Federal Court Cour fédérale

Date: 20260127

Docket: IMM-8817-24

Citation: 2026 FC 109

Ottawa, Ontario, January 27, 2026

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

BETELHEM EMAGNU ASSAYE

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] Six applications were heard consecutively: IMM-8749-24, IMM-8857-24, IMM-8817-24, IMM-8782-24, IMM-8831-24, and IMM-8832-24 on the same day. This was ordered because:

(a) each application was brought by a person named as the spouse of an applicant in his Convention Refugee from Abroad permanent residence application (CRA application);

(b) in each case, the CRA applicant is an Eritrean national and the alleged spouse is an Ethiopian national;

(c) in each case, the same officer found that the alleged spousal relationship was not genuine and was entered into primarily for the purpose of acquiring permanent residence in Canada;

(d) in each CRA application, there was a familial relationship between the sponsor under the Private Sponsorship of Refugees (PSR) Program and the alleged spouse of the CRA applicant; and

(e) the same counsel represents all six applicants.

[2] The six CRA applications were private sponsorship applications made by a group of 5 Canadian citizens under the Private Sponsorship of Refugees (PSR) Program [the G5 Group]. The G5 Group sponsored Yodit Ferzghi Tekeste (spouse is Yered Mekureya), Samuel Teklemichael Amanuel (spouse is Helina Zegeye Bekele), Simret Tekleab Mesfin (spouse is Eleni Desalegn Anticho), Biniam Okbu Estifanos (spouse is Zertihun Wubneh Shiferaw), Getelhem Emagnu Assaye (spouse is Bereket Gebremeskel Estifanos). The G5 Group sponsors are related to the Ethiopian spouses of the CRA applicants.

[3] At the request of the Court, the Respondent provided the following summary of these familial relationships, as follows:

Court File Number	Applicant in Judicial Review	Relation between Applicant and PSR Sponsor [per interview]	Relation between CRA applicant and PSR Sponsor [per Schedule 2 Form]
IMM-8782-24	Eleni Anticho	She is a cousin of Tihitena Kebede Wubete.	Cousin of Ayenalem Bezuneh
IMM-8749-24	Bethelihim Gossay	Kebede Wubete Shawarkabhi is her father's half-brother (uncle).	Cousin of Ayenalem Bezuneh
IMM-8832-24	Zertihun Shiteraw	She is a cousin of Ayenalem Bezuneh	Cousin of Ayenalem Bezuneh
IMM-8817-24	Betelhem Assaye	She is a cousin of Ayenalem Bezuneh	Cousin of Ayenalem Bezuneh
IMM-8831-24	Yered Mekureya	Belay Debebe Mekonnen is the CRA applicant’s uncle	Cousin of Ayenalem Bezuneh
IMM-8857-24	Helina Bekele	Her mother is a cousin of Tihitena Kebede Wubete.	Cousin of Ayenalem Bezuneh

[4] Separate Judgment and Reasons will issue in each proceeding. However, as there are quite a few similarities, some paragraphs of these Reasons shall be repeated in the Reasons of the other Applications for Leave and Judicial Review.

I. Overview

[5] The Applicant, Ms. Betelhem Emagnu Assaye, seeks judicial review of a decision of an Immigration, Refugees and Citizenship Canada officer [the Officer] finding that her marriage to Mr. Estifanos, the Principal CRA applicant, was not genuine and was entered into primarily for

the purpose of acquiring permanent residence in Canada. As a result of that finding, Ms. Assaye was removed as a family member from the Principal CRA applicant's refugee application.

[6] This application will be dismissed as the Officer's decision was reasonable and was made in a procedurally fair manner.

II. Background

[7] Ms. Betelhem Emagnu Assaye is a citizen of Ethiopia. She was included in the Group of Five through the refugee application submitted by her spouse, Mr. Bereket Gebremeskel Estifanos. The Applicant's sponsor is Ayenalem Bezuneh, who is her cousin.

