

Immigration and
Refugee Board of Canada
Immigration Appeal Division



Commission de l'immigration et
du statut de réfugié du Canada
Section d'appel de l'immigration

IAD File No. / N° de dossier de la SAI : TB9-05813
Client ID No. / N° ID client : 5752-3658

Reasons and Decision – Motifs et décision

Sponsorship

Appellant(s)

TAUQIR

Appelant(e)(s)

Respondent

The Minister of Citizenship and Immigration
Le Ministre de la Citoyenneté et de l'Immigration

Intimé(e)

Date(s) of Hearing

October 9, 2019

Date(s) de l'audience

Place(s) of Hearing

Toronto, Ontario

Lieu de l'audience

Date of Decision

November 19, 2019

Date de la décision

Panel

A. Jung

Tribunal

Counsel for the
Appellant(s)

Sonia Akilov Matkowsky
Barrister and Solicitor

Conseil(s) de l'appelant(e)/
des appelant(e)(s)

Counsel for the Minister

Elaine Ducas

Conseil du ministre



find that there is sufficient evidence before me, on a balance of probabilities, in favour of the genuineness of the marriage that supports the view that this is a genuine marriage for the appellant and the applicant and not one that was entered into primarily to acquire any status or privilege under the *Act*.

[19] While I acknowledge that there are some outstanding concerns specifically pertaining to the omission in the application form with respect to the applicant's TRV application and the omission in the TRV application of the applicant's relationship with the appellant, in weighing these concerns on a balance of probabilities against the context of all the evidence in support of a genuine marriage as noted above, I conclude that the totality of the evidence weighs in favour of the genuineness of the marriage and that the outstanding concerns, whether cumulatively or independently, do not outweigh or negate the other credible evidence before that support the genuineness of the marriage. I further find, on a balance of probabilities, there is simply insufficient evidence to establish that the marriage was entered into primarily for the purpose of acquiring any status or privilege under the *Act*.

[20] I find the appellant has met her onus to demonstrate that, on a balance of probabilities, the marriage is genuine and was not entered into primarily for the purpose of acquiring status or privilege under the *Act*.

[21] The appeal is allowed.

DECISION

The appeal is allowed. The officer's decision to refuse a permanent resident visa is set aside, and an officer must continue to process the application in accordance with the reasons of the Immigration Appeal Division.

A. Jung

A. Jung

November 19, 2019

Date

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.

¹ *Immigration and Refugee Protection Regulations*, SOR, 2002-227, as amended.

² *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, as amended.

³ Exhibit R-1, pp. 40-77.

⁴ Exhibits R-1, R-2, A-1, A-2.

⁵ Exhibit R-1, pp. 29, 32.

⁶ *Ibid.*, p. 49.

⁷ *Ibid.*, p. 31.

⁸ Exhibits A-1 and A-2.