

**Date: 20071003**

**Docket: IMM-944-07**

**Citation: 2007 FC 1011**

[ENGLISH TRANSLATION]

**Ottawa, Ontario, October 3, 2007**

**PRESENT: The Honourable Mr. Justice Simon Noël**

**BETWEEN:**

**ZOHAR AFRIAT AND ALON AFRIAT**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review of a decision by the immigration officer, Francine Broekaert (the Officer), made on February 20, 2017, in which she refused the application for permanent residence in the Spouse or Common-Law Partner in Canada class that was filed by the applicant, with sponsorship by Mr. Max Henry Marrache (Mr. Marrache), her spouse. Applicant Alon Afriat is the applicant's minor son.

**I. Issue**

[2] Did the Officer make a patently unreasonable decision?

[3] For the following reasons, the decision is not patently unreasonable. Accordingly, the application for judicial review will be dismissed.

**II. Facts**

[4] The applicant arrived in Canada on August 8, 2002, together with her son, Alon Afriat, who was born on December 10, 1992.

[5] On March 25, 2003, the applicant filed a refugee claim, alleging mistreatment by her former spouse (Moshe Miller), the father of the child (Alon).

[6] On April 2, 2004, their refugee claim was dismissed. Afterward, the applicant unsuccessfully exhausted her remedies through three different procedures before this Court.

[7] The couple got together in the summer of 2004, and they married two months later, on October 19, 2004.

[8] On February 13, 2007, the couple was summoned by the Officer to determine the genuineness of their marriage and their marital life. That interview first took place with both spouses, and then with each of them separately.

[9] On February 20, 2007, the Officer refused the applicant's application and found that her marriage was not genuine, and was primarily for the purposes of immigration. The Officer found multiple contradictions in the two spouses' testimony, even on the basic aspect of their life as a couple.

### **III. Analysis**

[10] I share the parties' position regarding the fact that the Officer's decision is subject to review according to the standard of review of patent unreasonableness.

[11] I reviewed the Officer's decision. The work that she performed is distinguished by its meticulousness, and she applied the required tests to assess the evidence and make the necessary determination. Given the many contradictions in the spouses' responses during the interview on February 13, 2007, the Officer was not satisfied with the genuineness of their conjugal relationship.

[12] Among the many contradictions, the couple did not have the same version regarding the place and circumstances surrounding the proposal, as well as their honeymoon to Québec City. In fact, he said that they slept in a hotel in Sainte-Foy, and she said that they returned to Montréal that same day. The Officer adds:

[TRANSLATION]

She claims that the rent is \$900 per month and that they don't have Internet, whereas he told me that the rent is \$575 a month and that they have Internet with Bell Sympatico. Faced with this difference in the cost of rent, he told me that they were paying \$575 on Bourret, and that it is now \$900. At the very end of the interview, I asked the spouses to draw the kitchen for me, showing the door, window, stove, refrigerator, microwave (Q. 25), and the drawings are completely different: She indicates that the door and refrigerator are at the rear to the left, and the microwave is on the right upon entering, and then the stove. He indicates that the door, stove, and refrigerator are next to each other along the back wall, and the microwave is on the left side.

[13] Faced with those contradictions, and considering the Officer's other findings, it was entirely reasonable for the Officer to find that the marriage was not genuine and that it was primarily for acquiring a status or privilege under the Act. The decision is not patently unreasonable.

[14] The parties were invited to submit questions for certification, but they declined.

[15] The application for judicial review is therefore dismissed and no question will be certified.

**JUDGMENT**

**THE COURT ORDERS AND ADJUDGES THAT:**

- The application for judicial review is dismissed;
- No question is certified.

**“Simon Noël”**  
\_\_\_\_\_  
**Judge**

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

**DOCKET:** IMM-944-07

**STYLE OF CAUSE:** ZOHAR AFRIAT & ALON AFRIAT and  
THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION (MCI)

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** September 27, 2007

**REASONS FOR JUDGMENT  
AND JUDGMENT:** Simon Noël J.

**DATED:** October 3, 2007

**APPEARANCES:**

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