

Federal Court



Cour fédérale

Date: 20250425

Docket: IMM-12291-23

Citation: 2025 FC 747

Ottawa, Ontario, April 25, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

PREETI GOEL

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant's application for permanent residence through the express entry stream was not processed by Immigration, Refugees and Citizenship Canada [IRCC] because it was found to be incomplete. The Applicant argues that IRCC's decision is neither reasonable nor procedurally fair.

[2] The parties agree, as do I, that the merits of the Officer's determination should be reviewed on a reasonableness standard and with respect to the procedural fairness argument, I need to consider whether the procedure was fair in all the circumstances (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23, 77; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54).

[3] Section 12 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] permits the return of an application where the requirements under section 10 of IRPR are not fulfilled. Under paragraph 10(1)(c) of IRPR, an applicant must include all information and documents required by both the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] and IRPR. Subsection 16(1) of IRPA stipulates that an applicant must produce all documents and evidence that an officer reasonably requires to assess the application. Further, where an applicant is invited to apply through the express entry stream, section 12.01 of IRPR requires that they apply following the electronic means specified by the Minister.

[4] The relevant Operational Manual states that "a marriage certificate" is a required document for married applicants. Where the applicant is married and outside of Canada, the manual instructs that "a copy of a legal certificate issued by the country, the territory or the region where the marriage took place must be provided." The Applicant was also provided with a personalized electronic document checklist that listed a marriage certificate as a required document.

[5] The Applicant argues that her application was not incomplete because she filed affidavits from herself and her husband, confirmed by an Indian Non-Judicial Certificate, in lieu of a marriage certificate. The Applicant provided no explanation to IRCC as to how this document would meet the requirement of a “marriage certificate” or why a “marriage certificate” could not be provided.

[6] This is different than the circumstances recently considered by Justice Turley, where the applicant argued that the application was not incomplete and the IRCC failed to assess their explanation of how and why a particular document met the requirement of a “marriage certificate” (*Goel v Canada (Citizenship and Immigration)*, 2025 FC 275).

[7] On judicial review, the Applicant provided an explanation by way of her counsel’s submissions for her inability to produce a “marriage certificate” at the time IRCC considered the application. As this explanation was not before IRCC at the time of the decision, I am unable to consider it when assessing the reasonableness of the Officer’s decision (*Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at paras 13-18).

[8] Moreover, the documents the Applicant provided in lieu are clearly not the equivalent of a “marriage certificate” as they are affidavits of the Applicant and her spouse attesting to their marriage.

[9] Considering the unambiguous instructions on the requirement to provide a marriage certificate and the lack of any explanation provided by the Applicant for failing to produce this

document, and the nature of the documents produced in lieu, I cannot find that it was unreasonable for the Officer to find the application incomplete and not process it.

[10] Nor do I find that the Applicant's procedural fairness arguments have merit. As explained above, the Applicant was on notice of the requirements for a complete application. In these particular circumstances, I see no basis to find that the Officer had to send a procedural fairness letter (*Joseph v Canada (Citizenship and Immigration)*, 2018 FC 268 at paras 12-13).

[11] Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-12291-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12291-23

STYLE OF CAUSE: PREETI GOEL v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 30, 2024

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: APRIL 25, 2025

APPEARANCES:

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