evidence was not discoverable, which they failed to do. Therefore, this allegedly "new" evidence is presumptively and remains inadmissible.

[84] The Officer also noted the lack of particulars in respect of vehicle parts sold, including their purchase and sale prices. The Applicant now claims many of these parts were involved in accidents and sold at auction. However, the Applicant says these parts do not have separate documents as they are often sold as a part of the vehicle with other removed parts. I find no fault in the Officer's careful and detailed assessment of the record in this respect either. It was obvious the Applicants could and should have responded with more detail when asked and may not seek judicial review where they did not provide full answers when asked and required to supply it.

[85] The Applicants also allege the Officer "forgot to realize or did not know" the Applicant was paid a salary from his Canadian sole proprietorship which was reported on his personal income tax return. The Applicants argue the Officer did not request the Applicant's personal tax returns which he allegedly would have provided had the Officer advised him of their concern of the sole proprietorship's losses. There is no merit in this line of argument, for substantially the same reasons as afforded to the two points above. This information should have been provided to the Officer in the first place.

[86] The Applicants further assert that customs taxes were paid on vehicles and vehicle parts imported through the Port of Beirut. They now claim that a vehicle is unloaded at this port is first sent to a "free zone" where the vehicle is held duty-free and will only be released once duties have been paid. The Applicants state duties would not have been paid by the Applicant who shipped the vehicles to Lebanon, but the customer. Once again, I am not persuaded there is any merit in this line of argument considering this explanation should have been reported to the Officer given the gist of the PFLs.

[87] The Applicants argue the Officer's failure to allow these recent explanations is a reviewable error and cite the decision of Justice Régimbald in *Nguyen v Canada (Citizenship and Immigration)*, 2023 FC 1617 at paragraph 27. With respect, I see no similarity in the facts here to those before my colleague. Here, the Applicants had the gist of the Officer's concerns, but provided less than detailed submissions in some respects and indeed concealed other documents; these failings do not establish a proper basis for judicial review.

B. *Reasonableness*

(1) The standard of reasonable grounds to believe

[88] As noted before, the Applicants also allege the Decision is unreasonable. The Applicants and Respondent essentially agree on the law in this respect, which is not surprising given it is of high authority and long standing.

[89] In a case like this, the Officer requires "reasonable grounds to believe" facts which constitute inadmissibility exist: *IRPA* at s. 33. Relying on the Supreme Court of Canada's

decision in *Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 at para 114, the Applicants submit "reasonable grounds to believe" is more than a mere suspicion, but less than proof on a balance of probabilities:

> 114 The first issue raised by s. 19(1)(*j*) of the *Immigration Act* is the meaning of the evidentiary standard that there be "reasonable grounds to believe" that a person has committed a crime against humanity. The FCA has found, and we agree, that the "reasonable grounds to believe" standard requires something more than mere suspicion, but less than the standard applicable in civil matters of proof on the balance of probabilities: *Sivakumar v. Canada (Minister of Employment and Immigration)*, 1993 CanLII 3012 (FCA), [1994] 1 F.C. 433 (C.A.), at p. 445; *Chiau v. Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16793 (FCA), [2001] 2 F.C. 297 (C.A.), at para. 60. In essence, reasonable grounds will exist where there is an objective basis for the belief which is based on compelling and credible information: *Sabour v. Canada (Minister of Citizenship & Immigration)* (2000), 2000 CanLII 16300 (FC), 9 Imm. L.R. (3d) 61 (F.C.T.D.).

[90] The Applicants also cite *Chiau v Canada (Minister of Citizenship and Immigration) (CA)*, [2001] 2 FC 297 at para 60 where the Federal Court of Appeal noted the standard of "reasonable grounds" is a *bona fide* belief of a serious possibility and relies on credible evidence:

> [60] As for whether there were "reasonable grounds" for the officer's belief, I agree with the Trial Judge's definition of "reasonable grounds" (*supra*, at paragraph 27, page 658) as a standard of proof that, while falling short of a balance of probabilities, nonetheless connotes "a *bona fide* belief in a serious possibility based on credible evidence." See *Attorney General of Canada v. Jolly*, [1975] F.C. 216 (C.A.).

