

Federal Court



Cour fédérale

Date: 20110809

Docket: IMM-7356-10

Citation: 2011 FC 980

Ottawa, Ontario, August 9, 2011

PRESENT: The Honourable Mr. Justice Russell

BETWEEN:

JIN ZHONG

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (Act) for judicial review of the decision of a Designated Immigration Officer (Officer) of the Canadian Consulate General in Hong Kong, dated 30 September 2010 (Decision), which refused the Applicant's application for permanent residence as a member of the federal skilled worker program.

BACKGROUND

[2] In February 2009 the Applicant, through an immigration consultant, filed with the Centralized Intake Unit of Citizenship and Immigration Canada (CIU) an application for permanent residence as a member of the skilled worker program in the occupation of Information Systems Manager (NOC 0213). That same month, CIU advised the Applicant through the immigration consultant that he should submit a complete application to the Consulate General of Canada in Hong Kong (Consulate General). He complied with that request on or about 10 June 2009.

[3] The complete application included a positive Arranged Employment Opinion from Service Canada, confirming the offer of permanent employment to the Applicant from Mr. Ping Hay Szeto, owner of Gip Sing International Ltd. (Gip Sing) in Oakville, Ontario.

[4] By letter dated 30 September 2010, the Designated Immigration Officer (Officer) of the Consulate General rejected the application for permanent residence based on the Applicant's failure to meet the 67-point minimum required for success. The Officer had awarded no points to the Applicant for his Arranged Employment in Canada, having found that that the offer of employment from Mr. Szeto was not genuine and that the Applicant was not likely to accept and carry out this employment in Canada. This is the Decision under review.

DECISION UNDER REVIEW

[5] The Officer states in her Decision that she assessed the Applicant based on all documentation and information submitted with the application. Of material importance was the letter, dated 28 January 2010, from the Applicant's prospective Canadian employer, Mr. Szeto, detailing the nature and the size of his property management business in Oakville. The Officer made the following findings based on the information provided in this letter:

[T]he fact that he appears to be the only company executive in his property management business and he is operating the said business from his own cellphone [*sic*] and residential telephone numbers, I am not satisfied that your prospective Canadian employer genuinely requires you to perform the list of employment duties for his property management company as stated in your Canadian employment offer letter dated 30 March 2009 and in his explanation letter dated 28 January 2010 to this office. I have reasonable grounds to believe the employment duties stated in those two letters have been exaggerated for the purpose of facilitating your application for immigration to Canada under the Federal Skilled Worker's Arranged Employment immigration category. I am, therefore, not satisfied that you have a genuine offer of employment in Canada nor am I satisfied that you are likely to accept and carry out the said employment in Canada. As a result I have not assigned any points to you under the Arranged Employment factor when assessing your application. You have obtained insufficient points to qualify for immigration to Canada, the minimum requirement being 67 points. You have not obtained sufficient points to satisfy me that you will be able to become economically established in Canada.

[6] In December 2009, the Officer sent to Mr. Szeto a letter requesting the following:

Documentation demonstrating that your company possesses sufficient resources to employ the applicant should permanent residence be granted. Please provide Company's latest Notice of Assessment and Revenue Canada's documentation and records to show the total number of staff employed by this company in the past

12 months or fiscal year, and proof of business office and business activities/projects at 579 Kerr Street in Oakville.

Mr. Szeto responded to this request for information in two separate letters, both dated 28 January 2010.

[7] The Officer concluded that the Applicant had not met the requirements of the Act and, in consequence, refused the application.

ISSUES

- [8] The Applicant raises the following issues:
- i. Whether the Officer's Decision was reasonable in light of the evidence before her; and
 - ii. Whether the Officer's reasons were adequate.

STATUTORY PROVISIONS

[9] The following provisions of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (Regulations) are applicable in these proceedings:

Definition — arranged employment

82. (2) Ten points shall be awarded to a skilled worker for arranged employment in Canada in an occupation that is listed in Skill Type 0 Management Occupations

Définition : emploi réservé

82. (2) Dix points sont attribués au travailleur qualifié pour un emploi réservé appartenant aux genre de compétence 0 Gestion ou niveaux de compétences A ou B de la

or Skill Level A or B of the *National Occupational Classification* matrix if they are able to perform and are likely to accept and carry out the employment and

[...]

(c) the skilled worker does not intend to work in Canada before being issued a permanent resident visa and does not hold a work permit and

[...]

(ii) an officer has approved that offer of employment based on an opinion provided to the officer by the Department of Human Resources and Skills Development at the request of the employer or an officer that

(A) the offer of employment is genuine

matrice de la *Classification nationale des professions*, s'il est en mesure d'exercer les fonctions de l'emploi et s'il est vraisemblable qu'il acceptera de les exercer, et que l'un des alinéas suivants s'applique :

[...]

c) le travailleur qualifié n'a pas l'intention de travailler au Canada avant qu'un visa de résident permanent ne lui soit octroyé, il n'est pas titulaire d'un permis de travail et les conditions suivantes sont réunies :

[...]

(ii) un agent a approuvé cette offre sur le fondement d'un avis émis par le ministère des Ressources humaines et du Développement des compétences, à la demande de l'employeur, à sa demande ou à celle d'un autre agent, où il est affirmé que :

(A) l'offre d'emploi est véritable

STANDARD OF REVIEW

[10] The Supreme Court of Canada in *Dunsmuir v New Brunswick*, 2008 SCC 9, held that a standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to the particular question before the court is well-settled by past jurisprudence, the reviewing court may adopt that standard of review. Only where this search proves fruitless must the

reviewing court undertake a consideration of the four factors comprising the standard of review analysis.

[11] The first issue concerns the reasonableness of the Officer's determination that the Applicant was ineligible for permanent residence under the federal skilled worker category. This is reviewable on a standard of reasonableness. See *Malik v Canada (Minister of Citizenship and Immigration)*, 2009 FC 1283 at paragraph 22.

[12] When reviewing a decision on the standard of reasonableness, the analysis will be concerned with "the existence of justification, transparency and intelligibility within the decision-making process [and also with] whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law." See *Dunsmuir*, above, at paragraph 47; and *Canada (Minister of Citizenship and Immigration) v Khosa*, 2009 SCC 12 at paragraph 59. Put another way, the Court should intervene only if the Decision was unreasonable in the sense that it falls outside the "range of possible, acceptable outcomes which are defensible in respect of the facts and law."

[13] The second issue concerns the adequacy of reasons. Adequacy of reasons is a procedural fairness issue, reviewable on the correctness standard. See *Miranda v Canada (Minister of Citizenship and Immigration)*, 2010 FC 424 at paragraph 10; and *Canada (Minister of Citizenship and Immigration) v Khosa*, 2009 SCC 12 at paragraph 43.

ARGUMENTS

The Applicant

The Officer's Reasons Were Inadequate

[14] The Decision is clear that the Officer refused to consider as valid the Applicant's offer of employment because of the adverse inference that she drew from the following three factors: the nature and size of Gip Sing does not justify Mr. Szeto's hiring of the Applicant; Mr. Szeto is Gip Sing's only company executive; and Mr. Szeto operates his business through his cell phone and residential telephone.

[15] The Applicant submits that, in his 28 January 2010 response to the Officer's request for information, Mr. Szeto provided detailed information on Gip Sing and its operations, including the date of its incorporation, the monetary value and size of its commercial property in Oakville (i.e., \$6 million and a commercial plaza consisting of 14 units, respectively) and the total number of its employees (6). He also explained that he uses his cell number as Gip Sing's business number to allow his tenants ease of contact since he is regularly on the road and not always present at the plaza. Similarly, Mr. Szeto provides his residential phone number as a fax number to allow his tenants maximum access to him.

[16] Although the Officer refers to Mr. Szeto's explanations in her CAIPS Notes, she does not clarify why any of the three factors cited above are of concern and how they support her conclusion that the nature and size of Mr. Szeto's company does not justify his hiring of the Applicant. Mr.

Szeto offered a perfectly reasonable explanation but the Officer failed to explain why it did not satisfy her.

[17] To be considered adequate, reasons must inform the individual whose rights, privileges or interests are affected how and why the decision was made, thereby permitting effective judicial review. The Applicant submits that the Officer's reasons are inadequate in that they fail to link the facts of the application and the explanations of Mr. Szeto to the way in which she disposed of the application.

[18] It is not enough for the Officer to simply recite the above-noted factors and draw a conclusion. The reasons must address the major points in issue. See *VIA Rail Canada Inc. v National Transportation Agency* (2000), [2001] 2 FC 25, [2000] FCJ No 1685 (QL) (FCA).