III. Decision Below

[8] By letter dated February 21, 2024, the Officer removed the Applicant as a family member from his spouse's refugee application. The reasons for refusal are contained in the decision letter and the Global Case Management System [GCMS] notes, which provide the substantive basis for the Officer's conclusion.

[9] The Officer's decision draws a distinction between the Principal CRA applicant's refugee eligibility assessment and the *bona fides* of her relationship with the Applicant. While the Principal CRA applicant was determined as eligible for resettlement to Canada as a refugee, the Officer was not satisfied that the Applicant was in a genuine relationship with him that was not entered into primarily for the purpose of acquiring permanent residence status.

[10] The GCMS notes recorded the following concerns specific to the *bona fides* of the Applicant's relationship:

> However having reviewed all the interview notes and docs on file I am not satisfied with bona fides of this relationship. Although they seem to know some details about each others [*sic*] lives and could provide a few photos together and a family gathering. There were significant gaps in communication over a length of time that you would not expect from a married couple. Photos seems to have been recently taken.

[11] These notes then explain why the Officer considered the concerns to be broader than just this one couple. The Officer says that in the broader G5 group interviewed, there was a pattern: the refugee was Eritrean, the common-law partner was Ethiopian, and the sponsor or co-sponsor was related to the Ethiopian partner. The Officer records that when checking phones, many couples had little or no call/text history except from mid-January 2024, and several said they did not call because they lived together. When asked for photos over the course of the relationship, many claimed lost or stolen phones and could only show a variety of photos from mid-January 2024 onward. The Officer also notes similarities in "wedding"/outing photos, and that partners were saved in phones as "my Love" or "My world" rather than by name. When the Officer raised concerns and asked what would happen if the Ethiopian partner were not accepted, the Officer records that they said they did not think the sponsorship would proceed.

[12] The detailed interview notes provide further examples the Officer relied on in assessing this couple's relationship, including where:

a) The Officer advised the Applicant and her spouse of concerns regarding the consistency of their accounts, noting in particular that the Principal CRA applicant stated the couple

frequented a Chinese restaurant near their home, whereas the Applicant was unable to identify or describe that restaurant.

b) In support of their assertion that they had been cohabiting since 2020, the couple relied on an IMM 8 form completed in 2022 and a common-law declaration dated January 22, 2023.

c) Unlike some other applicants, the Principal CRA applicant was able to produce a limited number of photographs and call logs. However, the Officer noted that she had obtained a new SIM card in January, rendering the dates of certain photographs unconfirmed. As with other cases, both parties reported having lost their phones at various points, limiting the available historical evidence.

[13] The Officer concluded that the marriage between the Applicant and Principal CRA applicant was not *bona fide* and had been entered into primarily to acquire permanent residence status in Canada. The Applicant was determined to be an ineligible family member and removed from the Principal CRA applicant's refugee application under subsection 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

IV. Issue

[14] Two issues are determinative in this application: whether the Officer's decision was reasonable and whether it was made in a procedurally fair manner. The Applicant submits that the decision is unreasonable because the Officer relied on implausibility findings that, in the Applicant's view, are entitled to reduced deference, and failed to apply the factors for assessing

the marriage set out in *Chavez v Canada (Minister of Citizenship and Immigration)*, [2005] IADD No 353, No TA3-24409 at paragraph 3 [*Chavez*]. The Applicant argues that procedural fairness was breached because the Officer relied on extrinsic considerations, namely perceived similarities between this application and other G5 group applications, as well as the Officer's own knowledge of country conditions in Eritrea and Ethiopia referenced in assessing the genuineness of their marriage.

V. Analysis

A. The Officer's Decision is reasonable

[15] The Applicant says the decision is unreasonable and points to several deficiencies in the Officer's assessment.

