

Date: 19971223

Docket: IMM-807-97

Between :

WAI KEE LAM

Applicant

- and -

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER

PINARD, J. :

[1] This is an application for judicial review of the decision of Visa Officer E. M. Halston (the visa officer), dated January 23, 1997, wherein the said officer refused the applicant's application for immigration to Canada.

[2] The applicant, Wai Kee Lam, resides in Lo Wai Village, Tsuen Wan, New Territories, Hong Kong. She made an application for permanent residence in the Independent category on November 29, 1995 with the intended occupation of "Teacher of Buddhism".

[3] The visa officer explained that the applicant had been assessed in the Independent category in the occupation "Religious Education Worker (Nun)" (CCDO: 2519-114), and that her application had earned the following units of assessment pursuant to subsections 8(1) and 9(1) of the *Immigration*

Regulations, 1978:

Age	06	
Occupational Demand	10	
Specific Vocational Preparation	15	
Experience	06	
Arranged Employment	10	
Demographic Factor	08	
Education	00	
English	00	
French	00	
Personal Suitability	<u>04</u>	
Total	59 ¹	

[4] The visa officer noted that despite the fact that the applicant was awarded extra points for the written offer of employment from the Fu-Hui Society Temple, she had nevertheless failed to earn the minimum required 70 units of assessment to be admitted in the Independent category. The visa officer held that the units of assessment awarded were an accurate reflection of her ability to successfully establish in Canada.

[5] There was also no other occupation apparent on her application in which she might be qualified and experienced, and under which her application could be successful.

[6] The visa officer concluded that the applicant was therefore a member of the class of persons who are inadmissible to Canada described in paragraph 19(1)(d) of the *Immigration Act*, R.S.C. 1985, c. I-2. Her application was therefore refused.

¹See paragraph 20 of the Affidavit of Ernest Michael Alston (the visa officer), sworn March 24, 1997 and filed in support of the respondent's position.

[7] The visa officer added that "I have also considered other factors in your application and find no other basis for approval".

[8] Upon reading the affidavits and the material filed, and upon hearing counsel for the parties, I am satisfied that the visa officer clearly provided a full and fair assessment of the applicant's application and committed no error which would vitiate the decision and warrant the intervention of this Court.

[9] Consequently, the application for judicial review is dismissed. This is no matter for certification.

JUDGE

OTTAWA, ONTARIO
December 23, 1997