[19] The Applicant submits that, in failing to provide adequate reasons, the Officer breached the duty of fairness. See *Clifford v Ontario Municipal Employees Retirement System*, 2009 ONCA 670.

The Officer Did Not Have Regard for the Totality of the Evidence

[20] The Applicant submits that the Officer made erroneous findings of fact and that, in light of the evidence as a whole, the inferences that she drew were unreasonable.

The Respondent

The Decision Was Reasonable and Procedurally Fair

[21] The Respondent argues that the Officer reasonably found that Mr. Szeto did not require the Applicant to perform the duties listed and that the duties were exaggerated. The Officer properly carried out this analysis further to clause 82(2)(c)(ii)(A) of the Regulations, which requires that an offer of employment be genuine.

[22] Her CAIPS Notes outline the duties listed in the offer letter of 30 March 2009 and in the explanatory letters of 28 January 2010. The duties listed in the earlier letter state that the Applicant would be required to “train and manage teams of information systems personnel to design, develop, implement, operate and administer computer software networks and information systems” and “recruit and supervise computer technicians and oversee their training.” These duties were not reiterated in later letters. In the later letters, the employer stated that the Applicant was required “to build up, deploy and maintain a computerized information system for the company” and “to set up the programs and information system, to allow the business to classify the tenants’ information, the utility and business types, the visiting customers’ information, to build up and analyze data model, to analyze the business operation, to predict the company business development future and to provide data evidence for the business decision.”

[23] The Respondent contends that it was reasonable for the Officer to conclude that, given the nature and size of the business, the duties were exaggerated for the purpose of facilitating the Applicant’s immigration to Canada. Given that Mr. Szeto was the only company executive, that he

operated the business alone from his cell phone and residential telephone numbers and that the commercial property in question was comprised of only 14 units in a single location, it is unlikely that the Applicant would be required to train and manage teams of personnel, recruit and supervise computer technicians and control the budget and expenditure of the company projects.

[24] The onus rests on the Applicant to establish the principal elements required for a positive determination of his application. The Applicant failed to meet this onus.

[25] The Officer provided sufficient reasons for her Decision. The refusal letter and CAIPS Notes illustrate her relevant findings of fact, the principal evidence upon which those findings were based and the major points in issue. The reasons inform the Applicant as to why the employment offer was deemed not genuine. Therefore, the test for sufficiency of reasons as set out in *VIA Rail*, above, is met.

[26] The Officer also gave the Applicant an opportunity to respond to her concerns regarding the employment offer. She then reviewed and assessed the documents provided and concluded that the offer was not genuine. The Officer's process was fair and her determination reasonable.

The Applicant's Reply

[27] The Applicant disputes the suggestion that the employment duties noted in Mr. Szeto's letter of 30 March 2009 and the letters of 28 January 2010 were materially different. In any case, any

alleged discrepancy between these letters played no role whatsoever in the Officer's Decision. The Officer merely references these letters in her CAIPS Notes, which state:

Based on the size and operation of Cdn Er's property mgmt biz, I hv
reasonable grounds to believe the job duties stated in the PI's Cdn
job officer ltr and in Cdn Er's explanation ltr have been exaggerated
for the purpose of facilitating PI's appln for immg to Cda under the
are SW Immcat. (emphasis added)

It is clear that the Officer's Decision was based on the nature and size of the property management business and on her finding that the offer of employment was not genuine. It had nothing to do with the alleged discrepancies between the above-mentioned letters.

The Respondent's Further Memorandum

[28] The Respondent submits that the Officer's reasons should not be read microscopically. When the Decision and the CAIPS Notes are read as a whole, the Officer's reasons are clear.

[29] The Officer noted that Mr. Szeto's business consists of 14 units, one of which was not rented. He has 11 tenants and an average of four employees. He is the only executive and clearly is the only contact person, as he provides his cell phone number so that tenants can reach him when he is travelling. The duties listed in Mr. Szeto's March 2009 letter differ from those listed in his January 2010 letter, and it is reasonable to assume from the Officer's summary of the content of the letters in the CAIPS Notes that she compared them. The January 2010 letter, unlike the March 2009 letter, contained no references to training and managing teams of information systems personnel and recruiting, supervising and overseeing the training of computer technicians.

[30] These pieces of information obviously are the factors considered by the Officer in her assessment of the genuineness of the job offer in relation to a business whose size, nature and type of operation resembles that of Gip Sing. The Officer's weighing of this evidence is deserving of deference.

ANALYSIS

[31] The Applicant says that the Officer's reasons are inadequate:

In short, it is the Applicant's submission that Ms. Tsang has erred in that her reasons have failed to articulate why she refused to accept the Applicant's Arranged Employment. The Applicant further submits that Ms. Tsang breached her duty to (*sic*) procedural fairness through her failure to provide meaningful or adequate reasons.

[32] The Applicant cites well-known authorities that speak to the issue of how reasons should be assessed for adequacy. The Federal Court of Appeal in *Via Rail*, above, had the following to say on point at paragraph 22:

The obligation to provide adequate reasons is not satisfied by merely reciting the submissions and evidence of the parties and stating a conclusion. Rather, the decision maker must set out its findings of fact and the principal evidence upon which those findings were based. The reasons must address the major points in issue. The reasoning process followed by the decision maker must be set out and must reflect consideration of the main relevant factors.

[33] It is also well-known that the purpose of reasons is two-fold. As the Supreme Court of Canada put it in *Lake v Canada (Minister of Justice)*, 2008 SCC 23 at paragraph 46:

...The purpose of providing reasons is twofold: to allow the individual to understand why the decision was made; and to allow the reviewing court to assess the validity of the decision. The

Minister's reasons must make it clear that he considered the individual's submissions against extradition and must provide some basis for understanding why those submissions were rejected....

[34] It is also well-established that a decision-maker must do more than simply recite the evidence and then add a conclusion. A connecting analysis is required that leads from findings of fact to the stated conclusions based upon those facts. In *Adu v Canada (Minister of Citizenship and Immigration)* 2005 FC 565 at paragraphs 14 and 20 , Justice Anne Mactavish put it as follows:

In my view, these 'reasons' are not really reasons at all, essentially consisting of a review of the facts and the statement of a conclusion, without any analysis to back it up. That is, the officer simply reviewed the positive factors militating in favour of granting the application, concluding that, in her view, these factors were not sufficient to justify the granting of an exemption, without any explanation as to why that is. This is not sufficient, as it leaves the applicants in the unenviable position of not knowing why their application was rejected.

...

In contrast, in this case, the officer reviewed the evidence of establishment in Canada offered by the applicants in support of their applications, and then simply stated her conclusion that this was not enough. We know from the officer's reasons that she did not think that the applicants would suffer unusual, undeserved or disproportionate harm if they were required to apply for permanent residence from abroad. What we do not know from her reasons is why she came to that conclusion.

[35] In the present case the reasons are found in the Officer's letter of September 30, 2010 and are supplemented by the CAIPS notes. In sum, the reasons provided are as follows:

I have assessed you based on all documentation and information submitted to this office by you in support of your immigration application. Your prospective Canadian employer (Szeto) Ping Hay of Gip Sing International Ltd explained in his letter dated 28 January 2010 to this office the nature and the operation of his property management business in Oakville, Ontario. Based on his own admission about the nature and the size of his property management

business, the fact that he appears to be the only company executive in his property management business and that he is operating the said business from his own cellphone (*sic*) and residential telephone numbers, I am not satisfied that your prospective Canadian employer genuinely requires you to perform the list of employment duties for his property management company as stated in your Canadian employment offer letter dated 30 March 2009 and in his explanation letter dated 28 January 2010 to this office. I have reasonable grounds to believe the employment duties stated in those two letters letter (*sic*) have been exaggerated for the purpose of facilitating your application for immigration to Canada under the Federal Skilled Worker's Arranged Employment immigration category. I am, therefore, not satisfied that you have a genuine offer of employment in Canada nor am I satisfied that you are likely to accept and carry out the said employment in Canada. As a result, I have not assigned any points to you under the Arranged Employment factor when assessing your application. You have obtained insufficient points to qualify for immigration to Canada, the minimum requirement being 67 points. You have not obtained sufficient points to satisfy me that you will be able to become economically established in Canada.

Subsection 11(1) of the Act states that the foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act. Subsection 2(1) specifies that unless otherwise indicated, references in the Act to "this Act" include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the regulations for the reasons explained above. I am therefore refusing your application.

CAIPS Notes:

HV concerns with authenticity of PI's Cdn Job offer.
There is no info in the public domain and in Cda's Yellow Pages re a business called "Gip Sing International Ltd" in Scarborough, Ont.
Biz tel nbr shown in Cdn er's co ltrhd on which the offer of emp dated 30Mar09 was printed is a cellphone nbr based in Toronto.
Called fax tel nbr shown in Cdn ER's co ltrhd and noted that it does not appear to be a fax nbr as claimed, that it is in fact a residential telephone nbr in Markham, ON.

Noted biz addr shown in Cdn er's co ltrhd is a PO Box addr and not an actual biz office addr.

Noted PI is being offered the position of info systems mgr by Cdn er. Noted that PI's emp duties include train and manage teams of info sys personnels to design, develop, implement, operate, and administer computer software, networks and info systems, supervise computer technicians and oversee their training.

Noted that PI's actual place of work is supposed to be at Gip Sing Intl Ltd's Oakville office located at 579 Kerr St.

Info available in the public domain indicates "579 Kerr St" is the location of a number of retail restaurant and grocery stores in Oakville.

Info available in the public domain re "579 Kerr St" indicates there is only one computer retail store located at that Oakville addr, that it is not owned (*sic*) by PI's Cdn er and it provides computer sales, repairs, and cleaning service.

Concerns ltr prepared on file.

GFK: Pls 1) Send concerns ltr on file

- 2) Send Cdn er ltr requesting co's latest NOA, revenue Cda's docs and records to show the total nbr of staff employed by this co in the past 12 mths or fiscal yr. and proof of biz office and biz activities/projects at 579 Kerr St in Oakville.

17-DEC-2009

Sent concerns ltr
Sent Cdn er ltr

17-DEC-2009

Rec'd concerns reply

Owner of Cdn employer Gip Sing International Lte, Mr. Szeto provides the following docs to show his company is an active operating business.

Corporation profile report issued by the Province of Ontario dated Jan 13, 2010 indicating the company status is "active" and the registered office address is 1711 McCowan Rd in Scarborough.

Cert of status issued by province of Ontario dated 13Jan2010 shows the company status "has not been dissolved".

Mr. Szeto advised that Gip Sing is incorporated on Aug 26, 2004, and owns a commercial plaza property at 579 Kerr St in Oakville which are leased out to various business.

Mr. Szeto confirmed the job offer to PI is authentic.

Mr. Szeto confirmed that the phone no and fax no provided on job offer are his direct lines so as to respond directly to all matters.

Owner provides the following docs to show sufficient resources to hire PI

- 2007 and 2008 NOA
- T4 slips – 2009 for 6 employees of Gip Sing Int'l Ltd filed to CRA
- Copy of stmt of account for current source deductions of Gip Sing for 2009
- Property tax bill of Gip Sing shows location of Gip Sing is at 579 Kerr St., Oakville
- Copy of commercial lease agreement between Gip Sing and a buffet restaurant with annual rental income of over Cad \$19,000.

Feb 11 2010

Rec'd rep's fax dated 15Sep2010 for case status, said they have not heard anything from us since doc submission 8 months ago

Sep 21 2010

Reviewed Cdn employer's biz docs and explanations provided in ltr dated 28Jan10 submitted to this office.

Cdn employer (Szeto) Ping Hay of Gip Sing International Ltd explained in ltr to this office that

1. His co owns a commercial plaza property at 579 Kerr St in Oakville, ON with 14 units available for leasing.
2. Biz nature of his co Gip Sing Intl ltd is property mgmt.
3. He is the president, the director, the secretary, and the treasurer of his co.
4. Co's biz tel nbr is his own cell phone nbr as he is not always on site at 579 Kerr St in Oakville but wishes to respond to all matters relating to his E biz, which is property mgmt.
5. Co's biz fax nbr is his own residential tel nbr as he is not always on site at 579 Kerr St in Oakville but wishes to

respond to all matters relating to his biz, which is property mgmt.

Cdn employer claimed that 13 of his 14 commercial units within the plaza have been leased out and provided a list of 11 biz tenants.

Cdn employer claimed that he required PI to work on site at unit 14, 579 Kerr St. in Oakville, ON.

Cdn employer claimed that he requires PI to perform the following duties:

- a. Build up, deploy and maintain a computerized info system for his co
- b. Setup programs and info system in order to classify the tenant' info, the utility and business types, the visiting customers' info, build up and analyze data model, analyze biz operation, predict co biz development future, and provide data evidence for biz decision.

