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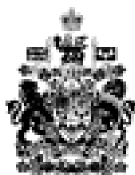

COMMISSION DE L'IMMIGRATION ET DU STATUT DE RÉFUGIÉ DU CANADA

SECTION D'APPEL DE L'IMMIGRATION

2007 CanLII 69091 (CA IRB)

IAD File No. / N^{o} de dossier de la SAI : VA6-00062
Client ID no. / N^{o} ID client : 5555-2344

Reasons and Decision – Motifs et décision

Sponsorship

Appellant(s)	RONALD AMIT CHANDRA	**Appelant(s)**
Respondent	The Minister of Citizenship and Immigration Le Ministre de la Citoyenneté et de l'Immigration	**Intimé**
Date(s) and Place of Hearing	30 April 2007 Vancouver, BC	**Date(s) et Lieu de l'audience**
Date of Decision	30 April 2007 (rendered orally) 16 May 2007 (written decision)	**Date de la Décision**
Panel	Renee Miller	**Tribunal**
Appellant's Counsel	Massood Joomratty Barrister & Solicitor	**Conseil de l'appelant(s)**
Designated Representative	Nil	**Représentant désigné**
Minister's Counsel	Kevin Hatch	**Conseil de l'intimé**

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Oral Reasons for Decision

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[1] These are the reasons and decision in the appeal of Ronald Amit CHANDRA (the "appellant"), who appeals the refusal to approve the permanent resident application made by his spouse, Paramjeet Kaur CHANDRA (the "applicant"), to immigrate to Canada as a member of the family class.

[2] On November 16, 2005, the wife's application for a permanent resident visa was refused by a visa officer because the visa officer concluded that the marriage was not genuine and was entered into primarily for the purpose of her acquiring status or privilege under the *Immigration and Refugee Protection Act* (the "*Act*").[1] The visa officer, in particular, was concerned with the fact that the marriage was arranged in haste approximately nine days after the first meeting and the engagement took place on the day of the party's first meeting, that the appellant's mother was not involved in the marriage and did not attend the wedding of her eldest son, and that the applicant appeared to be evasive in her answers at interview.

[3] I have considered the oral testimony of both the appellant and the applicant today, as well as I looked at the documentary materials that were filed in support of this appeal in the form of Exhibits A-1 and A-2.

[4] To succeed on appeal the appellant must show either that his marriage to the applicant is genuine or that it was not entered into primarily for the purpose of her immigrating to Canada.

[5] In my view, he has not met the burden on this appeal and this appeal is dismissed.

[6] In coming to my decision I considered a broad range of factors, including how the couple met, how their relationship evolved, the duration of the relationship, the amount of time they spent together prior to the wedding, the nature of the ceremonies, the intention that the parties have displayed subsequent to the wedding, their evidence of ongoing contact and communication between them, the level of knowledge that they possess about each other's present, past, and daily lives, the provision of financial support, the involvement of their families in the wedding, and their plans and arrangements for the future.

[1] *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

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[7] I do accept the evidence of the parties that they were introduced as they have described by the parties as described. However, I feel that the visa officer's decision with regard to the haste of the marriage was valid.

[8] The parties first started talking about this marriage in the beginning of November 2004 and approximately two weeks later, by November 15, the marriage had been agreed to "in principle". The appellant then bought an airline ticket to go and meet the applicant. The match was finalized fully at that very first meeting and they were married nine days later. No reasonable explanation was provided by either party with regard to why the timing of the marriage needed to occur with that degree of urgency. There was no evidence provided to me that would indicate that there was any urgency with regard to the marriage. Insufficient timing was provided to allow the parties to have developed a genuine marriage between two compatible people.

[9] I also considered the fact that no other matches were sought out or considered by the applicant's family. That, added to the fact that this match was agreed to with that degree of haste noted above, leads me to the conclusion that the marriage was agreed to primarily for the purpose of bringing her to Canada.

[10] I do accept that the parties have been legally married. They have performed all the rights and ceremonies necessary to affect that marriage. I accept the appellant's explanation as to why his mother and brother were not at that wedding. I also accepted his explanation as to why the religious differences between he and the applicant were not so important.

[11] However, when I looked at the evidence that would indicate whether or not the parties have a genuine relationship; whether there has been a true exchange of information between these two people that would indicate that this is a genuine and meaningful spousal relationship, I found that the evidence between them was so contradictory that I was left without sufficient evidence to conclude that this has been a meaningful exchange of information which is in the nature of a true husband and wife relationship.

[12] The parties were unable to agree as to when the match had been finalized, when it had been agreed to, how the applicant's siblings get to school or whether she takes them to school, when the applicant returned to visit the appellant, how long he was in India for, whether his

father sought medical attention, whether he saw a doctor, or whether he went to a hospital. It was completely implausible to me that the applicant would be unaware of those events which were described in a certain degree of detail by the appellant, especially since the appellant was very clear with me that the applicant was present with him in Delhi and that she went with him to the hospital, although she stayed outside. I found that omission between the witnesses to be quite glaring.

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[13] As well, they were inconsistent with regard to whether or not they had ever talked about her taking English classes. The appellant said "yes", that he sent her money for those classes whereas she has said "no", they never discussed it. They also were inconsistent about how often he sent her money. His evidence was that he sent her money every couple or few months, although that was not corroborated in the documentary materials, and she said that he had only sent her money three times in total.

[14] I found it implausible that parties in a genuine husband and wife relationship would not know this kind of information about each other. In particular, the discrepancy with regard to the father-in-law's illness and whether he sought medical attention or went to the hospital was quite glaring and, to me, indicated either that the applicant was not in Delhi visiting with the appellant when he apparently returned to India to be with her, or that his story about the father's illness and why he had to leave India was untrue.

[15] I also found that there was insufficient evidence with regard to their future plans and that the appellant's testimony was too vague with regard to any specific qualities that he liked about his wife. In the two-and-a-half years that they have been married he does not know the name of any of her friends that she spends time with. He was unable to describe any particular action that she might have taken which showed him that she was a good person. He was unable to be specific with me with regard to what it was about this wife that had led him to marry her in these circumstances.

[16] As a result of that, I found that the concerns of the visa officer have not been adequately addressed in the oral testimony before me. In particular, the concerns of the visa officer with regard to the haste of the marriage, the differences in the cultural background and how that was unexplained through the haste of the marriage, and the lack of knowledge between the applicant and the appellant about each other.

[17] Therefore, on the balance of probabilities, I find that this marriage is not genuine and that it has been entered primarily for the purpose of the applicant seeking some privilege or status under the *Act*.

[18] As such, the applicant is not among that category of foreign nationals who may be sponsored to Canada as members of the family class and there is no future consideration of humanitarian and compassionate grounds.

[19] Accordingly, I find that the visa officer's decision was valid in law and I dismiss this appeal.

[Edited for clarity, spelling, grammar and syntax.]

NOTICE OF DECISION

The appeal is dismissed.

"Renee Miller"
Renee Miller

16 May 2007
Date (day/month/year)

Judicial review – Under section 72 of the *Immigration and Refugee Protection Act*, you may make an application to the Federal Court for judicial review of this decision, with leave of that Court. You may wish to get advice from counsel as soon as possible, since there are time limits for this application.

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