[91] Further, the Applicants cite *Suresh v Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1 at para 90 for the standard to be applied to determine whether an individual is a danger to Canada's security. In brief, the Supreme Court stated the standard to be applied is

whether the individual poses a serious threat, whether direct or indirect, to Canada's security, recognizing the interrelated nature of the security of nations:

> 90 These considerations lead us to conclude that a person constitutes a "danger to the security of Canada" if he or she poses a serious threat to the security of Canada, whether direct or indirect, and bearing in mind the fact that the security of one country is often dependent on the security of other nations. The threat must be "serious", in the sense that it must be grounded on objectively reasonable suspicion based on evidence and in the sense that the threatened harm must be substantial rather than negligible.

(2) The Officer had reasonable grounds to believe the Applicant was a danger to the security of Canada

[92] The Applicants argue the Officer unreasonably concluded the Applicant is a danger to the security of Canada. They argue the factually suffused assessment by the Officer that the Applicant could be involved with Hezbollah is "incredulous" given the Applicant's Sunni faith. The Applicants submit the Officer should have first reviewed the Applicant's birth certificate to confirm his religion.

[93] There is no merit in this argument given, as the Respondent notes, the Officer in fact did refer to the Applicant's religion and accepted him as a Sunni Muslim. However, the Officer in weighing and assessing the evidence went on to reasonably find on this record that ideology may not be a factor considering personal profit. Moreover, the Applicants have not provided evidence Hezbollah only conducts business with Shia Muslims. I decline this and other invitations to reweigh and reassess the evidence and respectfully defer to the Officer's findings.

[94] The Applicants further submit the Decision does not refer to a particular transaction or financial exchange between Hezbollah and the Applicant and his businesses and have not provided compelling and credible evidence to support their assertions. The Respondent submits this does not render the Decision unreasonable. The Respondent submits this would be an impossible task considering no recipients or senders are identified as “Hezbollah” in the bank statements provided by the Applicants, nor would they be. I agree. This line of argument places too high of a burden on IRCC: as already considered and discussed at length above, IRCC is only required to provide the gist of its concerns. That is what IRCC did. The Applicants had three opportunities to clarify their position but failed to do so, and indeed actually concealed information along with providing inadequate responses.

[95] The Applicants argue the Officer’s conclusions the Applicant did not provide comprehensive documents was unreasonable. However, having considered and weighed the evidence, the Officer determined the Applicant would have kept accurate records for business and tax purposes and drew an adverse inference from his failure to provide them. The Applicants argue these documents are old, some being from seven to eight years ago, and are from businesses which no longer exist. The Applicants submit it is not unreasonable some of these documents may no longer be available. Again, I find no merit in this submission. The Applicants had more than ample opportunity to fully respond to three PFLs, and I decline their invitation to reweigh and reassess the record in this respect.

[96] The Applicants submit the request for business-related documents by the Respondent on April 4, 2024 was overly broad and suggests the Officer was on a fishing expedition. However, and with respect, this submission is without merit. As set out in the material referred to in the

first PFL, the Applicant fit the profile of an individual involved in money laundering for Hezbollah.

[97] Finally, the Applicants argue the Officer failed to disclose the outcome of the CBSA and CSIS security screenings as a part of the Decision. The Applicants submit this Court should drawn a negative inference from this "silence" against the Officer's Decision. There is no merit in this submission because, as the Respondent submits and as noted already, not every document considered by an Officer must be disclosed. Further in this respect, after the production order was issued in this case, the Respondent filed a redacted Certified Tribunal Record and moved for permission to proceed without disclosing the full record. Section 87 of *IRPA* authorizes the Court to make an order for non-disclosure of information or other evidence which, if disclosed, would be injurious to national security or endanger the safety of any person. Both sides made written arguments, after which I held a confidential hearing, without the Applicants or their lawyer, all of which resulted in my public Order of June 24, 2025, granting the Respondent's motion.

VIII. Conclusion

[98] This judicial review will be dismissed. The Decision was reached in a procedurally fair and reasonable manner.

[99] Neither party proposed a certified question and I agree none arises.

IX. Costs

[100] Neither party requests their costs and none will be ordered.

JUDGMENT in IMM-8858-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. No question of general importance is certified.

3. There will be no order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-8858-24
STYLE OF CAUSE:	FAHED SOWANE, FAYEIZ SOWANE v MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	HELD BY WAY OF ZOOM VIDEOCONFERENCE
DATE OF HEARING:	DECEMBER 18, 2025
JUDGMENT AND REASONS:	BROWN J.
DATED:	JANUARY 21, 2026

APPEARANCES:

Dan Miller	FOR THE APPLICANTS
Hillary Adams	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Dan Miller Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT