Federal Court  Cour fédérale

Date: 20130301

Docket: IMM-4064-12

Citation: 2013 FC 215

Ottawa, Ontario, March 1, 2013

PRESENT: The Honourable Madam Justice Strickland

BETWEEN:

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Applicant

and

MEI FANG CHEN

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application by the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the IRPA), for judicial review of the April 12, 2012 decision of a panel of the Immigration Appeal Division of the Immigration and Refugee Board (the Panel) allowing the appeal by Mei Fang Chen of a visa officer's decision refusing to issue a permanent resident visa to Mu Bao Yang, the Respondent's spouse. The refusal was based on section 4 (now subsection 4(1)) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the Regulations), and the officer's

determination that the marriage was not genuine and was entered into primarily for the purpose of Mu Bao Yang gaining entry into Canada.

I. Background

[2] The Respondent and her spouse grew up in the same village in China and eventually began a romantic relationship. The Respondent lived with her brother from 1993 until 1997, while she and her spouse were dating. In December 1997, the Respondent learned that she was pregnant. The Respondent and her spouse submitted that they then began a common-law relationship.

[3] The Respondent's son was born on August 15, 1998. The Respondent found out that she was pregnant again in early 2005, causing her and her spouse to fear being punished by the Chinese authorities for violation of China's birth control policy. In March 2005, the Respondent arrived in Canada and made a successful claim for refugee status. On October 11, 2005, her second son was born in Canada. DNA testing confirms that the Respondent and her spouse are the true biological parents of both boys.

[4] The Respondent became a permanent resident of Canada on January 18, 2007. On July 31, 2007, during a two month visit by the Respondent to China she and her spouse married. At the end of that visit she left her younger son in China with her spouse. In 2008 the Respondent returned to China for a three month visit. This time when she returned to Canada her youngest son accompanied her. Later in 2008 the youngest son again visited China, returning to Canada in 2010. The Respondent has not been back to China since her second trip in 2008.

[5] Pursuant to subsections 11(1) and 12(1) of the IRPA and subsections 116 and 117(1)(a) of the Regulations, the Respondent sought to sponsor her spouse as a member of the family class in gaining permanent residence in Canada. The spouse's application was refused. The visa officer found that pursuant to section 4 (now subsection 4(1)) of the Regulations, the Respondent's marriage was not genuine and that its primary purpose was for her spouse to gain admission to Canada. This finding made the spouse ineligible as a member of the family class. The officer's decision was set aside on appeal by the Panel in its Reasons and Decision dated April 12, 2012 (the Decision). The Minister now seeks judicial review of the Decision.

[6] For the reasons that follow, the application for judicial review is dismissed.

II. The Decision

[7] In its Decision the Panel noted the various documentation filed by the Respondent in support of the appeal, the authenticity of which was not challenged. This included a translated certificate from Fuqing City Lin Yang Primary School disclosing that the Respondent and her spouse were enrolled there from September 1983 to July 1988 and a translated copy of a certificate issued by the Chijiao Villigers' Committee in Chapu Town, Fuqing City stating that the Respondent and her spouse were born in that village as was, on August 15, 1998, their eldest son and that in April 2005 the Respondent and her spouse paid a penalty in order to register the birth of their son so that he could attend school in China. The evidence also included a Confirmation of Enrolment form relating to their eldest son and referring to the Respondent and her spouse as being his parents; numerous photographs of the Respondent and her spouse together with their children; and, a DNA laboratory report confirming that the Respondent and her spouse were the biological parents of both

of their sons.

[8] The Panel gave great weight to its determination that the two children were born to the Respondent and her spouse. It noted the fact that the Respondent made one post- marital trip to China where she, her spouse and their children resided as a family unit for approximately three months, that the Respondent and her spouse are in regular and frequent communication with each other, that they had similar plans if the spouse were to immigrate to Canada, and, that they are also compatible as to age, education, ethnicity and socio-economic background.

