

Federal Court



Cour fédérale

Date: 20250902

Docket: IMM-13017-23

Citation: 2025 FC 1447

Ottawa, Ontario, September 2, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

LAI MAN LAM

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Lai Man Lam [Applicant] seeks judicial review of an Immigration Officer's [Officer] decision refusing her open work permit under the International Mobility Program, and issuing a five-year ban under section 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] for misrepresentation.

[2] Having considered the record before the Court, including the parties' written and oral submissions, as well as the applicable law, I find that the Applicant has failed to discharge her burden and demonstrate that the Officer's decision is unreasonable. For the reasons that follow, this application for judicial review is dismissed.

II. Background Facts

[3] The Applicant is a citizen of China living in Hong Kong. She applied for a work permit under the International Mobility Program. In support of her application, the Applicant alleged that she had obtained a Master's of Business Administration [MBA] from Anglia Ruskin University.

[4] Concerned with several elements found in her application, the Officer sent the Applicant an invitation to attend an interview to address their concerns regarding the legitimacy of the educational credentials presented. In particular, the Officer requested that the Applicant provide additional supporting documentation, including evidence of any coursework exemption applied towards the degree she obtained from Anglia Ruskin University.

[5] More specifically, during the interview, the Officer raised concerns that the Applicant may have engaged the help of ghostwriters to help obtain her degree for the purposes of immigrating to Canada. The Applicant responded that she was aware of allegations concerning a group of ghostwriters as reported in the South China Morning Post newspaper, but that she did the work herself.

[6] However, the Applicant was not able to answer several high-level questions that the Officer asked her in relation to her Master's paper and the Officer found that the Applicant demonstrated little knowledge of her own research. Specifically, she could not reasonably answer questions regarding the course work, basic business concepts, submitted essays, and failed to answer correctly a question regarding her research strategy, methodology and key concepts.

[7] Consequently, the Officer found that the Applicant had presented education credentials that were not legitimately earned, in order to obtain a work permit in Canada. As a result, the Officer found the Applicant inadmissible under section 40 of the IRPA for misrepresentation.

III. Issues and Standard of Review

[8] The Applicant submits that the Decision is unreasonable and that the Officer breached her rights to procedural fairness.

[9] The applicable standard of review is reasonableness. To avoid judicial intervention, the decision must bear the hallmarks of reasonableness—justification, transparency, and intelligibility (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 59 [Mason] at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126; *Mason* at para 73). Reasonableness review is not a “rubber-stamping” exercise, it is a robust form of review (*Vavilov* at para 13; *Mason* at para 63). The

party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

[10] On the other hand, procedural review is a form of analysis that “focuses on the nature of the rights involved and the consequences for affected parties” (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 37-56 [*Canadian Pacific Railway*]). When dealing with matters of procedural fairness, the role of a reviewing court is to determine whether “the applicant knew the case to meet and had a full and fair chance to respond” (*Canadian Pacific Railway* at para 56). The Court thus conducts a “reviewing exercise... ‘best reflected in the correctness standard’ even though, strictly speaking, no standard of review is being applied” (*Canadian Pacific Railway* at para 54). Concretely, this requires the Court to “assess the procedures and safeguards” in place to protect the rights of a party appearing before the administrative decision maker, and determine whether they have been followed in the Applicant’s case. If they have not been followed, it is then incumbent on the Court to intervene. Such intervention is an essential part of safeguarding the fairness of the administrative process and holding administrative decision makers to account (*Vavilov*, at para 13).

IV. Analysis

A. *The is no breach of procedural fairness*

[11] The Applicant does not articulate a specific breach of procedural fairness, other than to argue that credibility was an issue and that the Officer hunted for misrepresentation, rather than eligibility.

[12] I disagree. In this case, the Officer had concerns regarding the Applicant's application and eligibility for a work permit and provided notice and a meaningful opportunity to participate in the process (*Yip v Canada (Citizenship and Immigration)*, 2025 FC 288 at para 69 [*Yip*]). There is no breach of procedural fairness.

[13] The Officer properly asked the Applicant to appear for an interview and to provide additional documents. Moreover, the Officer informed the Applicant as to their concerns regarding the possible use of ghostwriters and allowed the Applicant to respond. When the Applicant responded to having written her MBA research, the Officer allowed her to confirm that response by answering high-level questions about her research. When the Applicant failed to provide sufficiently credible answers, the Officer was entitled to draw a negative conclusion and rule that she did not earn the education that she claimed to have obtained.

B. *The Officer's Decision is reasonable*

[14] The Applicant submits that the Officer's Decision is unreasonable because they were too concerned about peripheral issues such as the name listed on her payment receipt for the course and proof of enrollment, and the proof of her exemptions from certain mandatory courses required for the completion of her MBA. In essence, the Officer did not engage with the contradictory evidence which demonstrated that the Applicant indeed was exempt from many courses as a result of her obtaining a 120-credit equivalence from prior learning and experience, including her prior Bachelor's degree (citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at paras 14–17).

[15] In the Applicant's view, even if the Officer did not believe that the equivalence was justified, the situation does not amount to "compelling evidence" of misrepresentation, which is the threshold required for the Officer to make that conclusion and impose a five-year ban (relying on *Somal v Minister of Citizenship and Immigration*, 2021 FC 630 at para 10; *Seraj v Minister of Citizenship and Immigration*, 2016 FC 38 at para 1).

[16] I disagree.

[17] The main finding of the Officer in this case is not whether the Applicant was properly enrolled in the MBA program, but whether she legitimately obtained that degree. The Officer properly indicated their concerns to the Applicant, specifically relating to the use of a ghostwriter for the MBA, and granted her the opportunity to respond. To that effect, the Officer's main reasons in the Global Case Management System notes indicate that they were not satisfied by the Applicant's answers to high-level questions regarding business concepts and relating to her MBA research, which the Officer believed a reasonable MBA graduate would recall. On her own alleged MBA research specifically, the Applicant answered incorrectly what her research strategy was, and failed to identify and explain the key concepts, key performance indicators and methodology.

[18] On the basis of that evidence and the balance of probabilities, the Officer's finding that the Applicant presented academic credentials that were illegitimately earned in order to obtain a work permit in Canada, is reasonable.

[19] I would also note that, as raised by counsel for the Applicant at the hearing, the facts and issues raised in this case are similar to those in *Yip*, and the reasons of Justice Kane equally apply. Indeed, on very similar facts and issues, Justice Kane held that the Officer's finding of inadmissibility based on misrepresentation was reasonable. The same reasoning applies in this case and the Officer's decision is likewise reasonable (see also *Law v Canada (Citizenship and Immigration)*, 2025 FC 480).

[20] The Applicant is essentially asking this Court to re-weigh the evidence that was before the Officer, or to embark upon a "treasure hunt for error". That is not this Court's role in an application for judicial review on the reasonableness standard. The Court is satisfied that the Officer properly reviewed the evidence before them and their conclusion falls within a range of possible and acceptable outcomes. The Applicant has not discharged her burden to demonstrate that there were sufficient shortcomings warranting the Court's intervention (*Vavilov* at paras 86, 100, 102).

V. Conclusion

[21] The Application for judicial review is dismissed and there is no question of general importance for certification.

JUDGMENT in IMM-13017-23

THIS COURT'S JUDGMENT is that:

1. The Application for judicial review is dismissed.
2. There is no question of general importance for certification.

"Guy Régimbald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13017-23

STYLE OF CAUSE: LAI MAN LAM v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: VANCOUVER (BRITISH COLUMBIA)

DATE OF HEARING: AUGUST 28, 2025

JUDGMENT AND REASONS: RÉGIMBALD J.

DATED: SEPTEMBER 2, 2025

APPEARANCES:

Richard Kurland	FOR THE APPLICANT
Jocelyne Mui	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Kurland, Tobe Barristers and Solicitors Vancouver (British Columbia)	FOR THE APPLICANT
Attorney General of Canada Vancouver (British Columbia)	FOR THE RESPONDENT