

Federal Court



Cour fédérale

Date: 20130528

Docket: IMM-9519-12

Citation: 2013 FC 555

Ottawa, Ontario, May 28, 2013

PRESENT: The Honourable Mr. Justice Boivin

BETWEEN:

**MARIA POSPELOVA
and PINO GUERRA**

Applicants

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*, SC 2001, c 27 (the Act) for judicial review of a decision rendered by a Citizenship and Immigration Canada Officer (the officer) dated June 28, 2012. The applicants filed an application to sponsor a member of the family class. The officer determined that the applicants were not eligible sponsors because they did not meet the minimum necessary income requirement

prescribed by the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the Regulations).

[2] The applicants were self-represented at hearing before this Court.

Factual background

[3] In December 2007, Ms. Maria Pospelova (the main applicant) and Mr. Pino Guerra (the co-signer; together, “the applicants”) submitted an application to sponsor the main applicant’s mother and her dependant daughter, who currently live in Russia (Tribunal Record, pp 10-15). Along with the sponsorship application itself, the applicants also completed a financial evaluation and submitted the following supporting documents to Citizenship and Immigration Canada: a letter from a realty broker for whom the co-signer worked as an independent contractor, along with a cheque stub; a statement of income and retained earnings from the co-signer’s roofing company; a statement of revenue and expenses for rental properties; and an income statement for 809210 Ontario Ltd, for which the co-signer is the sole shareholder (Application Record, Affidavit of Pino Guerra, Exhibit 1, pp 6-15). The applicants reported their total income available to sponsor as being \$159,799 (Application Record, Affidavit of Pino Guerra, Exhibit 1, p 6). A letter confirming receipt of their application was sent on January 11, 2008 (Application Record, Affidavit of Pino Guerra, Exhibit 3).

[4] A letter from Citizenship and Immigration Canada dated November 25, 2011, requested additional information from the applicants to be submitted within ninety (90) days. A document checklist indicating which documents to submit was attached to the letter, but not provided to the Court (Application Record, Affidavit of Pino Guerra, Exhibit 4). In a letter dated May 8, 2012,

Citizenship and Immigration Canada confirmed that the applicants' application was received on February 22, 2012 and was complete (Application Record, Affidavit of Pino Guerra, Exhibit 5).

[5] On June 11, 2012, the officer requested an original Option C-Printout from the applicants, as well as all T4 and T5 slips, for taxation years 2006 and 2007. Option C-Printouts are summaries provided free of charge by the Canada Revenue Agency (CRA) which set out, in a concise manner, information that is equivalent to that found on a notice of assessment. The officer requested the documents be received by August 10, 2012 (Tribunal Record, pp 27-28). The applicants requested Option C-Printouts from CRA and received them on June 18, 2012. The applicants were leaving the country for summer holidays on June 19, 2012, only to return at the end of August 2012 (Application Record, Affidavit of Pino Guerra, Exhibit 6). The applicants claim not to have had time to verify and review the Option C-Printouts and accordingly sent them immediately to Citizenship and Immigration Canada along with their T4 and T4A slips to comply with the officer's request (Application Record, Affidavit of Pino Guerra, para 7-8).

[6] The main applicant's Option C-Printout for 2006 revealed a total income (line 150) of \$3,541, and the printout for 2007 indicated a total income of \$9,541. The co-signer's Option C-Printout for 2006 indicated a total income of -\$12,227, while the 2007 printout indicated a total income of \$4,120. The co-signer's T4A slips for 2006 and 2007 stated self-employed commission amounts of \$12,255 and \$34,010, respectively (Tribunal Record, pp 29-41).

[7] The applicants had to meet the minimum necessary income for a family of five (5), including themselves and their son, along with the main applicant's mother and her dependant child

who were being sponsored. The minimum necessary income, based on 2007 figures for a family of five (5) persons, was \$43,791 (Affidavit of Sharon Ferreira, dated April 8, 2013, p 34).

Impugned decision

[8] In a letter dated June 28, 2012, the officer indicated that the applicants were ineligible to sponsor their family members because they did not meet the minimum necessary income requirement pursuant to subparagraph 133(1)(j)(i) of the Regulations. The applicants' eligible income was calculated using the T4 slips and Option C-Printouts they provided (Tribunal Record, p 9). Their income was calculated for the twelve (12) months prior to their application (from December 18, 2006 until December 18, 2007). The officer found their total available income for the relevant period to be \$15,559, below the minimum required, and thus concluded that they were ineligible. Because the main applicant had indicated on the sponsorship application that she wished to withdraw her application if she was found ineligible, it was officially withdrawn at that time (Tribunal Record, p 10). The applicants were refunded all fees paid with the exception of the \$75 sponsorship fee.

Additional affidavit

[9] The applicants filed an additional affidavit on December 7, 2012, containing revised notices of assessments for both applicants and revised Option C-Printouts for the co-signer's 2007 taxation year. The revised 2007 notice of assessment for the co-signer shows a total income of \$37,167 (instead of the initial \$4,120), and \$10,741 for the main applicant (instead of the initial \$9,541) (Additional Affidavit of the Applicants, Exhibits 1 and 2). However, it is undisputed that they were not before the officer. They were obtained after the applicants learned they were ineligible.

Issue

[10] The sole issue raised in the present application is whether the officer's finding that the applicants did not meet the minimum necessary income, and thus were ineligible to sponsor their family member's application for permanent residence, was reasonable.

Statutory provisions

[11] The relevant provisions in this application for judicial review are found in the Regulations. They are set out in Annex to these reasons for judgment and judgment.

Standard of review

[12] The issue in the present application for judicial review – namely, whether the applicants meet the financial requirements for sponsorship under the Act and its Regulations – is a factual determination made by the officer. As such, the officer's decision will be reviewed under the standard of reasonableness (*Dokaj v Canada (Minister of Citizenship and Immigration)*, 2009 FC 847 at para 18, 82 Imm LR (3d) 239; *Chahal v Canada (Minister of Citizenship and Immigration)*, 2007 FC 953, 65 Imm LR (3d) 141 [*Chahal*]). The Court will therefore examine the “existence of justification, transparency and intelligibility within the decision-making process” as well as “whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law” (*Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47, [2008] 1 SCR 190 [*Dunsmuir*]).

Arguments

[13] The applicants claim that they were deemed ineligible to sponsor because of an incorrect Option C-Printout, which they have now corrected and produced before this Court. Insisting that the sponsorship process was initiated over five (5) years ago, the applicants claim that it would be unjust not to allow them the opportunity to have their application reviewed with the corrected notices of assessment and Option C-Printouts. The applicants also claim that at the time of making the decision, the officer had T4 slips which totalled \$43,625 without any additional business income, which is only \$166 short of the minimum necessary income. The applicants claim that the officer chose the lower figure depicted by the Option C-Printouts without requiring clarification from them and without referring to the T4 slips.

[14] The respondent disagrees and claims that the officer considered all the documentation provided by the applicants and rendered a reasonable decision. The respondent maintains that the applicants provided documents with their sponsorship application which were sparse and did not include verifiable records such as pay stubs or bank statements. With regards to the incorrect Option C-Printouts initially provided in June 2012, the respondent submits that the applicants bear the onus of putting their “best foot forward” when completing their applications, and must ensure that all information submitted is accurate (citing *Arumugam v Canada (Minister of Citizenship and Immigration)*, 96 ACWS (3d) 467, [2000] FCJ No 445 (QL) at para 29 [*Arumugam*]).

[15] The respondent also observes that the new documents provided by the applicants in their December 7, 2012 affidavit show an increase in the co-signer’s net commission income for 2007 of over \$32,000, while his gross commission income remained the same. The respondent claims that in

any event, this new information was not before the officer at the time of making the decision, and barring issues of jurisdiction or procedural fairness, new evidence cannot be considered upon judicial review (*Oloumi v Canada (Minister of Citizenship and Immigration)*, 2012 FC 428 at para 10, [2012] FCJ No 477 (QL) [*Oloumi*]).

[16] Finally, the respondent indicates that the applicants have voluntarily chosen the option of withdrawing their application in the event that they were found ineligible by checking the corresponding box on their sponsorship application. Pursuant to section 119 of the Regulations, their family member's application for permanent residence was also discontinued at that time. The decision to withdraw their application if found ineligible cannot be appealed. The respondent recalls that the consequences of this choice were fully outlined in the Sponsor's Guide (Affidavit of Sharon Ferreira dated April 8, 2013, Exhibit A, p 15), which is provided to applicants with the application to sponsor and also made available online.

