

Federal Court



Cour fédérale

**Date: 20171207**

**Docket: IMM-2387-17**

**Citation: 2017 FC 1113**

**Toronto, Ontario, December 7, 2017**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**MELANIE ABULOC**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. PROCEEDING**

[1] The Applicant has applied for judicial review of a decision, dated May 11, 2017, of a visa officer [the Officer] at the Canadian Embassy in Makati City, Philippines, refusing her application for a temporary resident visa. This application is made pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the IRPA].

[2] The Applicant is a 29 year-old citizen of the Philippines. On April 20, 2017 she applied for a temporary resident visa [the Visa Application] to allow her to visit Canada for three months from June to September 2017 at the invitation of Mr. Paulo Relva. He is a 51 year-old Canadian citizen who the Applicant described as her “boyfriend”.

## II. BACKGROUND

[3] The Applicant has no post-secondary education and is presently unemployed; the only employment listed on the Visa Application was work in a factory in the Philippines from March to July 2016. The Applicant declared she has \$3,000 CAD available for her stay in Canada.

[4] The Applicant has never been married and has an 8 year-old daughter [the Child] who was born on August 17, 2009, in the Philippines. In the Visa Application, the ‘present’ address for the Applicant’s daughter is shown as the same ‘present’ address given for the Applicant’s parents. The Applicant’s address is different and in one place on the form is described as a hotel. The Child and the Applicant’s mother and father are listed as “non-accompanying” on the Visa Application. The Applicant also has four brothers, and four sisters, who are shown to be remaining in the Philippines.

[5] In support of the Visa Application, Mr. Relva provided a statutory declaration, dated April 11, 2017, declaring that he is the “romantic partner” of the Applicant, that he invited the Applicant to stay with him in Canada for three months, and that he is able and willing to support her financially during her stay.

### III. DECISION

[6] In the letter of refusal, dated May 11, 2017 [the Decision], the Officer concluded that he was not satisfied that the Applicant would leave Canada at the end of her authorized stay. In reaching the Decision, the Officer indicated that several factors had been taken into consideration: travel history, purpose of visit, employment prospects in country of residence, and current employment situation.

[7] In the GCMS notes [the Notes] of the same date, the Officer stated that although Mr. Relva provided evidence of sufficient funds, other factors suggest the Applicant's ties to the Philippines are not strong. The Notes read as follows:

Single 29 yo woman, 1 child. Unemployment . no income. Seeks to visit boyfriend in Canada. Letter of host on file. Proof of income of host on file. Sufficient funds however: PA does not appear well established in her home country. Appears she has no employment obligations to return to, and no proof of personal assets. Limited travel history. In Asia only. Once in Canada, will be re-united with boyfriend, strong push factor. On balance, I am not satisfied there is sufficient evidence the applicant has compelling employment or financial reasons to return to the Philippines and leave Canada by the end of any period authorized for the stay and I am refusing the application for this reason.

[My emphasis]

### IV. STANDARD OF REVIEW

[8] The parties agree that an officer's assessment of a temporary resident visa application is reviewable on a standard of reasonableness.

V. ISSUES

A. *Was the Officer's Decision reasonable?*

[9] The Applicant says that:

- (i) Notwithstanding the fact that the Officer noted the existence of the Child, the Decision is unreasonable because the Officer did not state why the Child's presence in the Philippines did not alleviate or indeed eliminate his concern that the Applicant would not return.
- (ii) The Applicant also says that the Officer's failure to mention that the Applicant's entire family would remain in the Philippines was unreasonable because this fact also weighed in favour of her return.

VI. DISCUSSION AND CONCLUSIONS

[10] The record before the Officer as it related to the Child showed that:

- She was the Applicant's daughter and her paternity was acknowledged.
- She lived with her maternal grandparents.
- The Applicant was leaving her in the Philippines during her three month trip to Canada.

[11] In my view, because they mention her, the Notes show that the Officer was aware of the Child. Further, it can reasonably be assumed that the Officer had read the Visa Application.

Accordingly, the Officer would have been aware that the Child was living with the Applicant's parents.

[12] Because the Child was mentioned in the Decision but not discussed, the Notes suggest to me that the Officer did not consider the Child to be a factor that would influence the Applicant to return to the Philippines. The Officer was clearly of the view that the link to the Philippines created by the Child's existence was outweighed by the compelling economic considerations which favoured staying in Canada.

[13] In my view, because the Child was living with her grandparents in a situation in which her mother had no employment, the Officer's failure to discuss the Child as a link to the Philippines was reasonable.

[14] The Notes do not mention the Applicant's other family members – her parents and her brothers and sisters. However, it is obvious that the Officer did not refer to them because he did not consider that their presence in the Philippines would outweigh the Applicant's desire to stay in Canada. This was reasonable in my view given the Applicant's lack of employment and financial resources in the Philippines.

## VII. CERTIFICATION

[15] No question was posed for certification for appeal.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the Application for judicial review is hereby dismissed.

“Sandra J. Simpson”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-2387-17

**STYLE OF CAUSE:** MELANIE ABULOC v MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** DECEMBER 4, 2017

**JUDGMENT AND REASONS:** SIMPSON J.

**DATED:** DECEMBER 7, 2017

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