Federal Court Cour fédérale

**Date: 20250820**

**Docket: IMM-13128-24**

**Citation: 2025 FC 1392**

**Ottawa, Ontario, August 20, 2025**

**PRESENT: The Honourable Mr. Justice Roy**

**BETWEEN:**

**QINGNI LIU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

## JUDGMENT AND REASONS

[1] The Applicant, Ms. Qingni Liu, is seeking judicial review of a decision concerning her request for permanent residence rendered on July 4, 2024 [Decision] by an immigration officer [Officer] located in the High Commission of Canada in Singapore. In the Decision, the Officer dismissed the request for permanent residence in Canada that Ms. Liu had made under the Quebec Investor Class, pursuant to subsections 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and 90(2) of the *Immigration and Refugee Protection Regulations*,

SOR/2002-227 [IRPR]. The Officer rejected the request because he/she was not satisfied that Ms. Liu truly intended to reside in Quebec.

[2] For the reasons that follow this application for judicial review is dismissed.

## I. Facts

[3] On March 11, 2021, the Applicant, a citizen of China residing in Singapore where she had been working for many years, applied for permanent residence to Canada under the Quebec Investor Class. She had previously applied for a Certificat de sélection du Québec (CSQ) on February 25, 2019, the said certificate being issued on September 15, 2021.

[4] On initial review of the application, the Officer had concerns about the Applicant's intention to reside in Quebec, a requirement for Quebec Investor Class applicants pursuant to subsection 90(2) of the IRPR.

[5] On January 11, 2024, the Officer sent a request for additional documents and information, including evidence of : (a) steps taken to prepare for relocation, housing search, searched for schools for children, having studied French, having divested assets in home country, support letters from friends and family in Quebec, any evidence of past travels to Quebec, and any other relevant information or documentation; (b) a detailed written settlement plan for arrival in Quebec; (c) a detailed written outline, accompanied by any evidence explaining employment/business plans for after arrival in Quebec.

[6] On February 6, 2024, the Applicant provided a response to the letter with what was presented as a business plan, a settlement plan, and a list of the steps taken towards her relocation to Quebec.

[7] Following the response to the letter, the Officer convoked the Applicant for an interview. The interview took place on July 2, 2024, in Singapore. Two days after the interview, on July 4, 2024, Ms. Liu received a letter dismissing her application for permanent residence on the basis that the Officer was not satisfied that she had the requisite intent to reside in Quebec.

## II. Decision Under Review

[8] The Decision itself is brief and adds up to only a few lines. However, the Global Case Management System [GCMS] notes taken by the Officer, which form part of the Decision (*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para 44 [*Baker*]), provide further light on the analysis conducted by the Officer and on the grounds for refusing Ms. Liu's application.

[9] In this case, the Officer identified several concerns that, in their view, resulted in a failure to show Ms. Liu's intent to reside in Quebec.

[10] First, the Officer noted that they requested additional documents from the Applicant to prove her intent to reside in Quebec; however, the Officer noted that the documents provided by the Applicant following the request of January 11, 2024, gave little evidence as to her intent to reside in Quebec. That was the reason for an interview with the Applicant.

[11] Second, during the interview the Officer notes that the Applicant provided vague responses about her settlement and business in Quebec. For example, the Officer points out that it would be reasonable to expect someone who is planning migration to another country/city to explore the city in detail. However, the Applicant just spent one day in Montreal and decided to settle down there. She kept on saying that she loved Montreal since her schooling days, yet she only spent a day there when she had the chance to visit.

[12] Third, the Officer states that there is not enough evidence of a housing search. The Applicant was not even able to name neighbourhoods that she was considering residing in.

[13] Fourth, the Applicant was vague about her business plans, and she was not even sure if her current company would continue employing her while she is in Quebec.

[14] Fifth, the Applicant had not shown over many years an interest in learning French, which is obviously the commonly spoken language in Quebec.

[15] Given the lack of preparation and vague responses, the Officer was not satisfied that the Applicant had the intent to reside in the nominating province of Quebec. The Officer thus declared Ms. Liu ineligible for permanent residency under subsection 90(2) of the IRPR and her application was refused.

## III. Statutory Framework

[16] In Qiao v Canada (Citizenship and Immigration), 2022 FC 247, Justice Sébastien Grammond helpfully sets out both the statutory framework that governs applications for permanent residence under the Quebec Investor Class and certain governing principles as identified in the jurisprudence:

> [12] The *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations], define, among other things, the classes of economic immigrants. For several of these classes, the selection process is delegated to certain provinces. The purpose of this mechanism is to confer greater powers to these provinces over immigration.
>
> [13] In Ms. Qiao's case, the relevant class is the Quebec investor class, defined as follows in subsection 90(2) of the Regulations:
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> | | |
> |---|---|
> | (2) A foreign national is a member of the Quebec investor class if they | (2) Fait partie de la catégorie des investisseurs (Québec) l'étranger qui satisfait aux exigences suivantes : |
> | (a) intend to reside in Quebec; and | a) il cherche à s'établir dans la province de Québec; |
> | (b) are named in a Certificat de sélection du Québec issued by Quebec. | b) il est visé par un certificat de sélection du Québec délivré par cette province. |
>
> [14] It bears emphasizing that the intention to reside in Quebec is a condition separate from being selected by Quebec. The intention to reside in the province is also a separate condition for the other provincial nominee classes. See, for instance, sections 86(2), 87(2), 87.3(2) and 101(2) of the Regulations. The purpose of this condition is obvious: provincial control over immigration would be undermined if immigrants selected by one province established themselves in another province. Because this condition is separate from the selection certificate issued by the relevant province, visa officers must themselves assess whether an applicant intends to reside in that province: Ransanz v Canada (Public Safety and Emergency Preparedness), 2015 FC 1109.

> [15] In assessing an applicant's intention to reside in a province, visa officers are not bound by the applicant's statements. Rather, in Dhaliwal v Canada (Citizenship and Immigration), 2016 FC 131 at paragraph 31 [Dhaliwal], my colleague Justice Alan Diner stated:
>
> > The assessment of intention, since it is a highly subjective notion, may take into account all indicia, including past conduct, present circumstances, and future plans, as best as can be ascertained from the available evidence and context.

As can be seen, two conditions are to be met. First, a CSQ must be issued. Then, an Officer must be satisfied that the foreign national intends to reside in Quebec. The French version of the requirement speaks in terms of intending to establish oneself in the Province of Quebec. That seems to connote more than a secondary residence or a "pied-à-terre", but rather the plan where someone has their home.

## IV. Issues and Standard of Review

### A. *Issues*

[17] There is a preliminary issue before this Court, regarding whether the evidence relating to the processing of other applications has any relevance to the proceeding/whether the proof can be accepted upon judicial review.

[18] The Applicant raised two issues before the Court:

- **A.** The procedural fairness of the Officer's Decision, specifically:
  - i. Whether the lack of notice regarding the use of an interpreter amounts to a breach of procedural fairness?
  - ii. Whether the Applicant had notice of the Officer's concerns and an opportunity to respond?
- **B.** The reasonableness of the impugned decision.

B. *Standard of Review*

[19] With respect to procedural fairness, the standard of review is correctness (*Mission Institution v Khela*, 2014 SCC 24, [2014] 1 SCR 502, at para 79). No deference is owed to the decision maker, contrary to the reasonableness standard which applies to most situations (*Vavilov v Canada (Minister of Citizenship and Immigration*), 2019 SCC 65; [2019] 4 SCR 653, para 16). On issues that require the correctness standard of review, that translates into an absence of deference towards the administrative decision. The reviewing court will determine whether procedural fairness was afforded.

[20] On the second issue, the parties agree that the decisions of visa officers are reviewable against the standard of reasonableness, as set out in *Vavilov*; *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 at para 16; *Rabbani v Canada (Citizenship and Immigration)*, 2020 FC 257 at para 15). There is no reason to conclude otherwise, as the circumstances germane to this issue do not lend themselves to the application of any of the exceptions to the presumption of reasonableness identified by the Supreme Court of Canada (*Vavilov* at para 17).

[21] The burden is on the applicant to show that a decision is unreasonable (*Vavilov* at para 100). A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker. The reasonableness standard requires that a reviewing court defer to such as decision".(*Vavilov*, at para 85).

## V. Applicant's Submissions

### A. *Preliminary issue: Sylvie Toupin's Affidavit*

[22] Well after the current matter had been decided by the officer, the Applicant claims to have been made aware of other situations in the Singapore office of the Department of Citizenship and Immigration that resembled her own. In order to bring this new information, the Applicant submits the affidavit of Sylvie Toupin, an employee of the firm representing the Applicant's interests. The Applicant argues that there were nine refusals of investor files from the Singapore office. The refusal decisions are alleged to have been issued within a relatively short period of time, most of them by the same officer, but not all.

[23] The Applicant understands that her case will be evaluated on an individual basis. However, she wanted to highlight the concept of intention to reside in Quebec in the context of Quebec Immigrant Investor Program [QIIP] applications; based on the nine cases known to her, she claims they appear to be unreasonably assessed, including in the case at bar. The Applicant claims that she can offer this new evidence as one of the exceptions to the requirement that the reviewing court conducts the review on the basis solely of the record as it was before the administrative decision maker.

[24] The Applicant argues that the exhibits submitted with Ms. Toupin's affidavit are relevant to this application for judicial review. In this case, counsel invokes the background information exception.

B. *Procedural Fairness*

(1) The lack of notice regarding use of interpreter

[25] The Applicant submits that there was a breach of procedural fairness because, in the interview convocation letter of May 2024, it did not mention that the Applicant could use the services of an interpreter. The Applicant submits that many of the documents she provided were written in a foreign language (presumably one of the languages spoken in China) and translated to English afterwards, which suggests it would be reasonable to believe that she would have retained the services of an interpreter for her interview.

[26] Consequently, the Applicant submits that she did not validly waive her right to an interpreter, relying on the principles elaborated in *R v Tran*, [1994] 2 SCR 951. This case involved an accused under the *Criminal Code* whose English was insufficient to permit him to follow the proceedings without the assistance of an interpreter. Therein, the Supreme Court of Canada established that the *Charter* right to an interpreter may be waived (*Tran* at 996-998) and emphasized that "the underlying principle behind all of the interests protected by the right to interpreter assistance under S. 14 is that of linguistic understanding." (*Tran* at 977). The Supreme Court of Canada found that to be valid, a waiver of the right provided in section 14 of the *Charter* must be (1) clear; (2) unequivocal; (3) done with full knowledge of the rights the procedure was enacted to protect and the effect that waiver will have on those rights; and (4) personally made by the accused, after an inquiry by the Court through an interpreter to ensure that this person truly understands what they are doing, if necessary (*Tran* at 996-997; see also *Lin v. Canada (Citizenship and Immigration)*, 2025 FC 1043, at para 64-66 for the immigration

context). The Applicant argues that since she did not know she could have access to an interpreter, she could not waive a right of which she was not aware. Thus, the conditions elaborated in *Tran* were not met.

(2) Concerns regarding Applicant's intent to reside

[27] The Applicant submits that there was also a breach of procedural fairness since she was not made aware of the Officer's concerns about her intention to reside in Quebec before the interview. The Applicant contends that the Officer should have raised those specific concerns immediately in the convocation letter.

[28] The Applicant submits that there is a substantial difference between being asked to provide details about the steps one has taken to prepare their relocation in Quebec and being notified of concerns regarding one's intention to reside in that province. She cites as an authority Leblanc J. in *Cordero v. Canada (Citizenship and Immigration)*, 2018 FC 24, at para 15:

> [15] First, there is a difference, in my view, between being asked to provide details about one's military career (rank, status, unit, duties, commanding officers, locations, commencement and end dates at various stages of military career) and being notified of concerns regarding one's complicity in the commission of crimes against humanity. To say that one logically leads to the other, as contented by the Respondent, is a conclusion I am not prepared to draw in the circumstances of this case.

[29] The Applicant submits that her case differs from *Quan v Minister of Citizenship and Immigration*, 2022 FC 576, because the Applicant could not have reasonably anticipated the Officer's concerns about her intention to reside in Quebec before the interview took place. She states that her case is also distinguishable from *Awal v. Canada (Citizenship and Immigration)*,

2025 FC 1024, *Fatema v. Canada (Citizenship and Immigration)*, 2025 FC 772, and *Quan v. Canada (Citizenship and Immigration)*, 2022 FC 576, as this procedural fairness argument was not raised.