[9] The Panel noted that there were some contradictions in the evidence given by the Respondent and her spouse, including that the Respondent stated that she and her spouse had lived with her brother in China while her spouse stated that they lived with his brother. The spouse also stated that he registered his son's birth certificate, while the Respondent said it was registered by her brother. The spouse further stated that his brother helped finance the purchase of the Respondent's condominium in Toronto while the Respondent stated that it was her brother who provided the loan. As to her criminal conviction, the Respondent stated in general terms that her spouse knew of it and, in his testimony, her spouse confirmed a general knowledge of the Respondent's conviction. His incorrect knowledge of her employment in Alberta was, however, consistent with the Respondent's evidence that she did not disclose particular information regarding her criminal conviction to her spouse.

[10] The Panel concluded that, upon careful consideration of the oral and documentary evidence and on the balance of probabilities, the inconsistencies in the evidence did not denigrate from the other evidence going to the genuineness of the Respondent's marriage and allowed the appeal.

III. Issues

[11] The Applicant raises only one issue in this application for judicial review - was the Panel's determination that the Respondent and her spouse were in a genuine marriage reasonable?

IV. Standard of review

[12] The Supreme Court of Canada has held that a standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to a 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 (*Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*]).

[13] This Court has held that the determination of whether a marriage is genuine is a question of fact to be evaluated on the reasonableness standard (see *Chen v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1268 at para 4 and *Buenavista v Canada (Minister of Citizenship and Immigration)*, 2008 FC 609 at paras 4 and 5). 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 para 59 [*Khosa*]).

V. Analysis

[14] The Minister's position is that there were significant inconsistencies in four areas of the evidence given by the Respondent and her spouse whereas, in a genuine relationship, it would reasonably be expected that they would have provided consistent evidence. These four areas of evidence are: a) the registration of their eldest son for school; b) who they lived with as common law spouses between the years 1997 and 2005; c) when the Respondent purchased her condominium in Toronto; and, d) the Respondent's arrest and incarceration in Alberta. Given these inconsistencies, the Panel's decision was unreasonable.

[15] The position of the Respondent is, in essence, that the Panel carefully considered and weighed all of the evidence, including the contradictory evidence given by the Respondent and her spouse, and came to a reasonable decision. As such, this Court may not substitute its own view of a preferable outcome or reweigh the evidence. Accordingly, the Panel's decision must stand.

a) *Late Registration of Eldest Son*

[16] With respect to the eldest son's school registration, the Respondent testified before the Panel that her older brother registered her son for school in 2005, when the Respondent was already in Canada. The Respondent asked her brother to do this because if she or her spouse had done so then they would have been identified by the authorities as having violated China's birth control policies and subjected to many sanctions including sterilization; however, in having her brother register her

son they only had to pay a fine. Previously, during the interview with the officer, the Respondent's spouse gave evidence that he was the one who registered his son for school and, with the exception of paying a fine, he faced no difficulties in doing so. In its application the Minister adds that the spouse had made no mention of potential sterilization. The Minister asserts that the Panel failed to address this inconsistency and made no mention of the spouse's contrary evidence. Therefore, the Panel's analysis surrounding the Respondent's son's school registration was unreasonable.

[17] Paragraphs 60 and 61 of the Decision states as follows:

> [60] The appellant stated that she and the applicant lived with her brother in China. The applicant stated that he and the appellant lived with his brother. The applicant stated that he registered his son's birth certificate. The appellant stated that the birth certificate was registered by her brother.
>
> [61] The panel, while acknowledging these conflicts in evidence, notes that regardless of the person with whom the appellant and applicant lived, that on the balance of probabilities and on the evidence adduced at this hearing the appellant and applicant lived together for several years in a common-law relationship. The child was registered in his own name. At the time of the registration a fine was paid which is consistent with the testimony given by the appellant with respect to her fear of the birth control policies of China.

[18] In my view, the Panel did recognize the inconsistent evidence as to who registered the eldest son's birth certificate. Further, the Computer Assisted Immigration Processing System notes (CAIPS notes) of the officer generated with respect to the February 12, 2009 interview of the spouse were before the Panel and read as follows:

> …Did you live together? Yes. From what time to what time? From Dec 1997 to 2005. That's the span of 8 years. Were you married? No. Why? I did propose but her parents objected. How do you explain then that you were able to live together for 8 years did her parents not object to that? Pi smiles. She was pregnant and that's

> when we started to live together. To have a baby out of wedlock is against PRC policy. Do you have proof of the fee penalty for violating/breaching that policy? We did not apply for the Family Register until 30 March 2005.
> We got the baby's Birth certificate in March 2005. Were you fined at that time? Yes. Do you have proof? No. Why? I did not keep it. Sir you are not credible….

[19] And, when asked why they did not opt to marry in March 2005 before the Respondent's departure for Canada, the spouse responded: "If we went to the Marriage registration office we would need to be enforced with the birth control surgery. Please explain. After one child we would need to get the birth control surgery…..".

[20] It seems to me that the evidence before the Panel was consistent in that both the Respondent and her spouse indicated their eldest son's birth was late registered because they were concerned that they would have to pay a penalty or fine as a result of the birth out of wedlock. Upon the registration they did pay such a penalty as documented above. Further, at the time of the registration the Respondent was again pregnant. This gave rise to the another concern, expressed by both the Respondent and her spouse, that they would be subject to birth control surgery due to China's one child policy. It also led to the Respondent's departure for Canada where she sought and was granted refugee status. The sole inconsistency is whether the spouse or the Respondent's brother registered the eldest son. The Panel, at paragraphs 60 and 61 of its Decision, specifically acknowledged this inconsistency but elected to give it little weight when it considered the evidence in whole, stating in that regard:

> [67] Upon careful consideration of the oral and documentary evidence the panel finds on the balance of probabilities that the inconsistencies in the evidence do not denigrate from the other evidence going to the genuineness of the appellant's marriage. The

> weight of the evidence falls on the balance of probabilities in favour of allowing this appeal.

[21] The inconsistency as to who registered the eldest son for school was a minor one which was recognized and addressed by the Panel. Further, the jurisprudence of this Court confirms that the relative weight to be given to evidence of the genuineness of a marriage is exclusively up to the officer or panel (see *Keo v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1456 at para 24), that tribunal decisions are not to be microscopically reviewed (*Chowdhury v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1155 at para 12) and that considerable deference must be accorded by this Court to decisions of specialized tribunals such as the Panel (*Dunsmuir*, above). Accordingly, I find that it was open to the Panel and reasonable for it to conclude as it did on this issue.

b) *Common Law Place of Residence*

[22] The Minister argues that the Panel erred in failing to explain why it disregarded the discrepancy between the Respondent's evidence on this issue and that of her spouse. Specifically, the Respondent testified that she and her husband lived with her brother before she left for Canada, while her spouse stated that they lived with his family. The Minister further argues that the Panel did not specify the alternate evidence it relied on to overcome this discrepancy and to conclude that the Respondent and her spouse had lived together in a long term common law relationship. Accordingly, the Minister asserts that the Panel's reasons are deficient.

[23] In this regard, paragraphs 60 and 61 of the Decision specifically acknowledge this inconsistency and the Panel went on to conclude that, regardless of the person(s) with whom the

Respondent and her spouse resided, they did live together for several years in a common-law relationship.

[24] The evidence on the record before the Panel included the Respondent and her spouse's testimony before the Panel; the Affidavit of the Respondent filed in support of the appeal and its exhibits which included a translation of the Confirmation of Enrolment form relating to their eldest son and referring to the Respondent and her spouse as being his parents; a copy of the Canadian passport of the younger son confirming his stay in China between June 27, 2007 and September 4, 2008 and between October 12, 2008 and January 2010; the evidence of both the Respondent and her spouse that the younger son resided with the spouse during this time; and, statements of the spouse, the Respondent's father and a close friend of the Respondent confirming that the Respondent and her spouse resided together from late 1997 to March 2005 when she departed for Canada. Based on the testimony of the Respondent and her spouse and on the DNA laboratory report of Maxxam Analytics Inc., the Panel was also satisfied on the balance of probabilities that the children are the children of the relationship of the Respondent and her spouse. That finding was not challenged in this application.

