

Federal Court



Cour fédérale

Date: 20250606

Docket: IMM-12430-24

Citation: 2025 FC 1024

Montreal, Québec, June 6, 2025

PRESENT: Madam Justice Azmudeh

BETWEEN:

ABDUL AWAL

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant is judicially reviewing the decision of a visa officer [Officer] dated June 13, 2024, rejecting his application for permanent residence in Canada under the Quebec investor class.

[2] The basis for the rejection of permanent residence application was that the Applicant had not established his intention to reside in the Province of Quebec, a necessary requirement.

II. Decision

[3] I dismiss the Applicant's judicial review application because I find that the Officer's decision was reasonable, impartial and reached in a procedurally fair manner. I provide the rationale for each separately.

III. The Issues and Standard of Review

[4] The Applicants have raised several issues that can be summarized as follows:

- i. Was the Officer's decision reasonable?
- ii. Did the Officer reach the decision in a procedurally fair manner?

[5] The parties submit, and I agree, that the standard of review applicable to refugee determination decisions is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [*Vavilov*]; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1645 at para 13; *Shah v Canada (Citizenship and Immigration)*, 2022 FC 1741 at para 15). A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker" (*Vavilov* at para 85). The reviewing court must ensure that the decision is justifiable, intelligible, and transparent (*Vavilov* at para 95). Justifiable and transparent decisions account for central issues and concerns raised in the parties' submissions to the decision-maker (*Vavilov* at para 127).

[6] The issue of procedural fairness is to be reviewed on the correctness standard (*Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 37-56 [*Canadian Pacific Railway Company*]; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). The central question for issues of procedural fairness is whether the procedure was fair having regard to all of the circumstances, including the factors enumerated in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC) at paras 21-28; (*Canadian Pacific Railway Company* at para 54).

[7] Regarding questions of procedural fairness, as Mr. Justice Régimbald recently wrote in *Nguyen v Canada (Citizenship and Immigration)*, 2023 FC 1617 at para 11:

the reviewing court must be satisfied of the fairness of the procedure with regard to the circumstances (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 215 at para 6; *Do v Canada (Citizenship and Immigration)*, 2022 FC 927 at para 4; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54 [*Canadian Pacific Railway*]). In *Canadian Pacific Railway*, the Federal Court of Appeal noted that trying to “shoehorn the question of procedural fairness into a standard of review analysis is... an unprofitable exercise” (at para 55). Instead, the Court must ask itself whether the party was given a right to be heard and the opportunity to know the case against them, and that “[p]rocedural fairness is not sacrificed on the altar of deference” (*Canadian Pacific Railway* at para 56).

IV. Legislative Framework:

[8] Pursuant to subsection 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*], a visa may be issued to the person if the officer is satisfied that he or she is not inadmissible to Canada and if he or she meets the requirements of the Act. Selection of

permanent residents in the economic class is provided in subsection 12(2) of *IRPA*, which states that a foreign national “may be selected as a member of the economic class on the basis of their ability to become economically established in Canada.”

[9] The Quebec Investor Class, which is part of this broader category, is governed by section 90 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*]:

Immigration and Refugee Protection Regulations,
SOR/2002-227

*Règlement sur l'immigration et la protection
des réfugiés, DORS/2002-227*

Class

90 (1) For the purposes of subsection 12(2) of the Act, the Quebec investor class is prescribed as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada.

Member of class

(2) A foreign national is a member of the Quebec investor class if they

(a) intend to reside in Quebec; and

(b) are named in a Certificat de sélection du Québec issued by Quebec.

Catégorie

90 (1) Pour l'application du paragraphe 12(2) de la Loi, la catégorie des investisseurs (Québec) est une catégorie réglementaire de personnes qui peuvent devenir résidents permanents du fait de leur capacité à réussir leur établissement économique au Canada.

Qualité

(2) Fait partie de la catégorie des investisseurs (Québec) l'étranger qui satisfait aux exigences suivantes :

a) il cherche à s'établir dans la province de Québec;

b) il est visé par un certificat de sélection du Québec délivré par cette province.

V. Analysis

A. *Issue 1: Was the Officer's decision reasonable?*

[10] The Applicant argues that the Officer's decision was unreasonable because it ignored material evidence that contradicted the Officer's conclusion, and that the Officer expected to see a business plan when there is no such requirement for an applicant under the investor program.

[11] I find that the Applicant's argument on the requirement for a business plan affected their argument both with respect to the reasonableness and the fairness of the decision.

[12] The parties agree that under s 90(2) of the *Regulations*, the Applicant bears the onus to establish two factors: 1) that he intended to reside in Quebec; and 2) he was named in a *Certificat de sélection du Québec* issued by the Quebec authorities. By the time he was invited to an interview, the Applicant had satisfied the second condition, and the only outstanding issue remained whether he could establish his intention to reside in Quebec.

[13] In advance of his interview at the visa office, the Canadian Immigration authorities wrote the Applicant a letter and asked for additional or updated information to continue processing of his application. The request included the following:

☒ Outline any and all steps that you have taken to prepare for relocation to Quebec, Canada

(this could include but is not limited to:

1) evidence of housing search,

2) evidence of having looked for schooling for children,

- 3) evidence of having studied French,
- 4) evidence of having divested assets in home country,
- 5) support letters from friends or family residing in Quebec,
- 6) evidence of any past travel to Quebec, and
- 7) any other available relevant material.

☒ Detailed written settlement plan for arrival in Quebec.

☒ Detailed written outline, accompanied by any available evidence explaining employment / business plans for after arrival in Quebec.

If you are unable to comply with one or more of our requests, please provide a detailed explanation. All documents that are not in either English or French **must** be accompanied by a certified translation. It is your responsibility to notify this office of any change in your address, contact numbers, marital status, family configuration, or employment or educational status. We will advise you of any other requirements, but we are NOT able to respond to requests for information on the routine progress of your application. (emphasis in original)

[14] The last paragraph, highlighted in bold, clearly contemplates that the Applicant may not be able to provide all the items in which case he should be prepared to provide context. The letter also clearly indicated that he needed to outline “any and all steps” he had taken to prepare for his relocation, and a non-exhaustive list of potential supporting evidence was provided.

[15] Therefore, I disagree with the Applicant’s characterization, being that the Officer applied the wrong test to assess his evidence against the entrepreneur and not the investor’s program, or that the letter had created an unreasonable condition not contemplated by the *Regulations*. The Applicant was simply asked to submit, as part of an open-ended list of documents susceptible to demonstrate his intention to reside in Quebec, a “Detailed written outline, accompanied by any

available evidence explaining employment / business plans for after arrival in Quebec”. If he could not, he was asked to provide an explanation.

[16] The Applicant’s counsel’s argument that he is a millionaire who does not need to work would not help discharge his onus that he intended to live in Quebec. It was reasonable for the Officer to look for a concrete basis of that intention, and that a business plan could be one, among other evidence, that could establish that intention.

[17] Moreover, the Applicant was vague regarding the business endeavour he is envisioning for his establishment in Quebec. He said that he wants to begin in the real estate sector but provided limited information about this beyond saying that now is the right time to buy houses because the market has gone down and that he will explore this further once he is here. He also mentioned that he would be interested in opening an Indian restaurant, but as noted by the officer, the Applicant admitted he has no experience in that field, and he has not done any research about this nor come up with any kind of plan to launch this type of business in Quebec.

[18] It was in this context that the Officer assessed the Applicant’s own statement on his future plans. In fact, the record is quite clear that the Officer gave the Applicant an opportunity to explain, and the Applicant admitted that he had conducted no research because he was a successful businessman who did not need to. I find that the Officer’s reasons were responsive to the totality of the evidence and there is clear chain of reasoning that rationally connects the evidence to the conclusion.

[19] I also find that the Officer's notes that constitute the reasons, clearly show that the business plan alone, was not determinative of the Officer's findings. The Officer asked many other questions about the Applicant's research on neighbourhood(s) to reside, interest in the French language, housing costs, plans for the three children, etc.

[20] Basically, the Applicant stated that he had relied heavily on a family friend for information about Montreal, and that he intended to rely on him shortly after his arrival. However, he had never met this friend and did not know the name of the neighbourhood where the friend lived, or he intended to reside. On housing, he said he thought a house at his friend's neighbourhood costed around \$5 million, but that he had not started looking for one. When asked why he had chosen Quebec, he provided generalities that included better safety or standard of living in Quebec than elsewhere. On his children, it is true that he had mentioned that the eldest child planned to attend university at McGill or Concordia, but he was under the impression that the one of the daughters needed to finish her A levels in Quebec. He knew that the youngest would attend a neighbourhood school, but did not know anything more about it. He did not know the distance of the neighbourhood to Concordia or McGill either. While he had stated he was taking French lessons, he could not say what his name was in French and could only say that how are you translates into "*comment ça va*".

[21] The Officer then stated that they had concerns with the Applicant's intent to reside in Quebec. They said that they found it problematic that he had done very little research, wanted to open a restaurant without any research, was vague about accommodation, did not know about the

neighbourhood, schooling, or just relied on a friend he had never met. Then, the Officer invited the Applicant to address those concerns. The Applicant stated the following in response:

I have been in the financial business for a very long time. I was doing stock exchanges. I am one of the top 10 brokers. I have been fighting with other broker houses on my own. The concerns you have is legit, but it is not new for me to take up challenges. If I can go to Quebec, I'm confident that I can do better than people there. I have not done much research because there is no confirmation of visa. I am someone who will go to a place and start business. If I do research now but visa is not approved, then there's no point. The onus is on the Applicant to establish that he meets the requirements under the Regulation, , that he intends to live in Quebec. He had prior notice that the Canadian Immigration officials expected to see details, or the explanations for why there were none. It was in this context that the Officer needed to assess whether the Applicant had discharged his onus with sufficient reliable evidence, and they found that the Applicant's vague responses did not. Ultimately, the Officer summarized the evidence and found that: "Given his vague responses and absence of research, I have concerns with applicant's intent to reside in Quebec, if a visa is issued. I gave applicant an opportunity to respond to my concerns, and the answers as provided by applicant did not alleviate my concerns."

[22] I find that the Officer asked relevant questions to establish intent. They provided a transparent account of their first impression and gave the Applicant an opportunity to provide additional context. The Applicant responded by highlighting his capacity and flexibility to be anywhere. The Officer's reasons are responsive to the evidence before them. It was reasonable for the Officer to conclude that the Applicant had not discharged his onus. The Officer provided reasons that are transparent, intelligible and justifiable. The Applicant is in effect asking the Court to find the decision unreasonable because of how the Officer weighed the evidence. This is not the role of the Court on judicial review.

B. *Did the Officer reach the decision in a procedurally fair manner*

[23] There are two grounds for which the Applicants allege that the Officer reached their decision in a procedurally unfair manner. First, that they unfairly applied the criteria set out for the entrepreneur class for the Applicant who had applied as an investor. This was manifested when they requested a business plan. Second, that the Officer demonstrated a reasonable apprehension of bias.

(1) Business Plan Requirement

[24] As already stated, I find that the Applicant's argument on the requirement for a business plan affected their argument both with respect to the reasonableness and the fairness of the decision. I am not repeating the findings I have already made under the reasonableness of the decision above.

[25] The Officer's reason for rejecting the application was the Applicant's failure to establish his intent to reside in Quebec. I disagree with the Applicant's characterization that the request for a business plan was either a condition precedent to process the application further, or determinative to the overall assessment of the case. The Applicant's answers showed that he had done little to learn about residing in Quebec, and the fact that there was no employment or business plan was also not helpful to their case. It was the Applicant who had raised the intention of opening a restaurant. It was in the context of assessing the Applicant's intention to reside in Quebec that the Officer tried to ascertain what the Applicant knew about the restaurant business, and they learnt that he knew little. At no time did the Officer confuse the requirement of the

investor program with that of the entrepreneurs or that assessed the Applicant against a criterion that was not communicated to him clearly.

[26] In addition, this Court has repeatedly confirmed that the duty of fairness owed to applicants in the Quebec Investor Class sits at the lower end of the spectrum. This is “due to the absence of legal right to permanent residence, the fact that the burden is on the applicant to establish [his/her] eligibility, the less serious impact on the applicant that the decision typically has, compared with the removal of benefit, and the public interest in containing administrative costs” (*Fatema v Canada (Citizenship and Immigration)*, 2025 FC 772 at para 16 [*Fatema*] ; *Khan v Canada (Citizenship and Immigration)*, 2025 FC 104 at para 11 [*Khan*]; *Quan v Canada (Citizenship and Immigration)* 2022 FC 576 at paras 31, 34 & 40 [*Quan*]).

[27] These requested documents made it clear that the focus was on the Applicant’s intent to reside in Quebec. Furthermore, the Applicant knew, or ought to have known, that the intent to reside in Quebec was the only issue left under paragraph 90(2) of the *Regulations* (*Fatema* at paras 14, 16 and 23; *Khan* at paras 8 and 11 and *Quan* at paras 20,33 and 40). In the letter to invite him to the interview, the Application was further notified that the interview would likely focus on his intent to reside in Quebec and was advised he could bring any additional documents he wished the Officer to consider. I am satisfied that the Applicant had sufficient prior notice, there were no evidence not considered by the Officer, and that his application was assessed against the correct regulatory regime.

[28] On the issue of business plan, as I have already found, the request and the assessment were

made in the context of assessing the Applicant's intention to reside in Quebec. The Officer assessed his explanation for his scant knowledge or research and explained why they found his assertion that he would succeed to be insufficient to meet his onus.

[29] The officer must be looking for a concrete basis for the Applicant's declared intention to reside in Quebec, and a "business plan" is one example that can be an indicia of such intention, even in the Investor class (*Fatema* at paras 30-33; *Khan* at para 19; *Quan* at paras 6, 9, 29 and *Kabir v. Canada (Minister of Citizenship and Immigration.)*, 2023 FC 1123, paras. 3, 28-29 and 31).

[30] I find that the Officer reached the decision fairly.

(2) Reasonable Apprehension of Bias

[31] The Applicants state that Officer demonstrated a reasonable apprehension of bias because the Visa Post in Singapore, where the application was processed, rejected the application of 8 other potential Quebec investors in a similar manner. In the Applicant's opinion, the visa post in Singapore puts an undue emphasis on the requirement of a business plan.

[32] First, I have not found that in this case, the Officer has put an undue emphasis on the requirement of a business plan. The presence or absence of a business plan was not the determinative issue, and it was assessed in the context of the regulatory requirement of whether the Applicant intended to reside in Quebec. Second, the only file before me is that of the Applicant. While the Applicant has filed little bits and pieces of files belonging to the other

investor candidates, I have not had the benefit of reviewing the other candidate's entire record to find that there is an unfair pattern in the Singapore visa post.

[33] The Applicant is also arguing that the Officer in the Singapore Visa Post issued the decision within days of the interview. Even worse in his opinion, is that 8 other similarly situated applicants on other files, also got their decisions quickly. For reasons that I have articulated, I have found the decision to be fair and reasonable in this case, and I cannot comment on the other cases where I have not seen their record. In addition, in assessing the reasonableness of the decision, the Court recognizes that the high volume of visa decisions are such that extensive reasons are not required: *Vavilov* at paras 88, 91; *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13; *Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 at paras 9, 16 [*Yuzer*]; *Wang v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1298 at paras 19-20. Nonetheless, the reasons given by the Officer must, when read in the context of the record, adequately explain and justify why the application was refused: *Yuzer* at paras 9, 20; *Hashemi v Canada (Citizenship and Immigration)*, 2022 FC 1562 at para 35; *Vavilov* at paras 86, 93–98.

[34] In this case, the Officer made a fair and reasonable decision efficiently. Efficiency in decision-making, when it does not compromise fairness or the reasonableness of the decision and its reasons, should be the goal of every administrative decision-maker. This goal is shared, understood and encouraged by the Court.

[35] I find that the Applicant has not established that an informed person, viewing the matter realistically and practically and having thought the matter through, would think that it is more likely than not that the Officer, would not decide fairly (*Committee for Justice and Liberty v National Energy Board*, 1976 CanLII 2 (SCC), [1978] 1 SCR 369 at 394). The threshold is high and there is a strong presumption of impartiality by the decision maker.

[36] I, therefore, find that the Officer reached his decision in a fair manner.

VI. Conclusion

[37] For the reasons above, I find that the Officer's decision was reasonable. The Officer also made decision impartially and in a procedurally fair manner. I, therefore, dismiss the application for judicial review.

[38] The parties did not propose a certified question, and I agree that none arise in this case.

JUDGMENT IN IMM-12430-24**THIS COURT’S JUDGMENT is that**

1. The application for judicial review is dismissed.
2. There is no question for certification.

“Negar Azmudeh”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET:	IMM-12430-24
STYLE OF CAUSE:	ABDUL AWAL V THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	MONTREAL, QUÉBEC
DATE OF HEARING:	JUNE 4, 2025
REASONS FOR JUDGMENT AND JUDGMENT:	AZMUDEH J.
DATED:	JUNE 6, 2025

APPEARANCES:

Gabrielle Thiboutot	FOR THE APPLICANT
Guillaume Bigaouette	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Bertrand, Deslauriers Avocats Montreal (Québec)	FOR THE APPLICANT
Department of Justice Canada Montreal (Québec)	FOR THE RESPONDENT