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| Federal Court |  | Cour fédérale |
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**Date: 20100629**

**Docket: IMM-5108-09**

**Citation: 2010 FC 707**

**Toronto, Ontario, June 29, 2010**

**PRESENT: The Honourable Mr. Justice Campbell**

**BETWEEN:**

**LEADBETTER KWESI KUEWOR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] The present Application concerns the rejection by the Visa Post in Accra, Ghana of the Applicant's request for a visa to visit Canada. On the record presented to the Visa Post the Applicant supplied cogent evidence that he is: a 27 year old citizen of Ghana; a mature student with sound academic background; a member of a family in which his parents and three siblings reside in Ghana; a person with an employment record dating back to 2002 who is currently employed and has

been granted leave by his current employer to visit Canada; an invitee to visit Canada by a responsible person employed by the Roman Catholic Archdiocese of Toronto who is willing to sponsor the visit to Canada by providing room and board and a return airline ticket to Ghana; and, importantly, is a person who has the support of a member of Parliament of the Government of Ghana in obtaining the visa requested.

[2] In assessing the Applicant's application for the visa it appears that a person at the Visa Post screened the Applicant's application and came to the following highly debatable conclusions about its worth:

APP IS NOT WELL ESTABLISHED. SHOW UNSTABLE EMPLOYMENT. CANNOT AFFORD TRIP ON HIS OWN. SHOWS LIMITED FUNDS. HAS NO PREVIOUS TRAVEL. DOES NOT SHOW STRONG TIES IN GHANA.  
(CAIPS Notes, Tribunal Record, p. 22)

However, the Visa Officer who made the decision under review makes the following statement in the CAIPS Notes:

I HAVE REVIEWED THE INFORMATION ON FILE.

NO TRAVEL HISTORY, FUNDS REQUIRED FOR TRIP REPRESENT A LARGE EXPENDITURE RELATIVE TO EARNINGS. I AM NOT SATISFIED WELL ESTABLISHED IN INDIA AND WOULD HAVE INCENTIVE TO DEPART CDA FOLLOWING ADMISSION.

I HAVE TAKEN INTO CONSIDERATION THE LEVEL OF ESTABLISHMENT OF INVITORS IN CDA. HOWEVER IN THIS CASE I AM PLACING MORE WEIGHT ON THE CIRCUMSTANCES OF SUBJ IN HOME COUNTRY. ON THE BASIS OF THE INFORMATION PROVIDED, I AM NOT SATISFIED THAT SUBJ MEETS REQUIREMENTS FOR ISSUANCE.

[Emphasis added]

(Tribunal Record, p.22)

The statement that the Visa Officer is “not satisfied well established in India” leaves a grave doubt as to what evidence was in fact examined in reaching the decision under review. As a result of this statement, and indeed the glib nature of the reasons themselves, I find that the evidence presented in support of the visa application is disconnected from the reasons provided for rejecting the application. To have properly decided on the visa application, it was necessary for the Visa Officer to carefully consider the evidence presented and, in reaching a decision, provide reasons for the result which are clear and responsive to the evidence. The decision under review fails to meet this standard, and as such, I find it is not an acceptable outcome which is defensible in respect of the facts and the law.

[3] As a result, I find that the decision under review is unreasonable.

**ORDER**

**THIS COURT ORDERS** that the decision under review is set aside and the matter is referred back to a different visa officer for re-determination.

There is no question to certify.

“Douglas R. Campbell”  
\_\_\_\_\_  
Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5108-09

**STYLE OF CAUSE:** LEADBETTER KWESI KUEWOR v. THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 28, 2010

**REASONS FOR ORDER  
AND ORDER:** CAMPBELL J.

**DATED:** JUNE 29, 2010

**APPEARANCES:**

Walkwa Wanyoike FOR THE APPLICANT

Leanne Briscoe FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Barrister & Solicitor  
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Deputy Attorney General of Canada