

Federal Court



Cour fédérale

Date: 20250120

Docket: IMM-6798-19

Citation: 2025 FC 101

Vancouver, British Columbia, January 20, 2025

PRESENT: Justice Andrew D. Little

BETWEEN:

KELECHI B. AGBAI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] In this judicial review application, the applicant challenged two decisions dated November 11, 2019, made by an officer and a manager in the migration section at the High Commission of Canada in Accra, Ghana. The decisions:

- (a) refused the applicant's request for permanent residence in Canada under the Skilled Worker Class under subsection 75(2) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the "IRPR"); and

(b) concluded that the applicant was inadmissible to Canada for misrepresentation under paragraph 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the “*IRPA*”).

[2] The applicant submitted that the decisions were unreasonable under the principles in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653.

[3] For the following reasons, the applicant has not demonstrated that the decisions contained a reviewable error. Accordingly, the application must be dismissed.

I. **Facts and Events Leading to this Application**

[4] The applicant is a citizen of Nigeria. She applied for permanent residence in Canada as a member of the Skilled Worker Class under *IRPR* subsection 75(2). She applied under a National Occupation Classification (“*NOC*”) as a Senior Manager – Financial, Communication and Other Services. The basis of her experience was that she worked at a company called Timotex Integrated Services Inc. (“*Timotex*”), a family business in Nigeria. Her proposed employer in Canada was also a family business, operated by her brother.

[5] A letter from Timotex filed by the applicant advised that she had worked for Timotex since February 1, 2005, as a Senior Manager, Operation and Finance. The applicant’s brother-in-law (her spouse’s brother) signed her letter of employment.

[6] In 2019, the Risk Assessment Unit of Immigration, Refugees and Citizenship Canada (“IRCC”) requested a report from authorities in Nigeria to verify the applicant’s employment at Timotex. An entry in the Global Case Management System (“GCMS”) in May 2019 contained the response from the Special Police Fraud Unit in Lagos (which I will call the “Lagos Police Report”):

... Detailed Investigation Verification carried out has it that the subject worked with Delta Bakery between 2005/2006 when she committed fraud OA05061 with one other and disappeared. In Conclusion; the subject does not work for the bakery and no company with a name as TIMOTEX Integrated Services Nigeria found around the vicinity. The letter of employment record and reference letter for Kelechi Blessing Agbai is a forgery. The presenter of the letter should be made to face the full wrath of the law. Above for the your information, please...

[7] By letter dated June 20, 2019, the applicant was invited for an interview in Accra. The letter requested that she bring original documents with her to the interview.

[8] On July 3, 2019, an officer interviewed the applicant in Accra, made several telephone calls and made extensive entries in the GCMS. The salient points for this application are as follows.

[9] A GCMS entry on July 3, 2019, noted a number of documents received from the applicant, including a letter from Timotex dated January 25, 2005, offering her employment and a Timotex letter dated November 4, 2018, providing a reference. The applicant provided an explanation for why she did not have a pay stub, “stating she works for her husband’s family business and she is paid in cash”.

[10] The GCMS entry on July 3, 2019, described the officer's telephone call to the number provided on Timotex's letterhead. The officer asked the person who answered to speak to the Human Resources Manager. The person advised that he was the Human Resources Manager and also President and an owner of Timotex (he was also the applicant's brother-in-law). In response to the officer's questions, he provided information concerning the applicant's job duties, the President's duties and the business of Timotex.

[11] The GCMS entry on July 3, 2019, also described the officer's interview with the applicant, during which the applicant provided information about her job duties and those of Timotex's President. The GCMS notes indicated that:

- a) the officer advised the applicant about the investigation into her employment, and that Timotex could not be located in the vicinity of its stated address;
- b) the officer was not satisfied that the applicant was employed as stated on the Employment Record and reference letter;
- c) the job duties in Timotex's letter did not match her description of her duties;
- d) the officer found that the applicant did not perform the job duties in the NOC, but she advised that the President/Human Resources Manager performed those duties; and
- e) the applicant's description of her job duties did not match what the President/Human Resources Manager stated.

[12] In addition, the GCMS entry on July 3, 2019, stated in relation to Timotex:

The business doesn't appear to be a viable business; the company and applicant do not pay taxes; there is no record of being paid by the company; the business does not appear to exist as stated.

[13] The officer's concerns included that employment letters from Timotex, including the original offer dated January 25, 2005, "were not issued on stated dates; these documents are not aged and all appear to be newly issued". On this concern, the GCMS notes indicated that the applicant stated that:

[...] she typed a new employment letter; states her birth certificate was old and the letters of employment were like her old birth certificate; she made a new one so it would look presentable. States she didn't come with the original offer letter; states it was in such bad shape that she couldn't present it [...]

[14] The officer was also concerned about the applicant's employment with a school. The applicant brought a letter dated September 8, 2017, to the interview, which was on the letterhead of St Ann's School. The applicant had not mentioned a teaching job in the relevant Schedule concerning employment in her permanent residence application. On this issue, the applicant advised at the interview that she only worked part-time on Fridays when Timotex did less work. At the end of the interview, the officer kept the original letter dated September 8, 2017, from St Ann's School.

[15] The applicant and the officer both filed affidavits on this judicial review application, which addressed what happened at the interview. I will return to these affidavits below.

[16] On July 3, 2019, the officer telephoned the two numbers on the letter from St Ann's School to verify the applicant's employment. One number was switched off and the other call did not go through.

[17] Finally, the officer sent a letter dated July 3, 2019, to the applicant (the "Procedural Fairness Letter"). The Procedural Fairness Letter advised the applicant that the officer had concerns that the applicant's employment letters from Timotex were "fraudulent". In addition, the officer advised the applicant:

I am not satisfied you are employed as stated; I am not satisfied you have performed the duties of a Senior Managers - Financial, Communications and Other Business Services (NOC 0013). I have concern you were employed by St. Ann's School which you did not declare on your Schedule.

[18] The applicant answered by typewritten letter dated July 17, 2019, in which she addressed a number of issues, including denying working at or being involved in fraud at Delta Bakery in 2005 and denying being involved in any fraud, encounter with police or misrepresentation of any kind. The response letter attached a "confirmation letter" from A to Z International High School dated July 8, 2019, an affidavit sworn on July 9, 2019, from the President of Timotex and exhibits including Timotex's reference letter dated November 4, 2018. In the affidavit, the President testified that he "re-issued and re-signed [the applicant's] offer letter after she advised that the original has been damaged and unrepresentable for purpose for which it is needed for and I confirmed that to be the case".

II. The Two Decisions under Review

[19] By letter dated November 11, 2019, and in associated separate entries in the GCMS, an officer refused the applicant's application for permanent residence as a member of the federal Skilled Worker Class. In addition, a manager concluded that the applicant made misrepresentations in her application, rendering her inadmissible to Canada for five years under section 40 of the *IRPA*.

[20] The officer's GCMS entry on eligibility for permanent residence described the contents of the applicant's letter responding to the Procedural Fairness Letter. With respect to documents provided with it, the entry contained the following (which I have divided into bullet points for ease of reference):

- Applicant provided an Affidavit of facts from Ugwu Agbai, dated July 9, 2019 - little weight is given to this document as little supporting documentation to confirm the facts has been submitted.
- Employment record and reference letter for Kelchi Blessing Agbai dated November 4, 2018 - little weight is given to this letter as applicant has already submitted same dated November 4, 2018;
- Furthermore when going over the duties of the chosen NOC during interview applicant indicated she indicated the President/Human resource Manager performed the duties and not [*sic*].
- Applicant has provided what appears to be a muddied, torn, filled with holes letter with header Timotex Integrated Services in Nigeria, dated January 25, 2003; the only part which hasn't been muddied (but it appears to have been stained with water or oil or similar) is where the Certified True Copy stamp is. Little weight is given to this document as it appears the letter was made to look older.
- Confirmation letter from International High School dated 8/7/2019; little weight is given to this document as little supporting documentation has been submitted, such as the letter of employment for a part time Economic teacher and further evidence of a business relationship with Timotex Integrated Services.

[21] Based on documentation submitted, the officer was not satisfied the applicant had performed the duties of the NOC under which she applied and was not satisfied the applicant was

employed as stated in the supporting documentation. The officer referred the file for further review with respect to possible misrepresentation.

[22] The manager reviewed the matter for possible inadmissibility due to misrepresentation.

The manager set out the following five points:

1. Applicant submitted a letter from St. Ann's School dated 08 September 2017, which reads as follows: RE: TRANSFER TO MAIN CAMPUS The school management in her resolution to restructure the school has come to the decision to reshuffle her staff in the various arms of the school. Consequently, you are hereby transferred from A-Z International High School at No 7 Delta Bakeries, Woji to St. Ann's School at No. 1 Nembe Road Rumibekwe Housing Estate, Port Harcourt. You are to resume on Monday the 11th of September 2017 by 7:30 am. Kindly note that this is a lateral move. Failure to do so means forfeiture of your employment with us. I give substantial weight to this document as it is dated from before the date the application was submitted.
2. Response to the verification of employment letter from Police Special Fraud Unit in Lagos dated 09 May 2019: - States that applicant worked for Delta Bakery between 2005/2006, committed fraud and then disappeared. - No company with the name as TIMOTEX Integrated Services Nigeria was found in the vicinity. I give substantial weight to this information as it is provided by a third party with no interest in the matter.
3. Applicant provided three (3) documents/letters from TIMOTEX Integrated Services Nigeria dated 25 January 2005, 29 February 2016, and 04 November 2018. All three (3) letters look issued around the same time, and very recently: the paper is the same (except for the phone numbers on the 2005 one), they all appear to have been recently produced (the paper looks as new and recent for the 2005 and 2018 ones). At interview, applicant admitted retyping her offer of employment letter so it would be more presentable. As a response to the procedural fairness letter, she provided a scanned copy of what she states is her original letter of offer. I give little weight to these documents, as they were provided and/or issued around the time the application was submitted or later.
4. During her interview, and in her response to the procedural fairness letter, applicant did not provide a credible explanation with regards to her employment with St. Ann's School. It is

reasonable to conclude from the letter that the applicant was employed by the school before September 2017 and continued to be employed there after September 2017.

5. During her interview, applicant provided a description of her stated work at TIMOTEX. Her work description does not match some or all the main duties performed by Senior Manager - Financial, Communications and Other Business Services.

[23] The manager was not satisfied that the applicant was employed as stated in Timotex's letter and concluded that documentation she provided in her application was not genuine.

The manager's GCMS entry stated:

Based on the documents submitted, the information provided during the interview and in writing, and the results of the employment letter verification, I am not satisfied the applicant is employed as stated in the employment letter from TIMOTEX, or that she has performed the duties of a Senior Manager - Financial, Communications and Other Business Services. Furthermore, based on: - the results of the employment letter verification, - the fact that applicant appears to have been employed by St. Ann's school while she stated to have been working for TIMOTEX, and - the fact that the documentation provided in support of her employment with TIMOTEX was recently issued I am not satisfied her response adequately addressed the concerns regarding whether her employment with TIMOTEX, and the documentation provided in support of it, are genuine.

[24] The manager set out the substance of *IRPA* paragraph 40(1)(a) and found that providing false information and fraudulent documentation regarding her employment with Timotex was a material misrepresentation by the applicant that could have induced an error in the administration of the *IRPA*. Therefore, the manager found the applicant inadmissible under paragraph 40(1)(a).

[25] In this proceeding, the applicant challenged these two decisions. The basis of her arguments was the substantive reasonableness of the decisions. I note that the applicant sought reconsideration after the decisions under review, which renders the reconsideration process

somewhat relevant to understanding the circumstances and context of the decisions under review. However, the reconsideration decisions were not challenged in this proceeding, so I have not analyzed them in these Reasons.