Analysis

[17] Subsection 134(1) of the Regulations describes the manner in which the sponsor's income is calculated. This methodology was also summarized in the officer's decision (Tribunal Record, p 7). The Regulations indicate that the income is to be calculated on the basis of the income reported on the notice of assessment (or an equivalent document issued by the Minister of National Revenue, such as the Option C-Printout) for the most recent taxation year preceding the filing date of the application. If a sponsor produces such a document (a notice of assessment or an Option C-Printout), the income reported on line 150 of the document will be used (Respondent's Record, Affidavit of Sharon Ferreira, IP 2 Manual: Processing Applications to Sponsor Members of the

Family Class, p 66). If a sponsor does not produce a notice of assessment or an Option C-Printout, or if the income reported on line 150 of such a document does not meet the minimum necessary income, the officer will calculate the sponsor's Canadian income for the twelve (12) months preceding the date of filing of the sponsorship application, excluding amounts listed in subparagraphs 134(1)(c)(i) to (v). The income of a co-signer is to be calculated in the same manner and added to the sponsor's income.

[18] The officer's notes indicate that the applicants did not meet the minimum necessary income using the first method of calculation (i.e., using the amount reported on line 150 of the Option C-Printout for the year preceding their application – in this case, 2006). The officer therefore proceeded to the other method of calculating the applicants' income, which, pursuant to paragraph 134(1)(c) of the Regulations, involves examining the applicants' income for the twelve (12) months preceding the date of filing the sponsorship application (Tribunal Record, p 42). In the applicants' case, this period is between December 18, 2006 and December 18, 2007 (Tribunal Record, p 9).

[19] The officer used the main applicant's reported income on her T4 slip for 2006, prorated to reflect her employment income from December 18, 2006 until December 31, 2006, as well as the entire amount of employment income reported on her 2007 T4 slips (earned between January and July 2007). The officer also used her 2006 Option C-Printout to include an amount of "other income". The officer used the co-signer's 2006 Option C-Printout to calculate net rental income and net commission income, prorating the amounts to reflect the period comprised between December 18, 2006 and December 31, 2006. Similarly, the 2007 Option C-Printout was used to calculate universal child care benefit amounts, net rental income and net commission income, prorating the

amounts to reflect the period comprised of January 1, 2007 to December 18, 2007. The officer's calculation method is not questioned by the applicants. It led the officer to a total available income amount of \$15,559.01.

[20] There is no evidence before the Court that could lead it to conclude that the officer's decision was unreasonable. When no notices of assessment or Option C-Printouts were sent with the application, the officer requested them. Upon realizing that the income reported for 2006 on line 150 of these documents would be insufficient, the officer examined the twelve (12) month period prior to submitting the application, therefore including a significant portion of 2007 (December 18, 2006 until December 18, 2007). The resulting amount of income calculated is supported by the evidence, even when taking into account the other documents initially provided by the applicants.

[21] Indeed, several documents initially provided by the applicants are for the year 2006, of which only two (2) weeks can be taken into account (December 18, 2006 until December 31, 2006). Prorating these amounts results in a figure much lower than that alleged by the applicants. The document reporting earnings from the co-signer's roofing company cannot be taken into account since it reports on the year 2006 ending on October 31, 2006 (Application Record, Affidavit of Pino Guerra, Exhibit 1, p 13). Furthermore, documents from the real estate broker, for which the co-signer is an independent contractor, report gross commission amounts (Application Record, Affidavit of Pino Guerra, Exhibit 1, p 12; Tribunal Record, pp 40-41). The Court is satisfied that the officer did not ignore any relevant information when coming to the conclusion reached in this case. In fact, the officer relied on the most reliable information at hand: the T4 slips and the Option C-Printouts from CRA.

[22] The Court also finds it was reasonable for the officer to rely on CRA's documents to verify the information provided by the applicants (*Chahal*, above at para 11).

[23] The Court acknowledges that the new Option C-Printouts and notices of assessment would lead to a different result, showing an income of over \$48,000. However, the burden of presenting accurate information rests on the applicants' shoulders (*Chahal*, above; *Arumugam*, above). The applicants had the opportunity to review their documents before sending them to Citizenship and Immigration Canada. As noted by the respondent, evidence that was not before the decision maker is not to be considered by the Court in judicial review, except in cases where issues of procedural fairness or jurisdiction arise, which is not the case (*Oloumi*, above at para 10). More importantly, it remains unclear – and the record does not provide any evidence – as to whether the initial Option C-Printouts were incorrect, or whether they were correctly prepared with different information in accordance with the applicants' tax planning strategies to lower their taxable income.

[24] The choice of withdrawing one's application if found ineligible is clearly outlined in The Sponsor's Guide (Affidavit of Sharon Ferreira dated April 8, 2013, Exhibit A, p 15): "If your choice is to withdraw your sponsorship, the application for permanent residence of the person you want to sponsor will not be processed and you will have no right of appeal. All fees you will have paid, except the sponsorship fee of \$75, will be repaid to you". This guide is provided to sponsors with their application, and is also available online. The applicants referred to the Sponsor's Guide in their pleadings; therefore, the Court is satisfied that the applicants were aware of its contents when completing their sponsorship application.

[25] The officer's decision was justified, intelligible and based on the evidence presented to him by the applicants. The Court therefore finds that the officer's decision was reasonable (*Dunsmuir*, above) and that its intervention in the present application is not warranted.

[26] The Court understands that the result is unfortunate for the applicants. However, the Court recalls that this case is set in the context of judicial review and the Court cannot interfere unless the decision of the officer falls outside of the acceptable reasonable range enunciated in *Dunsmuir*, above. The Court does not think that it does. Finally, the new evidence adduced by the applicants was not before the officer and cannot be considered upon judicial review.

[27] The applicants proposes the following question for certification:

Should the sponsor be provided with a deadline that if for whatever reason he cannot meet that deadline, that he has an opportunity to get an extension, and how he can request an extension?

[28] The answer to this question would not be dispositive of this case. The Court declines to certify it.

JUDGMENT

THIS COURT’S JUDGMENT is that the application for judicial review is dismissed.

There are no questions for certification.

“Richard Boivin”

Judge

Annex

Immigration and Refugee Protection Regulations, SOR/2002-227

PART 7	PARTIE 7
FAMILY CLASSES	REGROUPEMENTS FAMILIAUX
DIVISION 1	SECTION 1
FAMILY CLASS	REGROUPEMENT FAMILIAL
...	[...]
Withdrawal of sponsorship application	Retrait de la demande de parrainage
119. A decision shall not be made on an application for a permanent resident visa by a member of the family class if the sponsor withdraws their sponsorship application in respect of that member.	119. Il n'est pas statué sur la demande de visa de résident permanent au titre de la catégorie du regroupement familial si la demande de parrainage a été retirée à l'égard de l'intéressé.
...	[...]
DIVISION 3	SECTION 3
SPONSORS	PARRAINAGE
...	[...]
Requirements for sponsor	Exigences: répondant
133. (1) A sponsorship application shall only be approved by an officer if, on the day on which the application was filed and from that day until the day a decision is made with respect to the application, there is evidence that the sponsor	133. (1) L'agent n'accorde la demande de parrainage que sur preuve que, de la date du dépôt de la demande jusqu'à celle de la décision, le répondant, à la fois :
(a) is a sponsor as described in section 130;	a) avait la qualité de répondant aux termes de l'article 130;
(b) intends to fulfil the obligations in the sponsorship undertaking;	b) avait l'intention de remplir les obligations qu'il a prises dans son engagement;
(c) is not subject to a removal order;	c) n'a pas fait l'objet d'une mesure de

(d) is not detained in any penitentiary, jail, reformatory or prison;

(e) has not been convicted under the *Criminal Code* of

(i) an offence of a sexual nature, or an attempt or a threat to commit such an offence, against any person,

(i.1) an indictable offence involving the use of violence and punishable by a maximum term of imprisonment of at least 10 years, or an attempt to commit such an offence, against any person, or

(ii) an offence that results in bodily harm, as defined in section 2 of the *Criminal Code*, to any of the following persons or an attempt or a threat to commit such an offence against any of the following persons:

(A) a current or former family member of the sponsor,

(B) a relative of the sponsor, as well as a current or former family member of that relative,

(C) a relative of the family member of the sponsor, or a current or former family member of that relative,

(D) a current or former conjugal partner of the sponsor,

(E) a current or former family member of a family member or conjugal partner of the sponsor,

(F) a relative of the conjugal partner of the sponsor, or a current or former

renvoi;

d) n'a pas été détenu dans un pénitencier, une prison ou une maison de correction;

e) n'a pas été déclaré coupable, sous le régime du *Code criminel* :

