

Date: 20080327

Docket: IMM-1573-07

Citation: 2008 FC 396

Toronto, Ontario, March 27, 2008

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

NASREEN ALCOZAI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The present Application concerns an application for permanent resettlement in Canada by the principal applicant, Ms. Alcozai, and her husband. The Visa Officer who conducted the interview process made a clear finding that a stark contradiction in the evidence of the principal applicant's husband constitutes a breach of s.16(1) of the *IRPA* because he did not answer truthfully all the questions put to him. It is not contested that no similar finding was made with respect to the principal applicant.

[2] The decision under review is in the form of a letter dated November 8, 2006, addressed to the principal applicant with the result being stated that her application for permanent resettlement in Canada is refused (Tribunal Record, p.4). In my opinion, the decision is, on its face, fundamentally flawed.

[3] The decision purports to refuse the principal applicant's application on the reason that:

You have been unable or unwilling to resolve discrepancies and contradictions in the information you have provided about your military service, particularly with reference to the situation in Kunar province, your knowledge of the taking of prisoners of war, and your involvement in combat.

Obviously, this critical finding is made with respect to the principal applicant's spouse's evidence and has nothing whatever to do with the principal applicant's evidence. As a result, I find that the decision is made in reviewable error.

ORDER

Accordingly, I set aside the decision under review and refer the matter back to a different visa officer for re-determination.

“Douglas R. Campbell”

Judge

FEDERAL COURT

NAME OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: IMM-1573-07

STYLE OF CAUSE: NASREEN ALCOZAI v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: MARCH 27, 2008

**REASONS FOR ORDER
AND ORDER BY:** CAMPBELL J.

DATED: MARCH 27, 2008

APPEARANCES:

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