[26] Certain procedural fairness issues were raised by the applicant's previous representative on this application. The previous representative is her brother, who lives in Canada and who provided the second affidavit described below. However, neither the applicant's further memorandum of argument nor her submissions at the hearing of this application raised procedural fairness issues.

[27] This proceeding was stayed by order of this Court from January 2021 until May 2024 owing to an application for a declaration that the applicant's former representative was a vexatious litigant: see *Canada (Attorney General) v. Ubah*, 2021 FC 1466, aff'd *Ubah v. Canada (Attorney General)*, 2023 FCA 26.

III. Admissibility of New Affidavit Evidence

[28] The applicant filed two affidavits for proposed use on this application. The respondent initially objected to significant parts of the applicant's affidavit sworn on January 6, 2020, but withdrew the objections to so-called "extrinsic" evidence at the hearing. The respondent identified numerous reasons not to admit the second affidavit, sworn by the applicant's brother. The applicant properly acknowledged that the second affidavit was on "less secure footing" and submitted that concerns about its abusive or irrelevant contents could result in it being given less weight.

[29] The respondent also filed two affidavits on this application. One was provided by the officer who conducted the July 3, 2019, interview in Accra. The other was provided by the Deputy Migration Program Manager at the High Commission in Accra and related to the certified tribunal record and the second reconsideration decision made in relation to the decisions under review.

[30] The contents of these affidavits are new evidence, in the sense that they (and much of their contents) were not before the officer or the manager. The general rule is that the evidentiary record before the reviewing court is restricted to the evidentiary record that was before the administrative decision maker when the impugned decision was made. Evidence that was not before the decision maker and that goes to the merits of the matter is not admissible on an application for judicial review in this Court: see e.g., *Terra Reproductions Inc. v. Canada (Attorney General)*, 2023 FCA 214, at para 5; *Perez v. Hull*, 2019 FCA 238, at para 16; *Association of Universities and Colleges of Canada v. Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22, at para 19.

[31] There are exceptions to this general rule. Although the applicant did not expressly rely on any of the exceptions set out in the cases just cited, she argued that the Court should consider her evidence about the reconsideration requests that followed the decisions that are under review in this application, including the information she provided with them. The applicant argued that the new evidence serves “some purpose in addressing and contextualizing the nature of the concerns made against her” (citing *Dimgba v. Canada (Citizenship and Immigration)*, 2018 FC 14). The applicant’s submissions recognized that she was interviewed in this case, unlike the applicant in

Dimgba (see paragraph 7), which is a material difference in the admissibility of this evidence on this application.

[32] Applying the legal principles on admissibility of new evidence, I find that certain parts (but not all) of these affidavits are admissible evidence on this application, for limited purposes. While I will set out my conclusions for completeness and to address the parties' submissions at the hearing, much of the new evidence is not particularly useful or material to the resolution of the issues on this judicial review application. Indeed, the applicant did not refer to the new evidence during oral argument (except to argue its admissibility) and the respondent only offered submissions to support the overall position that the applicant was treated fairly. My conclusions on the proposed new evidence are as follows:

- a) The applicant's affidavit setting out a general chronology of events related to her request for permanent residence and the process leading to her requests for reconsideration, is admitted under the exception for background evidence.
- b) The applicant's affidavit, as it concerns her recollections of what occurred and what was stated at the interview on July 3, 2019, is admitted at paragraphs 34-45, 53, and 59-60 only, while recognizing that some of their contents are argumentative and of little or no weight. This evidence goes to the accuracy and completeness of the officer's GCMS notes about the information provided by the applicant at the interview.
- c) The affidavit of the officer in Accra who conducted the interview is admissible to respond to the applicant's evidence about the officer's conduct at the interview and to confirm the accuracy of the officer's GCMS notes.

- d) The applicant's Google Map searches for Timotex, the bakery and the respondent's office in Canada, and the applicant's affidavit as it concerns a meeting with the director/owner of the Delta bakery, are not admissible as new evidence as there is no basis to do so.
- e) The applicant's affidavit as it concerns the contents of conversations with someone at the Lagos Police, and her meeting with the head of the Criminal Investigations Department, are not admissible as there is no basis to do so, and they are not relevant to the issues in this application. However, the existence and chronology of those events is admissible as general background to the reconsideration process.
- f) The applicant's affidavit attached a document as Exhibit 45. It purports to be a police report dated December 19, 2019, prepared after the decisions under review and after the first reconsideration decision but before the second reconsideration. This document is not admissible on this application for the truth of its contents, for several reasons, including that it was not properly authenticated and is incomplete on its face (it does not contain two other documents that it states are attached and which would set out the details of the police inquiries purportedly done between December 16 and 19, 2019, at the applicant's request).
- g) The respondent's second affidavit is admissible as background, only as it concerns the events leading to the second reconsideration decision and attaches the related GCMS notes.
- h) The second affidavit filed by the applicant is not admissible as evidence, at a minimum because its contents are not relevant to the issues in this application.

[33] The applicant's affidavit evidence described her recollections of certain conduct by the officer during the interview on the July 3, 2024. The officer testified that this conduct did not occur. I appreciate what both people have stated. I do not make any findings about the nature of the officer's conduct or the associated exchanges at the interview, as it is not necessary to do so to resolve the issues on this application.

[34] I turn now to the judicial review issues on this application.

IV. Analysis

A. *Legal Principles*

[35] The standard of review of the officer's refusal decision and the manager's decision on misrepresentation is reasonableness, as described in *Vavilov*.

[36] Reasonableness review is a deferential and disciplined evaluation of whether an administrative decision is transparent, intelligible and justified: *Vavilov*, at paras 12-13 and 15. The starting point is the reasons provided by the decision maker, which are to be read holistically and contextually, and in conjunction with the record that was before the decision maker. A reasonable decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision maker: *Vavilov*, esp. at paras 85, 91-97, 103, 105-106 and 194.

[37] GCMS notes form part of the reasons for a decision: see e.g., *Patel v. Canada (Citizenship and Immigration)*, 2024 FC 999, at para 6; *Foumani v. Canada (Citizenship and Immigration)*, 2024 FC 574, at para 21.

B. *The Decisions were Reasonable under Vavilov Principles*

[38] Both parties' submissions treated the two decisions together, although they were reached by two different persons – one an officer (the application for permanent residence under the Skilled Worker Class) and the other a manager (the misrepresentation issue).

[39] The applicant's submissions argued generally that both decision makers gave undue weight to irrelevant evidence and failed to provide a meaningful analysis to the evidence provided by the applicant. The applicant identified three arguments relating to the reasoning process used by the officer and the manager:

- a) The officer and the manager misunderstood and did not properly assess the contents of the letters from St Ann's School dated July 8, 2017, and September 8, 2019, and failed to recognize the absence of certain information in those letters;
- b) The manager made reviewable errors in using the Lagos Police Report and ignored evidence from the applicant and Timotex that ran contrary to the conclusions reached; and
- c) The officer and the manager used flawed reasoning in assessing the information about the applicant's work at Timotex.

[40] The applicant also contended that there were internal inconsistencies within the GCMS entries and submitted that the officer failed to account for or explain why the applicant's responsive evidence was insufficient to allay the officer's and the manager's concerns.

[41] The respondent's position had three principal components to support the reasonableness of the officer's and the manager's decisions, based on the detailed GCMS entries:

- a) The applicant misrepresented her employment history, by failing to disclose her employment with St Ann's School. The officer discovered this omission at the interview on July 3, 2019. The applicant subsequently added a revised schedule to her application for permanent residence to reflect the employment.
- b) The concern that the applicant's filed documents were fraudulent was reasonable and justified by the record before the officer and the manager. The applicant filed documents from Timotex with dates from different years, but the documents were created at the same time. The affidavit of the President of Timotex acknowledged that he re-issued and re-signed the applicant's offer letter at her request. The applicant acknowledged that she re-typed her employment offer letter to make it more presentable.
- c) The duties described by the applicant in her interview with the officer did not match the duties set out in the NOC. The applicant advised that Timotex's President (her brother-in-law) performed the duties described in the NOC.

