

Federal Court



Cour fédérale

**Date: 20240904**

**Docket: IMM-5558-23**

**Citation: 2024 FC 1374**

**Toronto, Ontario, September 4, 2024**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**HON MOON JOHN GABRIEL WONG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered orally from the bench in Toronto, Ontario on August 27, 2024.**

**Edited for grammar.)**

I. Overview

[1] The Applicant challenges a decision refusing his application in the Spouse or Common Law Partner in Canada Class. The parties before me focused on the procedural fairness issue concerning whether a request for further information was received by the Applicant. However, it is unnecessary to resolve this issue because I find that the decision is unintelligible and therefore unreasonable on its merits. The application for judicial review will be granted.

## II. Background

[2] By way of background, the Applicant is a citizen of China who met his wife in Canada in 2010. The couple married on January 1, 2013, and gave birth to a daughter in March 2013. His application under the Spouse or Common Law Partner in Canada Class was received in June 2017.

[3] The application was refused on March 9, 2023. The Immigration Officer (Officer) refusing the application allegedly sent an email to the Applicant requesting further information and then refused the application when no reply was received. The Applicant claims never to have received the email.

## III. Issue

[4] The parties' main dispute centred on whether the Applicant did or did not receive the email requesting further information, which raises the issue of procedural fairness.

[5] The Respondent submits that aside from the question involving the email and procedural fairness, the decision contains no flaws in logic and is reasonable.

## IV. Analysis

[6] I disagree with the Respondent that the decision is logical and reasonable. The reasons are actually internally inconsistent and unintelligible, which renders them unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 para 102).

[7] The Officer provided three independent, contradictory bases for refusing the application.

[8] First, the Officer found that the relationship was primarily for immigration purposes, implying fraud and dishonesty. No support was provided for this basis of refusal, rendering it unreasonable in itself. However, it also contradicts the second basis for refusal.

[9] The second basis for the refusal was that the Officer needed updated evidence of the relationship to ensure that it resembles the relationship at the time that the application was submitted, or if it still exists. This implies that a genuine relationship existed at the time of the application, but evidence of the relationship simply needed updating.

[10] The third basis of the refusal was that there was not sufficient evidence of the relationship submitted with the original application. As the Applicant states, this finding undermines the second basis of the refusal because it implies that more than a mere update of evidence was required. This finding is also contradicted by the evidence of the relationship cited by the Officer such as the joint chequing account, the drivers' licences showing the same address, and the couple's life insurance policies. The drivers' licences and life insurance policies were referred to as "strong" evidence of the relationship.

[11] Aside from the internal incoherence of the reasons, the Officer erred by fettering their discretion when they said: "Letters of support can never be given much value as they are easily forged and offer only circumstantial support for the existence of the relationship."

[12] The obvious unreasonableness of the decision makes it unnecessary to resolve the procedural fairness issue. The application will be granted.

**JUDGMENT in IMM-5558-23**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted.
2. The decision refusing the application is quashed and the matter will be returned for redetermination by a different officer.
3. There is no question for certification.

**“Michael Battista”**

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5558-23

**STYLE OF CAUSE:** HON MOON JOHN GABRIEL WONG v THE  
MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** AUGUST 27, 2024

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** SEPTEMBER 4, 2024

**APPEARANCES:**

Richard Wazana FOR THE APPLICANT

Stephen Jarvis FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

WazanaLaw FOR THE APPLICANT  
Barristers and Solicitors  
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario