

CANADA / JUDGMENT

Alufa v. Canada (Citizenship and Immigration)

2025 FC 1919

COURT

Federal Court

DECIDED

2 December 2025

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Alufa v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2025-12-02 Neutral citation 2025 FC 1919 File numbers IMM-13961-24 Decision Content Date: 20251202 Docket: IMM-13961-24 Citation: 2025 FC 1919 Ottawa, Ontario, December 2, 2025 PRESENT: Madam Justice Conroy BETWEEN: EHIZOGIE ALBERT ALUFA Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] Following the hearing of this matter, I dismissed the application for judicial review, with written reasons to follow. These are those reasons.
- [2] The Applicant, Mr. Alufa, seeks judicial review of an immigration officer's [Officer] decision refusing his application for permanent residency [PR] under the Spouse or Common-Law Partner in Canada Class. The Officer was not satisfied that the Applicant and his spouse were cohabitating in a genuine relationship as required by section 4(1) of the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR].
- [3] The Applicant is from Nigeria. He, his former spouse and their children applied for refugee protection after arriving at a border crossing from the United States. In 2018, the Applicant was found inadmissible for serious criminality and was excluded from refugee protection. His former spouse and children eventually obtained permanent residence in 2021 on humanitarian and compassionate grounds.
- [4] After divorcing his first wife, the Applicant married his current spouse in 2019. She subsequently applied to sponsor him for PR. The application was refused on July 31, 2024.
- [5] The Applicant argues the decision to refuse his PR application was unreasonable and tainted by procedural unfairness.
- [6] The applicable standard of review concerning the merits of the decision is reasonableness: Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at paras 23, 25 [Vavilov]. The standard of review for allegations of procedural unfairness is a standard akin to correctness: Canadian Pacific Railway Company v Canada (Attorney General), 2018 FCA 69 at paras 54–56. I. The Decision was Reasonable [7] The documents provided in support of

the PR application included the marriage certificate, the Applicant's driver's licence, some text exchanges between the couple, support letters, photos, and some tax documents.

- [8] The couple was interviewed by an Immigration Officer. The Officer interviewed them both separately and together.
- [9] With respect to the documentation provided, the Global Case Management System [GCMS] notes, which form part of the reasons, state: I give the drivers license little weight. I will note that the licenses do share the same address, however when changing address on a D.L in Ontario, no proof of residing at that address is required. Clients have failed to provide sufficient information to show they have financial interdependence in a way typically associated to a married couple. Clients have failed to show through any documentation that they have intertwined their lives physically or financially that would typically [sic] associated to a married couple.
- [10] The Officer raised the following concerns as a result of the interviews: · The Applicant drove his former spouse's car to the interview. The insurance and registration documents in the vehicle listed both the Applicant and his former spouse as owners and reflected the former spouse's address. · The Applicant and his spouse were unable to state each other's phone numbers when asked. · The Applicant stated that he has a numbered company, but both he and his spouse stated during the interview that he works full time for DoorDash. · When asked about who paid for their wedding expenses and the PR application, the Applicant stated that his spouse assisted with some of their wedding expenses but wasn't sure who paid for his PR application. His spouse, however, stated that the Applicant paid for both the wedding and PR application expenses. · When asked about the proposal for their marriage, the Applicant stated that he proposed in July 2019 whereas his spouse stated that the proposal was October 25, 2019. · When asked about the last time they had sexual intercourse and their use of protection or birth control, the Applicant stated that he did not know the name of the birth control used by his spouse. However, his wife stated that no protection was used at all and added that she could not become pregnant. · The couple failed to show sufficient evidence of any joint assets. When asked if the Applicant and his spouse have any assets together, the Applicant stated that they have life insurance, whereas his spouse said they had no shared assets. · When asked whether they attend religious services, the Applicant stated that they never go to religious places, while the spouse stated that they both attended her granddaughter's confirmation in May 2024 in a church. · The Applicant stated that he visited his children the day before the interview. The spouse stated that she always knows when the Applicant visits his children but was unable to confirm whether he had visited them the day before the interview.
- [11] The Officer also noted that the Applicant's stepson (his current wife's son) previously informed a Canada Border Services Agency [CBSA] officer that the Applicant did not reside at the address where the couple claimed to cohabit.

- [12] The Officer put these concerns to the Applicant and his spouse by way of Procedural Fairness Letters [PFLs]. The couple provided explanations, which the Officer acknowledged and considered, as reflected in his reasons and detailed notes. The Officer did not accept the explanations provided by the couple. The GCMS notes state: Through the interview, both the PA and SPR provided evasive and vague answers to match the officer's concerns rather than providing a credible explanation.
- [13] Overall, the Officer was "not satisfied that they [the couple] are cohabiting in Canada and providing truthful and honest info in this application."
- [14] The Applicant's arguments on reasonableness before me consisted of a reiteration of the explanations provided by the couple to the Officer in response to the PFLs. He argued that the Officer focused on minor inconsistencies, the cumulative effect of which rendered the decision unreasonable.
- [15] I am not persuaded. I agree with the Respondent that the Applicant is asking the Court to reweigh the evidence, which is not the role of this Court on judicial review: Vavilov at para 125.
- [16] The Applicant's arguments misunderstand the nature of judicial review. The fact that another interpretation of the evidence is possible does not render the Officer's assessment unreasonable. Reasonableness review accepts that multiple outcomes falling within the range of possible acceptable outcomes in the circumstances may be defensible (*Joseph v Canada (Citizenship and Immigration)*, 2023 FC 1067 at para 22 [Joseph]). It does not permit the Court to reweigh evidence, particularly in areas where immigration officers possess specialized expertise, such as assessing if a marriage is genuine (*Joseph* at para 26).
- [17] The Officer provided detailed reasons, and the conclusions reached were open to the Officer based on the record. The reasons are intelligible, transparent, and the conclusion justified. The Applicant has failed to identify a reviewable error. II. The Decision was Procedurally Fair [18] The Applicant argues that the decision was procedurally unfair because the Officer allegedly contacted his former spouse and obtained statements he says may have influenced the outcome without giving him an opportunity to respond.
- [19] There is no evidence in the Certified Tribunal Record showing the Officer contacted the Applicant's former spouse. The Applicant's affidavit is the only evidence before me about the alleged calls. It states:
29. Even though the Officer's decision does not mention it, the Officer called my ex-wife Martha twice during an interview.
30. Martha was not called as a formal witness, her involvement was unexpected to me, preventing me from preparing adequately to address any statements she may have made.

[20] The evidence provides no detail about the alleged calls, or anything that may have been discussed. Notably, no affidavit evidence was provided from the former spouse about the alleged calls. The information in the Applicant's affidavit is insufficient to establish procedural unfairness as alleged. III. Conclusion [21] The Applicant has failed to establish any basis for this Court to quash the decision below. The judicial review is dismissed. THIS COURT'S JUDGMENT is that The application for judicial review is dismissed. No question for certification was proposed and none arises. blank "Meaghan M. Conroy" blank Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-13961-24 STYLE OF CAUSE: EHIZOGIE ALBERT ALUFA v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, ON DATE OF HEARING: NOVEMBER 20, 2025 REASONS AND JUDGMENT: CONROY J. DATED: DECEMBER 2, 2025 APPEARANCES: Kate Smirnova For The Applicant Braelyn Rumble For The Respondent SOLICITORS OF RECORD: EME Professional Corp Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 27 October 2026 · Esheria