[42] The respondent maintained that it was reasonable to rely in part on the Lagos Police Report. To address some of the issues raised in the applicant's affidavit (and the argument filed

by her original representative), the respondent also emphasized the fairness of the reconsideration process used in this case, including two later reconsideration decisions that took into account additional information provided by the applicant.

[43] I am not persuaded that the applicant's submissions have demonstrated that either the officer's decision or the manager's decision contained a reviewable error that would enable the Court to intervene.

[44] I note at the outset that many of the applicant's submissions related to how the officer or the manager considered, assessed and weighed the various pieces of evidence provided by the applicant, or obtained from another source. I emphasize that it is not the Court's role on judicial review to re-weigh the evidence and draw its own findings and conclusions. That was the role of the officer and the manager.

[45] In addition, this is not an appeal on the merits of the decisions. Rather, the Court's task on judicial review, applying the principles in *Vavilov*, is to determine whether the applicant has shown that the decisions were unreasonable.

[46] With respect to most of the applicant's submissions, the fundamental concern is whether the decision makers failed to respect the factual constraints in the record before them. While the applicant's submissions did not always do so expressly, I will relate the arguments she made to the reasoning employed by the officer and the manager as stated in the GCMS notes.

[47] The officer was not satisfied that the applicant was employed at Timotex in the position that she claimed, nor was the officer satisfied that the applicant performed the duties required by the NOC. This conclusion was based on a number of factors, including concerns that Timotex as a business did not exist, that the letters from Timotex were not genuine and had been made to look older than they were, that information received from the applicant during her interview indicated that she did not perform the job duties required (the President of Timotex did) and that no supporting documentation was provided for her job at the school or her business relationship with Timotex.

[48] In my view, the officer did not fundamentally misapprehend the evidence or ignore material evidence in the analysis: *Vavilov*, at paras 125-126. The officer gave little weight to Timotex letters owing to concerns about whether they were genuine. It was open to the officer to do so in the circumstances. I do not agree that the officer made a reviewable error by failing to accept a Timotex letter to show that the applicant was employed. The officer noted a concern about a lack of supporting materials, which was accurate – the applicant provided no paystubs or other paperwork to show she was employed at Timotex (the applicant advised that she was paid in cash).

[49] The applicant challenged the manager's concerns about the letters from Timotex. However, the manager reasonably decided that those letters were unreliable and should be given little weight because they looked like they were issued around the same time but were dated many years apart. The applicant did not dispute the description of the documents' condition. The manager also noted that the applicant admitted re-typing one letter (and the Timotex President

admitted he signed this retyped version). These findings were reasonably open to the manager.

There are no grounds for the Court to interfere with the inferences drawn in the circumstances of this case.

[50] The applicant argued (and stated in her affidavit for this application) that she never worked at St Ann's School and it was an error to find she did. In my view, the officer and the manager made no reviewable error that would enable this Court to intervene. As the respondent observed, the applicant's application for permanent residence did not disclose employment at either St Ann's School or A-Z International High School. The officer's concern in the Procedural Fairness Letter and in the eligibility decision was that she was employed by St Ann's School but did not declare it. The manager also relied on the letter from St Ann's School for the decision on misrepresentation.

[51] In my view, both the officer and manager made reasonable findings based on the contents of the letter to the applicant on St Ann's School letterhead dated September 8, 2017. That letter, which the officer obtained on July 3, 2019, advised that "the school" had come to the decision to "reshuffle her staff in the various arms of the school" [emphasis added]. Consequently, the letter advised, "you [the applicant] are hereby transferred from A-Z International High School to St. Ann's School". The letter noted that failure to move meant "forfeiture of your employment with us" [emphasis added]. The letter closed with a thank you for the applicant's continued dedication to her duties and a statement that the school expected the same in her "new deployment".