[25] In my view, the Panel addressed the inconsistency in the evidence as to where the Respondent and her spouse resided during their common law relationship and reasonably concluded, regardless of same, that based on the whole of the evidence before it and on the balance of probabilities, the Respondent and her spouse did live together in a common law relationship in China for a number of years. In this regard it is also significant that their eldest son was born on

August 15, 1998 and that the Respondent became pregnant with the younger son in 2005. This strongly supports the existence of the ongoing long term relationship.

[26] Furthermore, while the Minister argues that the Panel failed to specify what evidence it relied on to overcome the discrepancy in the evidence and to conclude that the Respondent and her spouse lived in a long term common law relationship, as I have noted above, there was various evidence before the Panel that supports such a conclusion, and there is no indication that any of it was overlooked. The Panel is presumed to have considered all of the evidence before it (see *Khera v Canada (Minister of Citizenship and Immigration)*, 2007 FC 632 at para 7 [*Khera*]) and was not obligated to mention every piece of evidence it relied on (*Sanchez v Canada (Minister of Citizenship and Immigration)*, 2008 FC 134 at para 11). As a result, the Panel's conclusion on this matter was reasonable.

c) *Date of Purchase of Condominium*

[27] As to the condominium purchase, the Minister notes that the Respondent's testimony before the Panel was that in April 2008 she purchased a condominium unit in Toronto with money received from various sources, including cash received as wedding gifts. However, at the same hearing the spouse was unable to say if the Respondent purchased the unit before or after they married.

[28] The Minister acknowledges that the Panel, at paragraph 62 of its Decision, addressed the ownership of the condominium. However, the Minister takes the position that because the Panel did not specifically refer to the fact that the spouse did not know when the unit was purchased and

because the Panel failed to state in its reasons how the fact that the spouse knew that the Respondent owned the condominium served to establish that they were in a genuine relationship, that the Panel's analysis was unreasonable.

[29] At the hearing the spouse was asked where he would live if he were to come to Canada. He answered that he would live with his wife and kids. He was then asked if he knew if his wife owned property in Canada. He replied that he knew she bought property there. When asked how she got the down payment he stated that his brother sent money, that she borrowed some "And then when the wedding reception happen, people bring money as a gift."

[30] This testimony is reflected in the Decision:

> [40] The applicant knew that the appellant owned her own residence in Toronto which, he stated, is where he and his son would reside were they to immigrate to Canada. The applicant stated that the funds were required for the down payment to purchase the condominium were derived by monies lent to the appellant by her brother and the money they received from wedding gifts…
>
> [62] The applicant stated that his brother helped finance the down payment for the purchase of the appellant's condominium in Toronto. The appellant stated that it was her brother who loaned her the money in this regard. The fact remains that the appellant is the owner of this condominium and that the applicant knew that the appellant owns a condominium in Toronto.

[31] When asked at the hearing about the specific timing of the condominium purchase, the spouse replied that it was a long time ago and that he had forgotten when it occurred.

[32] Based on the evidence before it, the Panel was aware that the spouse could not recall exactly when the Respondent purchased the condominium. The fact that the Panel did not state this in the

Decision is not unreasonable or a reviewable error. Further, the spouse knew and stated that money received as gifts at the July 31, 2007 wedding was used, in part, to fund the down payment for the condominium. Impliedly then, the condominium purchase in April 2008 was subsequent to wedding.

[33] The Panel need not state in its reasons precisely how "the mere fact" that the Respondent's spouse was aware of the fact that she owned a condominium established that they were in a genuine relationship. The Panel was required to review and weigh all of the evidence before it in determining if a genuine relationship existed, or, if it was entered into primarily for the purpose of acquiring any status or privilege under the IRPA. In this case the Panel found that the salient point was that the Respondent is the owner of the condominium and that her spouse knew that she owns a condominium in Toronto. This, when considered with the all of the other evidence, led to the Panel's conclusion that, on the balance of probabilities, the marriage was not entered into primarily for the purpose of acquiring any status or privilege under the IRPA and that it is a genuine marriage. As the Panel is presumed to have considered and all the evidence and weighed it appropriately (see *Persaud v Canada (Minister of Citizenship and Immigration)*, 2012 FC 274 at para 15), and there is no indication that any evidence was overlooked, the Panel's conclusion on this issue was reasonable.

d) The Respondent's Conviction

[34] As regards to the Respondent's arrest and incarceration, the Minister points out that the Respondent's spouse did not know when the Respondent was arrested or the reason for the arrest. The Minister acknowledges that the Panel was not concerned with this lack of knowledge and found

that because the Respondent's spouse was generally aware that the Respondent had been incarcerated in Alberta that the lack of knowledge was immaterial. However, the Minister asserts that the Panel had "an obligation to explain in its reasons why it would consider such a fact immaterial" given that it is reasonable to assume that in a genuine relationship such a matter would be discussed between spouses.

[35] The Panel did address this matter in its reasons:

> [63] The appellant stated in general terms that the applicant knew of her criminal conviction in Alberta and the fact that she was detained. The applicant in his testimony revealed a general knowledge of the applicant being detained in Alberta. The applicant gave incorrect evidence as to the nature of the appellant's employment in Alberta, which is consistent with the evidence given by the appellant to the effect that she did not disclose particular information regarding her criminal conviction to the applicant.

[36] It found, at paragraph 67, upon careful consideration of the oral and documentary evidence, that on the balance of probabilities the inconsistencies in the evidence do not denigrate from the other evidence going to the genuineness of the appellant's marriage.

[37] In my view, with respect to the conviction, there was no inconsistency in the evidence. The spouse only knew, and therefore could only testify to, general information pertaining to that event because that was all that he was told by the Respondent. Further, the Panel in its reasons did indicate why the spouse's lack of detailed knowledge as to the Respondent's conviction was reasonable in the circumstances and also stated that its Decision was based on its review of all of the evidence. There was no obligation on the Panel to do more.

[38] As to the whole of the application, the standard of reasonableness which is applicable to the question of the purpose for or genuineness of a marriage entitles a decision-maker to a high level of deference and such decisions must be interpreted as a whole (see *Khera*, above, at paragraph 7). In this case, the Panel reviewed the evidence and determined that, on the whole, the Respondent's marriage to her spouse was genuine and was not entered into primarily to acquire status under the IRPA. A review of the record does not reveal that the Decision was "outside the range of possible, acceptable outcomes which are defensible in respect of the facts and law" (See *Dunsmuir* at paragraph 47 and *Khosa*, above, at paragraph 59).

[39] With respect to children of the marriage, this Court has stated that:

> When the Board is required to examine the genuineness of a marriage under ss. 63(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, it must proceed with great care because the consequences of a mistake will be catastrophic to the family. That is particularly obvious where the family includes a child born of the relationship. The subsequent birth of a child would ordinarily be sufficient to dispel any lingering concern [as to genuineness.]
>
> …
>
> The Board was correct in acknowledging that, in the assessment of the legitimacy of a marriage, great weight must be attributed to the birth of a child. Where there is no question about paternity, it would not be unreasonable to apply an evidentiary presumption in favour of the genuineness of such a marriage. There are many reasons for affording great significance to such an event not the least of which is that the parties to a fraudulent marriage are unlikely to risk the lifetime responsibilities associated with raising a child.
>
> See *Gill v Canada (Minister of Citizenship and Immigration)*, 2010 FC 122 at paras 6-8.

[40] In its Decision the Panel correctly placed great weight on the fact that Respondent and her spouse have two children together. However, this was not the only factor that it relied on in

determining that "the inconsistencies in the evidence [did] not denigrate from the other evidence going to the genuineness of the…marriage." For example, the Panel noted at paragraphs 56 to 59 of the Decision that:

- The Respondent made one post-marital trip to China, at which time she and her spouse and their children resided together for over two months;
- The Respondent and her spouse are in frequent contact with one another;
- The Respondent's spouse has not made any previous attempts to come to Canada;
- There was no persuasive evidence to indicate that the spouse has any close family members living in Canada besides his wife and younger son;
- The Respondent and her spouse share similar plans in the event that her spouse is able to immigrate to Canada;
- They are compatible with regards to age, education, ethnicity and socio-economic background.

[41] The Panel also considered letters submitted by friends and family of the Respondent and her spouse which speak to their mutual desire to be reunited as a family.

