

Federal Court



Cour fédérale

Date: 20170118

Docket: IMM-3140-16

Citation: 2017 FC 60

Toronto, Ontario, January 18, 2017

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

RAMNARINE NARAIN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The poet, Homer, recognized the paradox of marriage in the *Odyssey*. What is it that rings true or credible, depends on the marriage, the couple and circumstances, external and internal, to define what the relationship is, in its essence; and, then does it ring true, or credible?

[2] The paradox stems from the fragility of the human condition, its vulnerability, desires, suffering, happiness and the passage of time. Its logic is based on the river of circumstances that winds through it.

II. Decision

[3] The Applicant, who had left Guyana in 2008, received refugee status in Canada and became a landed permanent resident in 2011. He is a Canadian citizen who sought to sponsor his wife now with whom he had had a son who had passed away.

[4] The Applicant submitted a late application for judicial review of a decision of the Immigration Appeal Division, dismissing the Applicant's refusal to the sponsorship of his spouse, subsequent to a Visa Officer's refusal.

[5] Due to the tardiness of the application to the Federal Court, the Applicant sought an extension of time which was granted by this Court.

[6] The background narrative is one of marriage in 1978. The Applicant's marriage broke down with contradictory accounts between that of the Applicant and his spouse. Much evidence centered on the loss of their child, and a continuous thread of evidence is the financial support which the Applicant transmits to his wife in Guyana continuously.

[7] A key contradiction remains paramount, in that a difficult relationship ensued subsequent to the Applicant's departure from Guyana. The wife, herself, is not clear as to why her husband wants to sponsor her; perhaps, it is to fulfill his hearth and home needs. She is not sure.

[8] Yet, nevertheless, it appears that as no relationship is a clear-cut proposition after tragic turmoil in its midst, due to the loss of a child for which partners blame each other, with a sense of knowing pain that reverberates clearly in the evidence. The couple is attempting to find logical reasons to reconcile after a long period of relative estrangement for what unites them.

[9] It is a case on its own specific merits (*cas d'espèce*), bred of a tragic loss, that appears, in and of itself, to be drawing the unhappy couple together to make amends and to heal their lives together.

[10] It is this, that must be analyzed by the Immigration and Refugee Board of Canada [IRB] due to 1) the continuous financial support which the Applicant maintained; and, 2) the desire to unite due and despite their tragic loss.

[11] The contradictions appear to be based on estrangement, whereas the loss of the child and tragedy are, after years of growth and greater maturity, bringing the couple together.

[12] The paradox, in and of itself, has been seen often in marriages, even in that of a former Prime Minister and his wife after the tragic loss of their son in Canada, that served as a shining

model to others; therefore, this case deserves to be returned to the IRB for analysis anew by a different panel.

[13] The decision, as it stands, is not reasonable due to the extensive evidence regarding continuous financial assistance to the wife and the pain of the loss of the child.

[14] Therefore, the case is to be sent back to the IRB, as the decision, as it stands is without an analysis of these two points; and, thus, it is not reasonable.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review be granted; the matter is to be sent back to a different panel of the Immigration and Refugee Board of Canada for consideration anew. There is no serious question of general importance to be certified.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3140-16

STYLE OF CAUSE: RAMNARINE NARAIN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

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