

Federal Court



Cour fédérale

Date: 20250623

Docket: IMM-12959-23

Citation: 2025 FC 1122

Ottawa, Ontario, June 23, 2025

PRESENT: Mr. Justice McHaffie

BETWEEN:

NIRMALJEET KAUR NANDHA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] After an interview with Nirmaljeet Kaur Nandha, an officer with Immigration, Refugees and Citizenship Canada [IRCC] placed a verification call to the hotel where Ms. Nandha claimed to have worked for many years as a cook. The officer received answers to a number of basic questions about the hotel's restaurant, staff, and benefits that differed materially from those provided by Ms. Nandha at the interview. The officer subsequently rejected Ms. Nandha's application for a permanent resident visa under the Federal Skilled Trades [FST] program

because they were not satisfied Ms. Nandha had the two years' experience as a cook that she claimed and that was necessary to fulfill the requirements of the program.

[2] Ms. Nandha seeks judicial review of the officer's decision. She argues the decision was unreasonable because the officer's reasons, as reflected in their notes in IRCC's Global Case Management System [GCMS], show no consideration of the documentary evidence she filed confirming her employment as a cook at the hotel, and no analysis of why the results of the verification call were preferred over that documentary evidence. A second argument concerning the role of the individual to whom the verification call was made was withdrawn by counsel at the hearing.

[3] The reasonableness standard applies. Reviewing a visa officer's decision on the reasonableness standard requires the Court to read their reasons in light of the record and with due sensitivity to the administrative setting in which they were given: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 91–96.

[4] The record includes the officer's GCMS notes from the date of the interview in September 2023. These notes set out the officer's record of the interview with Ms. Nandha and the verification call with the hotel. They also indicate that the officer expressed concerns to Ms. Nandha about discrepancies between her answers at the interview and those received on the verification call regarding "the restaurant of the hotel, its menu, total staff, and cooks working there and the benefits given to the employees." The GCMS entry also includes the officer's note that Ms. Nandha's response to these concerns was simply that "[t]here must be some

misunderstanding.” The officer’s notes state that they told Ms. Nandha that her reply did not alleviate their concerns and that they were not satisfied that she had accumulated two years of full-time work experience as a cook. The GCMS entry concludes with the following statement:

Based on all the information collected and evidence[] on file and seen at the interview, I am not satisfied that the applicant meets Section 87.2(3)(b) of the [*Immigration and Refugee Protection Regulations*, SOR/2002-227] under the FST program and also under [section] 11.2 of the [*Immigration and Refugee Protection Act*, SC 2001, c 27].

[5] The record also includes Ms. Nandha’s original application, as well as documents filed in response to two earlier procedural fairness letters that raised concerns about the genuineness of Ms. Nandha’s claimed work experience. Among these were letters and affidavits from individuals at the hotel confirming Ms. Nandha’s employment as a cook, including from the individual who later responded to the verification call in September 2023; copies of the hotel’s register of employees; a series of cash vouchers presented as salary slips; and Ms. Nandha’s income tax returns.

[6] Ms. Nandha argues the officer’s conclusion, reproduced above, indicates they ignored this documentary evidence or, at the least, failed to explain why they gave the discrepancies arising from the verification call more weight than the other evidence. In support, she cites *Rong*, where this Court found it unreasonable for an officer to rely on contradictions revealed in a verification call with the employer’s receptionist without adequately explaining why that evidence was preferred over other evidence in the record: *Rong v Canada (Citizenship and Immigration)*, 2013 FC 364 at paras 26–27.

[7] I agree the officer's reasons were scant. A clearer statement from the officer would perhaps have better explained their reasons for rejecting the application. Nonetheless, reading the reasons in their administrative context and in light of the record, I am satisfied that they do not indicate the officer simply ignored the evidence, and that they are sufficiently clear to meet the requirements of reasonableness. Reading the officer's reasons in the context of the notes of the interview, the notes of the verification call, and the exchange with Ms. Nandha, one can readily understand that the officer concluded that the contradictions raised during the verification call were enough to materially undermine the collection of documents ("all the information collected and evidence[] on file") that had been submitted by Ms. Nandha in support of her application.

[8] In this regard, the situation is different from that in *Rong*, where the Court's concern was that the officer had not adequately explained why "minor inconsistencies" that arose from a verification call with a receptionist, and that were "reasonably and consistently explained in the documents," were sufficient to cast doubt on the evidence and documents of the applicant and her employer: *Rong* at para 26; *Trivedi v Canada (Citizenship and Immigration)*, 2025 FC 617 at para 6. Here, the verification call was conducted with an individual who Ms. Nandha said was her supervisor and had earlier described as supervising the restaurant and dining at the hotel. That individual said, among other things, that the restaurant in the hotel only served a buffet, with no à la carte dining, whereas Ms. Nandha had said exactly the contrary. The supervisor's responses regarding the capacity of the restaurant, the size of the staff, and whether the hotel paid bonuses to employees also directly contradicted Ms. Nandha's responses.

[9] In this context, I am satisfied that the officer's reasons meet the requirements of a reasonable decision. It is fair to say they do not contain "all the [...] details the reviewing judge would have preferred": *Vavilov* at para 91. However, one can readily understand from them the reasons for the officer's decision, namely that the contradictory information obtained on the verification call cast sufficient doubt on Ms. Nandha's claim that she had worked as a cook at the hotel that the officer was not satisfied she had established her eligibility for the FST program. That weighing of evidence is the role of the officer, and I am not satisfied that it was an unreasonable one in the circumstances: *Vavilov* at para 125. Nor am I satisfied that the officer failed to take into account or fundamentally misapprehended the other evidence: *Vavilov* at para 126. While the officer did not expressly list out the various other "information collected and evidence[] on file," the fact that they did not do so is not enough to displace the presumption that they considered all of the evidence.

[10] I note, as did the Minister, that this is not a case in which a finding of misrepresentation was made against Ms. Nandha, although the possibility of such a finding was raised in the procedural fairness letters. The impact of a misrepresentation finding is such that "the reasons provided to [the individual affected] must reflect the stakes": *Vavilov* at para 133; *Alvarez Gonzalez v Canada (Citizenship and Immigration)*, 2025 FC 628 at para 18.

[11] I am therefore not satisfied that Ms. Nandha has met her onus to show that the officer's decision was unreasonable. The application for judicial review will therefore be dismissed.

[12] Neither party proposed a question for certification, and I agree that none arises in the matter.

JUDGMENT IN IMM-12959-23

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12959-23

STYLE OF CAUSE: NIRMALJEET KAUR NANDHA v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 17, 2025

JUDGMENT AND REASONS: MCHAFFIE J.

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