[42] In the submission made before me on behalf of the Minister it was argued that the Respondent's spouse admitted that his marriage was not genuine and was entered into primarily for the purpose of gaining entry into Canada when, during his interview with the officer, he replied "yes" to the officer's statement "[s]o it seems to me the purpose of your marriage is to live in [Canada]?". The response to that question was not pursued by the officer, who asked no follow up questions. And, when the spouse's translated answer is read in the context of that interview as a

whole and the subsequent evidence before the Panel, I do not think it serves as an admission fatal to the genuineness of the marriage.

[43] The jurisprudence of this Court confirms that there is no specific test or set of tests established for determining whether a marriage or relationship is genuine and that the relative weight to be given to each is exclusively up to the officer or panel (see *Keo v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1456 at para 24; *Zheng v Canada (Minister of Citizenship and Immigration)*, 2011 FC 432 at para 23; *Ouk v Canada (Minister of Citizenship and Immigration)*, 2007 FC 891 at para 13; *Khan v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1490 at para 20). In this case the Panel used its discretion and, despite the evidentiary inconsistencies that it noted, concluded that the marriage was genuine and was not entered into primarily for the purpose of acquiring any status or privilege under the IRPA.

[44] The Applicant also argues that the Panel's analysis and reasons regarding the four areas of discrepancy were deficient. However, the Supreme Court of Canada has recently established that the adequacy of reasons is not a freestanding ground for quashing a decision (see *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16 [*Newfoundland Nurses' Union*]) and that:

> A decision-maker is not required to make an explicit finding on each constituent element, however subordinate, leading to its final conclusion *(Service Employees' International Union, Local No 333 v Nipawin District Staff Nurses Assn*, [1975] 1 SCR 382, at p 391). In other words, if the reasons allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes, the *Dunsmuir* criteria are met.

[45] As stated in *Gan v Canada (Minister of Public Safety and Emergency Preparedness)*, 2006 FC 1329 and as quoted in *Achahue v Canada (Minister of Citizenship and Immigration)*, 2012 FC 1210 at para 21:

> It is not sufficient for an Applicant seeking judicial review to identify errors with respect to a few of the Board's findings of fact or some weakness in its analysis of the evidence. A decision will be maintained if it can be seen to be supported by other factual findings reasonably made.

[46] Furthermore, as Mr. Justice Michael M.J. Shore stated in *Kitomi v Canada (Minister of Citizenship and Immigration)*, 2012 FC 1293 at para 41:

> There is a rebuttable presumption that the IAD has considered the totality of evidence in assessing whether a marriage is a bad faith marriage (*Provost v Canada (Minister of Citizenship and Immigration)*, 2009 FC 1310 at para 31). According to the jurisprudence of this Court, the presumption may be rebutted if the IAD did not, at least, address evidence that is relevant to the question at issue and contradicts its conclusion on that issue. As Justice John Maxwell Evans held in *Cepeda-Gutierrez*:
>
> > [17] ... the more important the evidence that is not mentioned specifically and analyzed in the agency's reasons, the more willing a court may be to infer from the silence that the agency made an erroneous finding of fact 'without regard to the evidence' ... In other words, the agency's burden of explanation increases with the relevance of the evidence in question to the disputed facts"

[47] Here the Panel addressed the discrepancies in the evidence and concluded that the incidences of marriage outweighed them. The Applicant is ultimately unhappy with a perceived lack of stated reasons on certain of the issues and with weight the Panel ascribed to the four areas of inconsistent evidence put forward in its submission.

[48] The role of a reviewing court is to examine the reasons together with the record to determine if the outcome is within the range of possible, acceptable outcomes. Having done so I am of the view that the Decision, taken as a whole, is reasonable. The Panel's analysis and reasons were adequate and, in any event, any inadequacy is not in itself sufficient to warrant the quashing of the Decision. Moreover, it is not the role of the Court to reweigh the evidence. Accordingly, and for the reasons above, this application is dismissed.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed. No question of general importance for certification has been proposed and none arises. There is no order as to costs.

"Cecily Y. Strickland"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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