(i) d'une infraction d'ordre sexuel ou d'une tentative ou menace de commettre une telle infraction, à l'égard de quiconque,

(i.1) d'un acte criminel mettant en cause la violence et passible d'un emprisonnement maximal d'au moins dix ans ou d'une tentative de commettre un tel acte à l'égard de quiconque,

(ii) d'une infraction entraînant des lésions corporelles, au sens de l'article 2 de cette loi, ou d'une tentative ou menace de commettre une telle infraction, à l'égard de l'une ou l'autre des personnes suivantes :

(A) un membre ou un ancien membre de sa famille,

(B) un membre de sa parenté, ou un membre ou ancien membre de la famille de celui-ci,

(C) un membre de la parenté d'un membre de sa famille, ou un membre ou ancien membre de la famille de celui-ci,

(D) son partenaire conjugal ou ancien partenaire conjugal,

(E) un membre ou un ancien membre de la famille d'un membre de sa famille ou de son partenaire conjugal,

(F) un membre de la parenté de son partenaire conjugal, ou un membre ou

family member of that relative,	ancien membre de la famille de celui-ci,
(G) a child under the current or former care and control of the sponsor, their current or former family member or conjugal partner,	(G) un enfant qui est ou était sous sa garde et son contrôle, ou sous celle d'un membre de sa famille ou de son partenaire conjugal ou d'un ancien membre de sa famille ou de son ancien partenaire conjugal,
(H) a child under the current or former care and control of a relative of the sponsor or a current or former family member of that relative, or	(H) un enfant qui est ou était sous la garde et le contrôle d'un membre de sa parenté, ou d'un membre ou ancien membre de la famille de ce dernier,
(I) someone the sponsor is dating or has dated, whether or not they have lived together, or a family member of that person;	(I) une personne avec qui il a ou a eu une relation amoureuse, qu'ils aient cohabité ou non, ou un membre de la famille de cette personne;
<i>(f)</i> has not been convicted outside Canada of an offence that, if committed in Canada, would constitute an offence referred to in paragraph <i>(e)</i> ;	<i>f)</i> n'a pas été déclaré coupable, dans un pays étranger, d'avoir commis un acte constituant une infraction dans ce pays et, au Canada, une infraction visée à l'alinéa <i>e)</i> ;
<i>(g)</i> subject to paragraph 137(c), is not in default of	<i>g)</i> sous réserve de l'alinéa 137c), n'a pas manqué :
(i) any undertaking, or	(i) soit à un engagement de parrainage,
(ii) any support payment obligations ordered by a court;	(ii) soit à une obligation alimentaire imposée par un tribunal;
<i>(h)</i> is not in default in respect of the repayment of any debt referred to in subsection 145(1) of the Act payable to Her Majesty in right of Canada;	<i>h)</i> n'a pas été en défaut quant au remboursement d'une créance visée au paragraphe 145(1) de la Loi dont il est redevable à Sa Majesté du chef du Canada;
<i>(i)</i> subject to paragraph 137(c), is not an undischarged bankrupt under the <i>Bankruptcy and Insolvency Act</i> ;	<i>i)</i> sous réserve de l'alinéa 137c), n'a pas été un failli non libéré aux termes de la <i>Loi sur la faillite et l'insolvabilité</i> ;
<i>(j)</i> if the sponsor resides	<i>j)</i> dans le cas où il réside :
(i) in a province other than a province referred to in paragraph 131(b), has a total income that is at least equal to the	(i) dans une province autre qu'une province visée à l'alinéa 131b), a eu un revenu total au moins égal à son revenu

minimum necessary income, and

vital minimum,

(ii) in a province referred to in paragraph 131(b), is able, within the meaning of the laws of that province and as determined by the competent authority of that province, to fulfil the undertaking referred to in that paragraph; and

(ii) dans une province visée à l'alinéa 131b), a été en mesure, aux termes du droit provincial et de l'avis des autorités provinciales compétentes, de respecter l'engagement visé à cet alinéa;

(k) is not in receipt of social assistance for a reason other than disability.

k) n'a pas été bénéficiaire d'assistance sociale, sauf pour cause d'invalidité.

...

[...]

