



IAD File No. / N° de dossier de la SAI : VC2-10788
Client ID / N° d'identification du client : 8989-1843

Appellant(s)	Monika SHARMA	Appelant(s)
Respondent	Minister of Citizenship and Immigration	Intimé
Date(s) and Place of Decision	May 24, 2023 In Chambers	Date(s) et lieu de la décision
Panel	Linda Taylor	Tribunal
Counsel	Gurpreet Singh Khaira	Conseil
Designated Representative	N/A	Représentant désigné
Minister's Counsel	Alicia Billings	Conseil du ministre

NOTICE OF DECISION (AND REASONS)

Sponsorship Appeal

Appeal allowed : After reviewing the information in this appeal, and the consent and joint recommendation of both parties, as indicated in the ADR Agreement, the appeal is allowed. The officer's decision to refuse a permanent resident visa is set aside, and the officer must continue processing the application in accordance with the joint recommendation of the parties, as set out in the ADR Agreement.

I certify that this is the decision and reasons of the Member in this appeal.

V. Lee

for Registrar

May 24, 2023

Date

Judicial Review – Under section 72 of the *Immigration and Refugee Protection Act*, you may make an application to the Federal Court for judicial review of this decision, with leave of that Court. You may wish to get advice from counsel as soon as possible, since there are time limits for this application.



Immigration and
Refugee Board of Canada
**Immigration Appeal
Division**

Commission de l'immigration
et du statut de réfugié du Canada
**Section d'appel
de l'immigration**

IAD File No.: VC2-10788
UCI: 8989-1843

Statement that a document was provided

On May 24, 2023, I provided the following:

Notice of Decision

By e-mail to the Appellant Monika SHARMA

At the following address: sharmamm74@gmail.com

By My Case portal and e-mail to the Appellant's Counsel Gurpreet Singh Khaira

At the following address: gurpreet@cwccanada.com

By e-mail to CBSA - Vancouver - Hearings and Appeals

At the following address: cbsa.appealspac-appelspac.asfc@cbsa-asfc.gc.ca



ALTERNATIVE DISPUTE RESOLUTION

AGREEMENT OF THE PARTIES

Appellant: Monika SHARMA

IAD File No.: VC2-10788

UCI: 89891843

Date of ADR Conference: May 24, 2023

This appeal is from a refusal on the grounds that the sponsor did not meet the minimum income requirement for the sponsorship of the applicants, namely her parents and brother. The appellant's family size at the time of the initial CPC Mississauga assessment was five persons, including herself, her spouse and co-signer, and the three applicants. The appellant's family size is the same now.

The parties jointly recommend to the Immigration Appeal Division that this appeal be allowed; the parties agree that the following is the basis upon which they consent to the appeal being allowed.

- 1) CPC Mississauga assessed the appellant's income for the years 2018, 2019, and 2020. The minimum necessary income for a family of five persons in the year 2018 was \$68,357; in 2019 was \$69,422; and in 2020 was \$54,630. Documentary evidence file for the appellant and co-signer indicate that the couple's combined income for 2018, 2019 and 2020 were \$60,893, \$60,430, and \$70,414, respectively. The appellant did not meet the income requirement for the years 2018 and 2019.
- 2) Notices of Assessments on file for the appellant and co-signer indicate that the couple's combined income for 2021 is \$84,874. The MNI for a family of five persons in 2021 is \$55,694 and it appears that the couple's income for 2021 would meet the requirement for that same year. –
- 3) Notices of Assessments on file for the appellant and co-signer indicate that their combined income for 2022 is \$107,181. Having considered the oral and documentary evidence of the appellant at the ADR conference, it appears that the couple's income for the year 2022 will meet the MNI requirement. The appellant has provided documentary evidence which establishes that she has met the MNI since 2020.
- 4) The appellant demonstrated a strong emotional bond to the applicants with ongoing communication and visits. The appellant credibly explained the positive impact her parents and brother will have on her and her family in Canada. The appellant's brother is currently residing in Canada on a post-graduate work permit. The appellant's parents have visited the appellant in Canada on a regular basis. The appellant is currently pregnant with her first child and described how her parents will help in caring for her child. The appellant showed that it is important to her to have her parents and brother join her in Canada.

While the refusal is valid in law, the Minister recommends that the appeal be allowed on humanitarian and compassionate grounds. The Minister's Counsel is of the opinion that if this case proceeded to a full hearing before the Immigration Appeal Division, the appellant would likely succeed in the appeal. Consequently, the Minister's Counsel is of the opinion that it is not in the public interest to litigate this matter further.

The parties agree that this Agreement is the basis upon which they consent to the appeal being allowed, and the parties jointly recommend to the Immigration Appeal Division to allow this appeal.

Appellant: Monika Sharma
Appellant's Counsel: Gurpreet Singh Khaira
Minister's Counsel: Alicia Billings

I certify that both parties provided their verbal agreement to the contents of this ADR Agreement.

I certify that both parties confirmed by email their agreement to the contents of this ADR Agreement.

Early Resolution Officer: Teresa Nguyen

Date: May 24, 2023

Appeal allowed : After reviewing the information in this appeal, and the consent and joint recommendation of both parties, as indicated in the ADR Agreement, the appeal is allowed. The officer's decision to refuse a permanent resident visa is set aside, and the officer must continue processing the application in accordance with the joint recommendation of the parties, as set out in the ADR Agreement.

“Linda Taylor”

IAD Member / ADC

24 May 2023

Date