

Federal Court



Cour fédérale

Date: 20131022

Docket: IMM-9123-12

Citation: 2013 FC 1057

Ottawa, Ontario, October 22, 2013

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

SIEW LAN CHU

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is a judicial review of a decision denying permanent residence under the in Canada spousal class. The grounds for denial is that there was no *bona fide* marriage.

[2] The Applicant complains that the decision is unreasonable because any discrepancies between the husband's and wife's narratives were based upon a microscopic examination of the evidence. The Applicant does not pursue the issue of translation nor could she succeed.

[3] The Officer found four areas of contradictory evidence for which there were inadequate explanations:

- whether they had cohabited before marriage;
- inconsistent descriptions of the marriage proposal circumstances;
- inconsistent description of the post-marriage ceremony events; and
- the husband's admission that he did not know his wife's first language.

[4] The applicable standard of review is reasonableness (*Canada (Minister of Public Safety and Emergency Preparedness) v Chen*, 2013 FC 215).

[5] While not argued, the attempt to introduce additional affidavit evidence cannot be allowed as none of them meet the criteria in *Assn. of Universities and Colleges of Canada v Canadian Copyright Licensing Agency*, 2012 FCA 22, 428 NR 297.

[6] I can find nothing unreasonable about this decision. It falls within the range of decisions reasonably available in light of the record. The contradictions related to highly relevant matters – such as the first language of a spouse.

[7] The fact that the Applicant and her spouse answered a number of questions correctly is less important than that they had major issues with four important matters. The decision is not based upon some form of score-card.

[8] Therefore, this judicial review will be dismissed. There is no question for certification.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

"Michael L. Phelan"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-9123-12

STYLE OF CAUSE: SIEW LAN CHU v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 9, 2013

**REASONS FOR JUDGMENT
AND JUDGMENT:** PHELAN J.

DATED: OCTOBER 22, 2013

APPEARANCES:

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