

Federal Court



Cour fédérale

Date: 20190521

Docket: IMM-3357-18

Citation: 2019 FC714

Ottawa, Ontario, May 21, 2019

PRESENT: Mr Justice James W. O'Reilly

BETWEEN:

SUNDAY TOLA YUSUF

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Mr Sunday Tola Yusuf applied for permanent residence as a skilled worker. The visa officer who reviewed Mr Yusuf's application was concerned that Mr Yusuf failed to mention his involvement with a company called FleetPartners. FleetPartners' website named Mr Yusuf as its Executive Chairman. In addition, Mr Yusuf's own LinkedIn profile mentioned that he was a member of the Board of FleetPartners.

[2] The officer brought these concerns to Mr Yusuf's attention. Mr Yusuf responded by explaining that he does not have an official role in FleetPartners, but he provides pro bono services to the company. He provided a supporting affidavit from the company's CEO and corporate documents that did not identify him as a director.

[3] Nevertheless, the officer concluded that Mr Yusuf was inadmissible to Canada for having made a material misrepresentation that could have induced an error in the administration of Canada's immigration laws (under the *Immigration and Refugee Protection Act*, SC 2001, c 27, s 40(1)(a) [IRPA]). The officer found that Mr Yusuf had not provided an adequate explanation for the on-line information about his involvement with FleetPartners.

[4] Mr Yusuf argues that the officer's conclusion was unreasonable and that the officer had failed to explain how the alleged misrepresentation was material. He asks me to quash the officer's decision and order another officer to reconsider his application.

[5] I can find no basis for overturning the officer's decision. The officer reasonably found that there had been misrepresentation and explained that the misrepresentation was material to Mr Yusuf's application.

[6] There are two issues:

1. Did the officer reasonably conclude that Mr Yusuf had misrepresented his employment history?
2. Did the officer provide adequate reasons?

II. Issue One – Did the officer reasonably conclude that Mr Yusuf had misrepresented his employment history?

[7] Mr Yusuf contends that the officer unreasonably relied on a third-party website over which Mr Yusuf had no control to conclude that there had been a misrepresentation. In addition, he argues that the officer ignored evidence that clarified that he did not have an official relationship with FleetPartners.

[8] I disagree. The officer relied, in part, on the fact that Mr Yusuf's own LinkedIn account cited his membership on the Board of FleetPartners. Mr Yusuf never provided an explanation for that entry. On this evidence, the officer's conclusion that Mr Yusuf had misrepresented his employment history was not unreasonable.

III. Issue Two – Did the officer provide adequate reasons?

[9] Mr Yusuf maintains that any omission from his employment history could not have been material as the inclusion of additional information could only strengthen his application. He suggests that the officer failed to explain how his alleged omission could have induced an error in the administration of Canada's immigration laws.

[10] Again, I disagree. Mr Yusuf applied for entry to Canada as a skilled worker. Obviously, his work history was central to his application. Any errors or omissions in his description of his employment experience could have resulted in an error in the processing of his application. In the circumstances, the officer's observation that Mr Yusuf had not adequately explained the

omission in his employment history provided a sufficient explanation for rejecting his application.

IV. Conclusion and Disposition

[11] On the evidence, the officer reasonably concluded and explained that Mr Yusuf had failed to mention his involvement with FleetPartners, an omission that could have induced an error in the processing of Mr Yusuf's application. Accordingly, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-3357-18

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

No question of general importance is stated.

"James W. O'Reilly"

Judge

Annex

*Immigration and Refugee Protection Act,
SC 2001, c 27*

*Loi sur l'immigration et la protection des
réfugiés, L.C. 2001, ch. 27*

Misrepresentation

Fausse déclarations

40 (1) A permanent resident or a foreign national is inadmissible for misrepresentation

40 (1) Emportent interdiction de territoire pour fausses déclarations les faits suivants :

(a) for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act;

a) directement ou indirectement, faire une présentation erronée sur un fait important quant à un objet pertinent, ou une réticence sur ce fait, ce qui entraîne ou risque d'entraîner une erreur dans l'application de la présente loi;

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3357-18

STYLE OF CAUSE: SUNDAY TOLA YUSUF v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 1, 2019

JUDGMENT AND REASONS: O'REILLY J.

DATED: MAY 21, 2019

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