Income calculation rules

Règles de calcul du revenu

134. (1) For the purpose of subparagraph 133(1)(j)(i), the total income of the sponsor shall be determined in accordance with the following rules:

134. (1) Pour l'application du sous-alinéa 133(1)j)(i), le revenu total du répondant est déterminé selon les règles suivantes :

(a) the sponsor's income shall be calculated on the basis of the last notice of assessment, or an equivalent document, issued by the Minister of National Revenue in respect of the most recent taxation year preceding the date of filing of the sponsorship application;

a) le calcul du revenu se fait sur la base du dernier avis de cotisation qui lui a été délivré par le ministre du Revenu national avant la date de dépôt de la demande de parrainage, à l'égard de l'année d'imposition la plus récente, ou tout document équivalent délivré par celui-ci;

(b) if the sponsor produces a document referred to in paragraph (a), the sponsor's income is the income earned as reported in that document less the amounts referred to in subparagraphs (c)(i) to (v);

b) si le répondant produit un document visé à l'alinéa a), son revenu équivaut à la différence entre la somme indiquée sur ce document et les sommes visées aux sous-alinéas c)(i) à (v);

(c) if the sponsor does not produce a document referred to in paragraph (a), or if the sponsor's income as calculated under paragraph (b) is less than their minimum necessary income, the sponsor's Canadian income for the 12-month period preceding the date of filing of the sponsorship application is the income earned by the sponsor not including

c) si le répondant ne produit pas de document visé à l'alinéa a) ou si son revenu calculé conformément à l'alinéa b) est inférieur à son revenu vital minimum, son revenu correspond à l'ensemble de ses revenus canadiens gagnés au cours des douze mois précédant la date du dépôt de la demande de parrainage, exclusion faite de ce qui suit :

(i) any provincial allowance received by the

(i) les allocations provinciales reçues au

sponsor for a program of instruction or training,

titre de tout programme d'éducation ou de formation,

(ii) any social assistance received by the sponsor from a province,

(ii) toute somme reçue d'une province au titre de l'assistance sociale,

(iii) any financial assistance received by the sponsor from the Government of Canada under a resettlement assistance program,

(iii) toute somme reçue du gouvernement du Canada dans le cadre d'un programme d'aide pour la réinstallation,

(iv) any amounts paid to the sponsor under the *Employment Insurance Act*, other than special benefits,

(iv) les sommes, autres que les prestations spéciales, reçues au titre de la *Loi sur l'assurance-emploi*,

(v) any monthly guaranteed income supplement paid to the sponsor under the *Old Age Security Act*, and

(v) tout supplément de revenu mensuel garanti reçu au titre de la *Loi sur la sécurité de la vieillesse*,

(vi) any Canada child tax benefit paid to the sponsor under the *Income Tax Act*; and

(vi) les prestations fiscales canadiennes pour enfants reçues au titre de la *Loi de l'impôt sur le revenu*;

(d) if there is a co-signer, the income of the co-signer, as calculated in accordance with paragraphs (a) to (c), with any modifications that the circumstances require, shall be included in the calculation of the sponsor's income.

d) le revenu du cosignataire, calculé conformément aux alinéas a) à c), avec les adaptations nécessaires, est, le cas échéant, inclus dans le calcul du revenu du répondant.

Change in circumstances

Changement de situation

(2) If an officer receives information indicating that the sponsor is no longer able to fulfil the sponsorship undertaking, the Canadian income of the sponsor shall be calculated in accordance with paragraph (1)(c) on the basis of the 12-month period preceding the day the officer receives that information rather than the 12-month period referred to in that paragraph.

(2) Dans le cas où l'agent reçoit des renseignements montrant que le répondant ne peut plus respecter son engagement à l'égard du parrainage, le revenu canadien du répondant est calculé conformément à l'alinéa (1)c) comme si la période de douze mois était celle qui précède le jour où l'agent a reçu les renseignements au lieu de la période de douze mois visée à cet alinéa.

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-9519-12

STYLE OF CAUSE: Maria Pospelova et al
v. MCI

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: May 15, 2013

REASONS FOR JUDGMENT: BOIVIN J.

DATED: May 28, 2013

APPEARANCES:

Maria Pospelova

FOR THE APPLICANT
(ON HER OWN BEHALF)

Pino Guerra

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Craig Collins-Williams

FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney
Deputy Attorney General of Canada

FOR THE RESPONDENT