

**Date: 20071204**

**Docket: IMM-6592-06**

**Citation: 2007 FC 1272**

**Ottawa, Ontario, December 4, 2007**

**PRESENT: THE CHIEF JUSTICE**

**BETWEEN:**

**JOAN BIGGS  
(a.k.a. Joan Elien)**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] The applicant, a citizen of St. Lucia, and her Canadian husband, who is also her sponsor for permanent residence, were called to an interview because of the immigration officer's concerns with the genuineness of their marriage. Their interviews were conducted separately. The applicant's immigration consultant understood the purpose of the interviews and was in attendance at both.

[2] The call-in notice for the interview directed the applicant to provide: “(1) evidence that you are residing with your spouse ... (6) any other details which would assist in establishing that you and your spouse reside in the same home and share common things.” Otherwise, fourteen other numbered items of the direction requested documentary information, including utility bills, income tax returns, bank and employer statements, passports and marriage certificates. The last instruction was that “... your spouse must accompany you to your interview.”

[3] Shortly after the interviews, the applicant’s request for permanent residence was denied.

[4] The record in this application for judicial review includes the list of discrepancies the immigration officer identified during the separate interviews and the notes made by the immigration consultant. In my view, any discrepancies between the notes of the immigration officer and the immigration consultant are of little, if any, relevance in the circumstances of this proceeding.

[5] The applicant, her spouse and their consultant maintain that they presented additional documentation to the immigration officer during the interviews and that the new information was refused. The immigration officer does not recall this. In my view, the additional documentation was consistent with and added very little to the information previously filed in support of the application.

[6] The applicant and her spouse characterize the interviews as confrontational and unpleasant. From their perspective, their view may be understandable. However, there is no evidence that the immigration officer acted improperly.

[7] Upon my review of the certified tribunal record, and even taking into account the additional information included in the applicant's record, it was open to the immigration officer to conclude that she was "not satisfied that this marriage was not entered into primarily for immigration purposes." Her conclusion was not unreasonable, it can withstand a "somewhat probing examination" and, in any event, it is not patently unreasonable.

[8] The applicant's spouse works and lives in London, Ontario during the week. The couple live together during the weekends. The applicant's two teenaged children, now 14 and 16 years of age, live with their mother. It is unfortunate that the children were not asked for information, written or oral, in support of the genuineness of their mother's marriage on the basis of their family experience since their arrival in Canada in 2005. Their evidence may have been more valuable to the immigration officer than the documentary information.

[9] For these reasons, this application must be dismissed on the basis of the record and the Court's role in judicial review. If the marriage is genuine, the couple's current counsel may be able to identify alternative recourses to redeem the family's situation. No serious question was suggested for certification by counsel. I agree that none should be certified.

**ORDER**

**THIS COURT ORDERS that** this application for judicial review is dismissed.

\_\_\_\_\_  
"Allan Lutfy"  
Chief Justice

**FEDERAL COURT**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** IMM-6592-06

**STYLE OF CAUSE:** JOAN BIGGS aka JOAN ELIEN  
v.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** November 20, 2007

**REASONS FOR ORDER:** LUTFY C.J.

**DATED:** December 4, 2007

**APPEARANCES:**

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John Provart FOR THE RESPONDENT

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