[16] The Applicant contends that in assessing the genuineness of the marriage the Officer was required to apply the factors set out in *Chavez* at paragraph 3 (as affirmed in *Padda v Canada (Minister of Citizenship and Immigration),* 2018 FC 708):

> The genuineness of the marriage is based on a number of factors. They are not identical in every appeal as the genuineness can be affected by any number of different factors in each appeal. They can include, but are not limited to, such factors as the intent of the parties to the marriage, the length of the relationship, the amount of time spent together, conduct at the time of meeting, at the time of an engagement and/or the wedding, behavior subsequent to a wedding, the level of knowledge of each other's relationship histories, level of continuing contact and communication, the provision of financial support, the knowledge of and sharing of responsibility for the care of children brought into the marriage, the knowledge of and contact with extended families of the parties, as well as the level of knowledge of each other's daily lives. All these factors can be considered in determining the genuineness of a marriage. [emphasis added]

[17] The *Chavez* factors are not mandatory in an officer's assessment of the genuineness of a marriage. They are only non-exhaustive factors proposed by the Court that "may be considered": *Khan v Canada (Citizenship and Immigration)*, 2015 FC 320 at para 22; *Alvaro v Canada (Citizenship and Immigration)*, 2024 FC 1627 at para 24; *Gebremedhin v Canada (Citizenship and Immigration)*, 2022 FC 1386 at para 39. The Officer was not required to exhaustively address these factors.

[18] The Officer identified several concerns regarding the sufficiency of the Applicant's evidence. These concerns included a limited and unverifiable call history due to the replacement of the SIM card, the recent loss of both parties' phones, the resulting scarcity of photographic evidence, and an inconsistency in their accounts concerning a restaurant the Principal CRA applicant claimed to frequent with the Applicant. The Applicant submits that these concerns amount to unreasonable implausibility findings that do not meet the standard articulated by this Court in *YZ v Canada (Citizenship and Immigration)*, 2021 FC 232 [*YZ*].

[19] At paragraph 12 of *YZ*, Justice Fuhrer stated:

> Plausibility findings should be made in the clearest of cases, such as where the alleged facts are "outside the realm of what reasonably could be expected or where the documentary evidence demonstrates that the events could not have happened in the manner asserted by the claimant." Implausibility determinations demand a more rigorous review than credibility findings which are accorded considerable deference. Absent a reliable and verifiable evidentiary base against which to assess alleged facts, implausibility determinations may amount to little more than impermissible unfounded speculation.
>
> [citations omitted; emphasis added.]

[20] I do not agree with the Respondent that no plausibility findings were made.

[21] The Officer did make plausibility findings, but they were reasonable when assessed in light of the similarities identified across the six applications. As noted above, many of the couples had little or no call or text history before mid-January 2024 and offered similar explanations for that absence. In this case, although a call log was identified on the Principal CRA applicant's phone, it was likewise limited to the period beginning in January 2024. Similarly, when asked to provide photographs over the course of their relationships, several applicants claimed lost or stolen phones and produced only recent photographs. The Applicant and her spouse both stated that they had lost their phones in the months preceding the interview. While the Principal CRA applicant was able to produce "quite a few photos," the Officer noted that these images were undated as a result of the Principal CRA applicant having replaced her SIM card in January 2024. By contrast, the Applicant herself was unable to provide any photographs predating 2024, which the Officer expressly noted as a concern given the couple's assertion that they had been in a relationship for approximately two years at that time. While any one of these circumstances, including the nature of the sponsor's relationship to the sponsored spouse, might, when viewed in isolation, have been capable of an innocent explanation, the Officer was entitled to consider them cumulatively. Considering the recurring pattern of conduct observed across the six applications, it was open to the Officer to find aspects of the Applicant's evidence to be implausible.

[22] Indeed, the onus always remained on the Applicant to put forward his best case and to ensure that the information set out in the application was complete, relevant, convincing, and

unambiguous (*Kaur v Canada (Citizenship and Immigration)*, 2018 FC 657 at para 21, citing *Shahzad v Canada (Citizenship and Immigration)*, 2017 FC 999 at paras 19, 40 and *Canada (Citizenship and Immigration) v Genter*, 2018 FC 32 at para 13).

