

Federal Court



Cour fédérale

**Date: 20240405**

**Docket: IMM-13541-22**

**Citation: 2024 FC 528**

**Ottawa, Ontario, April 5, 2024**

**PRESENT: Mr. Justice O'Reilly**

**BETWEEN:**

**YAN GINZBURG  
YURY GINZBURG**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] In 2021, Mr Yan Ginzburg, a Canadian citizen, submitted a sponsorship application for his parents, who are citizens of Israel. In September 2022, Mr Ginzburg received a letter from Immigration, Refugee and Citizenship Canada (IRCC) informing him that the sponsorship application was incomplete because a Consent and Declaration Form was missing. The IRCC's letter instructed Mr Ginzburg to submit the required document within 30 days. Mr Ginzburg completed the form and sent it the next day to the email address contained in the letter.

[2] In December 2022, IRCC sent Mr Ginzburg another letter informing him that the sponsorship application was rejected because it was incomplete. Mr Ginzburg asked IRCC to reconsider its decision, pointing out that the requested document had been filed on time. IRCC denied the reconsideration request. Mr Ginzburg repeated his request for reconsideration, explaining that the September 2022 letter was confusing and that he had done his best to comply with its instructions. Again, IRCC rejected Mr Ginzburg's request.

[3] Mr Ginzburg and his father submit that IRCC's decision was unreasonable and unfair because the required documentation had been provided on time and all other requirements were met. They ask me to quash IRCC's decision and order it to reconsider the sponsorship application.

[4] I can find no basis for overturning IRCC's decision. The required Consent and Declaration Form was not filed properly – the form had to be completed and signed by the “Principal Applicant,” who was Mr Ginzburg's father, not Mr Ginzburg. IRCC never received the properly completed form, so the sponsorship application was incomplete. I must, therefore, dismiss this application for judicial review.

[5] The question is whether IRCC's decision was unreasonable or unfair.

## II. Was IRCC's Decision Unreasonable or Unfair?

[6] Mr Ginzburg's sponsorship application fell within the Parents and Grandparents Program. The PGP operates like a lottery – applicants are chosen at random and invited to

submit applications for processing. If an application is rejected, an applicant cannot resubmit the application – they must wait until they are randomly reselected in a subsequent year’s lottery.

The sponsorship application is submitted by way of an online portal that closes after submission.

[7] IRCC’s September 2022 letter asked Mr Ginzburg to submit a complete Consent and Declaration Form in the online portal. It explained that the form should be completed and electronically signed by the “Principal Applicant” and that the “Principal Applicant” must enter their name as it appears on their passport. It went on to say that the document should be provided within 30 days by email or post. The document to be completed was attached to the letter.

[8] For purposes of the sponsorship application, the “Principal Applicant” is Mr Ginzburg’s father, not Mr Ginzburg. Accordingly, IRCC instructed Mr Ginzburg to have his father complete and sign the Consent and Declaration Form and ensure that his father’s name appeared on the form as it did on his father’s passport. Instead, Mr Ginzburg completed and signed the form himself and sent it to IRCC by email.

[9] I see some basis for confusion – the form alluded to the possibility of submitting the form through the online portal. But this was no longer possible as the portal was closed. In any case, Mr Ginzburg was able to submit the form by email.

[10] Similarly, the letter was addressed to Mr Ginzburg and referred to “your documentation.” This may have led to some confusion about who should fill out the required form.

[11] However, the letter clearly stated that the form should be completed and signed by the Principal Applicant. It also stated that the signatory's name should appear as it did on his passport – only Mr Ginzburg's father's passport was relevant as his father was not a Canadian citizen. And it invited Mr Ginzburg to submit the form by email, which he did. The form asked the Principal Applicant, among other things, to confirm his understanding that false statements would result in his exclusion from Canada, that a visa may impose certain conditions on him, and that the information relating to accompanying family members was accurate. These topics were obviously relevant only to the person seeking to reside in Canada, not the sponsoring Canadian family member. It should have been clear to Mr Ginzburg that the form had to be completed and signed by Mr Ginzburg's father.

[12] In the circumstances, I cannot conclude that IRCC's decision was either unreasonable or unfair.

### III. Conclusion and Disposition

[13] While there was some basis for confusion, there was nothing unreasonable or unfair about IRCC's decision. I must, therefore, 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-13541-22**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

"James W. O'Reilly"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-13541-22

**STYLE OF CAUSE:** YAN GINZBURG, YURY GINZBURG v MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 22, 2024

**JUDGMENT AND REASONS:** O'REILLY J.

**DATED:** APRIL 5, 2024

**APPEARANCES:**

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