

Federal Court



Cour fédérale

**Date: 20250402**

**Docket: IMM-6885-24**

**Citation: 2025 FC 617**

**Ottawa, Ontario, April 2, 2025**

**PRESENT: The Honourable Mr. Justice Ahmed**

**BETWEEN:**

**JATIN MAHENDRAKUMAR TRIVEDI  
NIKITA JATIN TRIVEDI**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
& IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicants seek judicial review of the refusal of two work permit applications. On March 9, 2024, a visa officer refused the work permit application of the Principal Applicant, Jatin Mahendrakumar Trivedi, due to misrepresentation pursuant to subsection 40(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, s 40 (“IRPA”). On March 11, 2024, the Associate Applicant, Nikita Jatin Trivedi, was found ineligible for a work permit as the Principal Applicant’s accompanying spouse.

[2] The Applicants are citizens of India. In August 2023, the Principal Applicant applied for a work permit. His application was partially premised on his work experience at Hello Heaven Café. However, during a verification phone call by Immigration, Refugees and Citizenship Canada (“IRCC”), an individual who stated they were the owner of Hello Heaven Café twice confirmed that nobody by the Principal Applicant’s name worked at the business.

[3] The officer issued a procedural fairness letter (“PFL”) to the Principal Applicant, disclosing concerns that he misrepresented his work experience based on the results of the verification call. In his response, the Principal Applicant provided several documents, including a notarized statement from VJ, the owner of Hello Heaven Café.

[4] On March 9, 2024, the officer refused the Principal Applicant’s work permit application. The officer determined that, based on their “local knowledge, where collusion between employers, applicants and immigration agents [is] common.” the “results of the verification at first point of contact” held more weight than the Principal Applicant’s response to the PFL. The officer was therefore “not satisfied that the [Principal Applicant] has alleviated [IRCC’s] concerns” and found the Principal Applicant inadmissible to Canada pursuant to subsection 40(1) of the IRPA. Shortly afterward, the Associate Applicant was found ineligible for a work permit as the Principal Applicant’s accompanying spouse.

[5] The two issues in this application for judicial review are whether the officer’s decision is reasonable and procedurally fair. In my view, it is.

[6] The officer provided a rational chain of analysis for preferring the evidence from the verification call over the Principal Applicant's PFL response. The verification call collected spontaneous, first-instance evidence of the Principal Applicant's employment. The Principal Applicant's PFL response did not. Unlike in *Rong v Canada (Citizenship and Immigration)*, 2013 FC 364, where discrepancies between the call and subsequent evidence were "minor," "peripheral," and "reasonably and consistently explained," the discrepancies in this case were material, significant, and disputed by the parties (at para 26). The officer was therefore compelled to weigh the contradicting evidence on the record. Although the Applicants disagree with the officer's decision to assign more weight to the verification call, they have not established a reviewable error with the officer's assessment (*Bhamra v Canada (Citizenship and Immigration)*, 2014 FC 239 at paras 38-39 ("*Bhamra*"); *Bhatti v Canada (Citizenship and Immigration)*, 2017 FC 186 at para 47).

[7] The officer did not disregard the Principal Applicant's response to the PFL. The officer reasonably determined that "many of the documents provided...were similar to that submitted in the original application" and should therefore be "accord[ed]...little weight." Although the notarized statement from VJ was a new document, it did not adequately address the issue of misrepresentation. VJ stated he was "not sure" if any officer call Hello Heaven Café and staff are "restrict[ed]" from "provid[ing] personal details" over the phone due to safety concerns. The Respondent rightly notes that these statements are contradictory and irrelevant, as the individual who responded to the verification provided their own name and IRCC, rather than asking for personal information, provided the Principal Applicant's name to the individual on the phone.

[8] The Applicants submit that IRCC failed to follow the correct protocol because the caller did not identify themselves as an agent of IRCC at the beginning of the verification call. This submission is meritless. This Court has previously found that “only [telling the responding party] at the end of the call that [they were] talking to” a Canadian immigration agent enhances, rather than detracts from, the probative value of a verification call (*Bhamra* at para 39).

[9] The Applicants submit that the officer erred by failing to conduct additional verification after receiving the PFL response, particularly since the officer had not themselves conducted the verification call. However, the onus was on the Principal Applicant to “present the strongest possible corroborating evidence” (*Hui v Canada (Citizenship and Immigration)*, 2011 FC 1098 at para 7). The evidentiary burden does not shift to the officer simply because the verification call was performed by another agent of IRCC. Like the applicant in *Bhamra*, the Applicants in this case “[fail] to cite any authority or provide any explanation for why” it is “problematic that the verification call was not made by the same officer who made the decision” (at para 30).

[10] The Applicants have also failed to demonstrate a breach of their procedural rights. The Applicants submit that they ought to have been informed that the officer was concerned with potential collusion prior to the issuance of a decision. They submit the officer’s failure to alert them of this concern constitutes a breach of the duty of procedural fairness. This submission is not consistent with the record or the jurisprudence. In the PFL, the officer stated:

I have...concerns that you may be inadmissible under subsection 40(1) of IRPA...

Our office spoke to the owner of the restaurant, at the number mentioned on the reference letter, he clearly said that there is no employee by your name working there.

In light of the above gathered information, I am not satisfied that your employment documents from Hello heaven café are genuine.

You appear to have misrepresented your work experience as a Restaurant Manager in support of your work permit application.

[11] In my view, the PFL “makes clear what the problem is” (*Bhamra* at para 43). Consequently, “the onus [was] upon the [Principal] Applicant to establish that no misrepresentation has occurred” (*Bhamra* at para 43). The officer was not obliged to present the Applicants with potential explanations for the misrepresentation to specifically disprove. It is sufficient that the Principal Applicant was informed of the officer’s concerns. The insufficiency of the Principal Applicant’s response does not change this Court’s holding that “the officer is under no obligation to request that better, further evidence be produced” (*He v Canada (Citizenship and Immigration)*, 2012 FC 33 at para 30, citing *Heer v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 1357 at para 19).

[12] For these reasons, I find the work permit refusals are reasonable. The decisions accord with the evidence before the officer and the statutory framework for work permit applications in the IRPA (*Vavilov* at paras 126, 108). This application for judicial review is dismissed.

**JUDGMENT in IMM-6885-24**

**THIS COURT’S JUDGMENT is that:**

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-6885-24

**STYLE OF CAUSE:** JATIN MAHENDRAKUMAR TRIVEDI AND NIKITA  
JATIN TRIVEDI v THE MINISTER OF CITIZENSHIP &  
IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 13, 2025

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** APRIL 2, 2025

**APPEARANCES:**

|                   |                    |
|-------------------|--------------------|
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| Matthew Siddall   | FOR THE RESPONDENT |

**SOLICITORS OF RECORD:**

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| Attorney General of Canada<br>Toronto, Ontario                        | FOR THE RESPONDENT |