[23] The Officer's reasons are intelligible and justified. No reviewable error was made.

B. The Officer did not improperly rely on extrinsic evidence

[24] Procedural fairness requires an immigration officer provide an applicant with a meaningful opportunity to participate in the application process: *Quan v Canada (Citizenship and Immigration)*, 2022 FC 576 at para 34; *Mohammed v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 326 at para 25. An applicant must be told of concerns that are material, and must be given the chance to answer them, before the decision is reached. Those concerns include inconsistencies said to exist in the application record, concerns regarding the genuineness or reliability of documents, credibility concerns that could affect the outcome, or the Officer's intended reliance on extrinsic evidence not found in the record: *Bui v Canada (Minister of Citizenship and Immigration)*, 2019 FC 440 at para 27 [*Bui*].

[25] The Applicant's procedural fairness argument centres on the claim that the Officer was required to inform her of concerns arising from perceived similarities in behaviour and evidentiary deficiencies among the six applicants, but failed to do so. The Applicant submits that these concerns were based on extrinsic considerations and formed a basis for the decision, and therefore ought to have been raised either in a second interview or by way of a Procedural

Fairness Letter. She also argues that the Officer improperly relied on their own knowledge of country conditions in Eritrea and Ethiopia.

[26] The Applicant relies on *Abasher v Canada (Citizenship and Immigration)*, 2019 FC 1591 at para 19 [*Abasher*] and *Tshibangile v Canada (Citizenship and Immigration)*, 2021 FC 451 at paras 24–25 [*Tshibangile*] to argue that procedural fairness required the Officer to raise additional credibility concerns after the interview. With respect, those cases do not assist the Applicant. Unlike *Abasher* and *Tshibangile*, the concerns relied on here did not arise from undisclosed or external information as the Applicant suggests. Rather, they arise directly from the Applicant's own evidence and from the known family and sponsorship relationships within the six applications. Those relationships were apparent on the record and known, or reasonably should have been known, to the Applicant.

[27] Moreover, an immigration officer is not ordinarily obligated to place an applicant on notice of concerns that arise directly from the requirements of the *Act* or the *Regulations*. The onus remains on the applicant to establish the requirements are met: *Bui* at para 28, citing *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 20; *Saatchi v Canada (Citizenship and Immigration)*, 2018 FC 1037 at para 40.

[28] I will briefly comment on the Applicant's submission that the Officer relied on her own knowledge of country conditions in Eritrea and Ethiopia. In the Officer's affidavit, she does attest: "Based on my knowledge of the country conditions of both Eritrea and Ethiopia, it is generally uncommon for couples from these countries to cohabit in a common-law arrangement

prior to marriage because marriage is highly significant both socially and religiously." However, nowhere in the Reasons for the decision under review is reliance on the Officer's knowledge reflected.

[29] In these circumstances, I find that the Officer did not rely on extrinsic considerations requiring further notice to the Applicant. There was no breach of procedural fairness.

[30] No question was offered to be certified by either party.

JUDGMENT in IMM-8817-24

THIS COURT'S JUDGMENT is that this application is dismissed, and no question is certified.

"Russel W. Zinn"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-8817-24
STYLE OF CAUSE:	BETELHEM EMAGNU ASSAYE v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	JANUARY 14, 2026
JUDGMENT AND REASONS:	ZINN J.
DATED:	JANUARY 27, 2026

APPEARANCES:

DANIEL KEBEDE	FOR THE APPLICANT
JOCELYN ESPEJO-CLARKE DIANE GYIMAH	FOR THE RESPONDENT

SOLICITORS OF RECORD:

DANIEL KEBEDE TORONTO, ON	FOR THE APPLICANT
ATTORNEY GENERAL OF CANADA TORONTO, ON	FOR THE RESPONDENT