

# Guinean 'lied' to enter Canada, immigration board decides

## Ruling stops short of saying man only married Canadian to enter the country

By Tom Spears, The Ottawa Citizen March 24, 2009

OTTAWA—A Guinean musician accused of lying to immigrate to Canada lost his case Tuesday. But within minutes of hearing the decision, Fode Mohamed Soumah was filling out paperwork to start an appeal process that could last years.

Soumah married a Canadian, Elaine "Lainie" Towell of Ottawa, and she sponsored his move here on New Year's Eve 2007.

He left her the following month. Towell accused her husband of using her as his ticket to a new country; he testified she was jealous and controlling, and the marriage simply fell apart.

There was a twist: Soumah fathered a baby with a 15-year-old girl shortly before leaving Guinea, but told Canadian immigration officials he had no children. Then his wife got a phone call from a mutual friend in Guinea about the baby. Later she found e-mails from him to friends in Guinea, which appear to ask them to mislead his wife if she asks about the baby.

She hit the roof. She may have hit Soumah as well, depending on which spouse one believes. (She is a dancer who weighs 118 pounds; he's six-foot-four and athletic, and she estimates his weight at 220.)

In two days of testimony, Soumah told the Immigration and Refugee Board of Canada that he didn't know about the baby's birth until after he arrived in Canada. And while he acknowledged the 15-year-old mother had moved in with his family back in Guinea, he said this didn't mean he was the father. His parents, he said, took the girl in "for humanitarian reasons."

On Tuesday, the member of the board who heard the case wasn't buying it.

The series of e-mails asking a friend to say hello to the teenaged girl and baby showed the child was "definitely" Soumah's son, Rolland Ladouceur said in his decision. The balance of evidence shows, he said, that Soumah "made a false representation" to get into Canada.

“I am convinced that Mr. Soumah lied,” he said.

But he said the second accusation — that Soumah entered into a marriage of convenience solely to get into the country — wasn’t as clear-cut.

After all, he said, it was Towell who proposed to her future husband, not the other way around. As well, the two had a long romance in Africa before moving to Canada.

He said it would be reasonable to believe the romance in fact broke down because Towell learned that during their engagement, her future husband had fathered a baby with a teenaged girl.

Soumah’s lawyer, Achille Kabongo, will appeal first to the appeals section of the immigration board. (Since he has permanent resident status, Soumah can stay in Canada during any appeals.)

“It could take quite a while,” he said. The first appeal will take time to prepare and schedule, and if that decision goes against his client, he would apply to appeal to the Federal Court of Canada.

“That will take some time, but (Soumah) is not a danger to Canada. He could have applied for welfare, but he hasn’t done that. On the contrary, he’s working and contributing to the country,” he said.

In the meantime, Ottawa lawyer Julie Taub has launched a class action in the Federal Court, asking for an order forcing the federal government to enforce the law against marriages of convenience.

There are only eight immigration officials available to investigate hundreds of cases, and victims who complain can be forced to wait for years before an investigation even starts, she said.