Reading the contents of the letter, it was reasonable to infer that the applicant may have been employed by St Ann's School. The applicant's insistence that she was not employed by St Ann's

but taught on Fridays at A-Z International High School misses the mark, as the issues were non-disclosure of employment in the application and reasonable inferences based on the contents of the letter to the applicant. There was no reviewable error on either front.

[52] The applicant challenged the manager's reliance on the Lagos Police Report, arguing that it was internally inconsistent and contradicted other evidence gathered by the officer from the President of Timotex and information provided by the applicant. Applying the reasonableness standard, I find no reviewable error. The police report advised that no company named Timotex was found in the vicinity of its purported location. It also advised that the applicant worked at "Delta Bakery in 2005/2006 when she committed fraud" with another person and disappeared, and that the letter of employment record and reference letter for the applicant were forged. In my view, it was open to the manager to give weight to the Lagos Police Report and to do so because it was from an "independent third party". The report is not internally inconsistent, as the applicant argued, as it only stated that the applicant "does not work" for the bakery, which was accurate at the time it was written according to the applicant's own information. The applicant's affidavit confirms that she was advised of the Lagos Police Report at her interview on July 3, 2019, and told the officer that she did not work there and did not commit fraud. The same denials are in the applicant's letter dated July 17, 2019, responding to the Procedural Fairness Letter. In addition, as already noted, there were additional and independent reasons for the manager not to rely on the letters provided by the applicant about her Timotex employment.

[53] The applicant argued that the GCMS notes did not provide a transparent analysis of how the officer assessed her work and the specific duties she performed at Timotex. She noted that

the officer's notes did not list the duties discussed at her interview or explain how they compared to the requirements of the NOC. I see no basis on which to intervene based on alleged incompleteness of the GCMS entry (which was very detailed) or on the basis that the officer disregarded or fundamentally misunderstood the information provided by the applicant at her interview. In the GCMS notes, the officer offered a thorough analysis of their understanding of Timotex's work. The comparison table in the applicant's written submissions does not disclose a basis for the Court to intervene.

[54] Relatedly, the applicant submitted that in response to the Procedural Fairness Letter, she provided an affidavit from Timotex's President setting out her duties, which she maintained was inconsistent with the officer's conclusions about whether she could perform the required job duties. Again, I am not persuaded that the officer made a reviewable error. The officer referred expressly to the affidavit and gave it little weight because little supporting documentation was provided. It was not disputed that there was little supporting documentation. The conclusion was a reasonable finding that was open to the officer in the circumstances.

[55] The applicant argued that both decision makers were inconsistent in their treatment of Timotex: they relied on the Lagos Police Report which advised that Timotex could not be located (which could imply that Timotex did not exist) but they also relied on information obtained during the telephone call with Timotex's President on July 3, 2019, concerning the applicant's job duties (which could imply that Timotex did exist). However, there was no logical flaw in the underlying reasoning. The salient point is that neither the police report nor the

information from the President supported the applicant's statements about her employment in her application for permanent residence in the Skilled Workers Class.

[56] For these reasons, I conclude that the applicant has not demonstrated that the decisions were unreasonable, applying the legal principles in *Vavilov*.

V. **Conclusion**

[57] The application must therefore be dismissed.

[58] Neither party raised a question to certify for appeal and none arises.

JUDGMENT IN IMM-6798-19

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. No question is certified for appeal under paragraph 74(d) of the *Immigration and Refugee Protection Act*.

“Andrew D. Little”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6798-19

STYLE OF CAUSE: KELECHI B. ABGAIL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 4, 2024

**REASONS FOR JUDGMENT
AND JUDGMENT:** A.D. LITTLE J.

DATED: JANUARY 20, 2025

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