Noted that Cdn er's job offer ltr 30Mar09 submitted on file indicates PI's job duties to be

- a. Plan, organize, develop, directm (*sic*) control and evaluate the operations of information systems of the business.
- b. Meet with the Director of the business to discuss system requirements, specifications costs and timelines.
- c. Train and manage teams of information systems personnel to design, develop, implement, operate and administer computer software, networks and information systems.
- d. Control the budget and expenditures of the Co projects.
- e. Recruit and supervise computer technicians and oversee their training.

Cdn er submitted copy of revenue Cda's stmt of account for current source deductions for various mths in 2009 showing that he has been paying contributions for an average of about 4 employees.

Based on Cdn er's biz docs submitted on file, I am satisfied an existing commercial property rental biz.

However, based on Cdn er's own admission about the nature and the size of his biz, the fact that he appears to be the only co executive in his property mgmt biz and he is operating the biz from his own cellphone and residential telephone nbr, I am not satisfied that Cdn er's biz genuinely requires PI to perform the list of job duties as stated in the PI's Cdn job offer ltr dated 30Mar09 and Cdn er's explanation ltr dated 28Jan10.

Based on the size and operation of Cdn er's property mgmt biz, I have reasonable grounds to believe the job duties stated in the PI's Cdn job offer ltr and in Cdn er's explanation ltr have been exaggerated for the purpose of facilitating PI's appln for immig to Cda under the are SW immcat.

I am, therefore, not satisfied that that PI has a genuine offer of emp in Cda nor am I satisfied that PI is likely to accept and carry out the said emp in Cda.

10 are pts not assigned to PI.

[36] The CAIPS Notes make it clear that the Officer looked at all of the evidence. Her reasoning process is also clear: when the stated duties of the job are compared with the size and actual operation of the business, it is reasonable to assume that a business of the size and nature of Gip Sing International Ltd. is not likely to require someone to:

- a. Plan, organize, develop, direct control and evaluate the operations of information systems of the business
- b. ...
- c. Train and manage teams of information systems personnel to design, develop, implement, operate and administer computer software, networks and information systems
- d. ...
- e. Recruit and supervise computer technicians and oversee their training.

The evidence was that Gip Sing had paid contributions for an average of only four employees, so that it was unlikely that the Applicant was needed by the business to, for example, “train and manage teams of information systems personnel to design, develop, implement, operate and administer computer software networks and information systems,” particularly when the owner’s current mode of operations is examined and taken into account.

[37] Other stated duties do not seem to be out of line:

b. Meet with the Director of the business to discuss system requirements, specifications costs and timelines

...

d. Control the budget and expenditures of the Co projects

[38] The plurals used in the job description create a very different impression from the facts gathered by the Officer concerning the actual business. It looks as though a considerable amount of exaggeration has taken place; the established facts about the business lead to a reasonable conclusion that the business does not require the Applicant to perform all of the duties set out in the list of job duties that was provided to the Officer.

[39] This is much more than a statement of facts with a bald conclusion added. The Decision says that when the list of job duties is compared with the actual size of this business, and with the way it actually operates, there is an obvious unexplained disconnect from which it is reasonable to conclude that the business does not really need the Applicant to perform all of the stated duties, and that the exaggeration of those duties has taken place to facilitate the Applicant’s immigration to Canada.

[40] In my view, nothing could be plainer. The reasons are not extensive but they are adequate because they allow the Applicant to see how and why the Decision was made and they also allow the Court to assess their validity. “I am satisfied that these reasons taken as a whole are sufficiently intelligible and transparent and justified so as to enable the Applicant to understand what was considered by the Officer and the conclusions reached in respect of the relevant issues,” to use the words of Justice Roger Hughes in *Rachewiski v Canada (Minister of Citizenship and Immigration)* 2010 FC 244 at paragraph 24.

[41] The reasons are adequate and, when the Officer’s conclusions are examined against the evidence before her, they are reasonable. I cannot find a reviewable error in this Decision.

JUDGMENT

THIS COURT'S JUDGMENT is that

1. The application is dismissed.
2. There is no question for certification.

“James Russell”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7356-10

STYLE OF CAUSE: JIN ZHONG

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: June 16, 2011

**REASONS FOR JUDGMENT
AND JUDGMENT** Russell J.

DATED: August 9, 2011

APPEARANCES:

Mr. Ian Wong

FOR THE APPLICANT

Ms. Nadine Silverman

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Ian Wong
Barrister & Solicitor
Toronto, Ontario

FOR THE APPLICANT

Myles J. Kirvan
Deputy Attorney General of Canada

FOR THE RESPONDENT