[30] Furthermore, it is contended that she was not awarded a chance to alleviate the Officer's concerns after her interview. The Officer rejected the application on the same day as the interview and the refusal letter was received two days later, without giving the Applicant a further chance to send more documents about her intention to reside.

[31] The Officer failed to consider that QIIP applications are far more complex than most permanent residence applications. Therefore, reliance is placed on the Supreme Court of Canada judgment in *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, at para 25, where the SCC stated that the nature and extent of the duty of procedural fairness owed to an applicant varies according to the importance of the decision to the individual and the rights affected. In the present case, the refusal decision has a severe impact on the Applicant since she cannot simply re-apply for a Quebec Selection Certificate [CSQ] in the QIIP; with the newly reformed program, she does not qualify for a new CSQ anymore as she is still learning French.

C. *Reasonableness of the Impugned Decision*

[32] The Applicant also submits that the Decision is unreasonable because (a) the Officer was silent about a central point and (b) the Officer ignored the submitted evidence and made speculations.

[33] First, the Applicant submits that the Officer's specific concerns regarding the Applicant's plan to move to the Province of Quebec were not reasonable. The Applicant applied for immigration to Quebec on February 25, 2019. She was interviewed in July 2024, almost 5 ½ years later. The Applicant submits that a reasonable person would wait to make concrete plans to immigrate given the delay. The Officer is right in concluding that she was vague in her answers to the Officer's questions. It is, however, unreasonable, in the context of this case, to conclude that this is indicative of a lack of intention to reside in Quebec.

[34] Second, the Applicant submits that the Officer ignored her evidence on the following points: (1) the Applicant had only visited Quebec once; (2) her answers about her business plans were vague and she was unsure about her employment following her arrival; (3) the Applicant had shown no interest to learn French; and (4) there was no evidence of house hunting.

[35] The Officer never mentioned the circumstances that prevented her from travelling to Quebec. She only visited Quebec once because she broke her ankle on vacation in China in 2023, which required a surgery. Three months after her injury, she wrote that she still could not walk independently and was limited in her movements. She also cited the COVID-19 pandemic as a reason not to travel to visit her friend in Montreal in 2019.

[36] The Applicant argues that she is not required to submit a business plan for her permanent residence application as it is not part of the criteria for her program. Further, she contends that she submitted an overview of how her employer could fit into the Quebec's market, which is

detailed over half of the document. According to the Applicant, to define it as a business plan is an inappropriate qualification of her document.

[37] With respect to the Applicant's willingness to learn French, she states that the Officer erred because, during the interview, she explained that she would like to learn French and was learning a little bit via an online application and YouTube. She also stated hat she would like to register for a French course.

[38] It is submitted that she was willing to move to Quebec but stated that it is hard to look for properties when she has no idea when the visa could be approved. The case of *Dhaliwal v. Canada (Citizenship and Immigration)*, 2016 FC 131 (at para 23) [*Dhaliwal*] is cited for the proposition that there is no requirement for immediate residence in Canada upon issuance of the Permanent Resident Visa. The important element is that the applicant lands in the country before the expiration of their immigrant visa. After all, the IRPA allows permanent residents to reside abroad three years out of five and still meet the physical presence requirements of a permanent resident.

[39] Further, the Officer ignored in their assessment that the Applicant is prohibited from buying a residential property as per the *Prohibition on the Purchase of Residential Property by Non-Canadians Act*, until she becomes a permanent resident of Canada. When asked, the Applicant did provide some links to properties she had looked at. The Officer did not assess the Applicant's answer, rather, they simply overlooked this proof of her intention to reside in Quebec.

[40] Finally, the submission is made that the officer ignored other favourable evidence to the Applicant without explaining why it does not trump the negative factors in their assessment. The Applicant cites various case law recognizing the difficulties to evaluate the subjective concept of an intention to reside in Quebec (*Yaman v. Canada (Citizenship and Immigration)*, 2021 FC 584, at para 30; *Dhaliwal* at para 31). Currently, there does not seem to be any publicly available administrative guidelines regarding the intention to reside in Quebec for investors in the QIIP program. It was unreasonable for the Officer, on a balance of probabilities, to conclude that the Applicant did not have the intention to reside in Quebec.

## VI. Respondent's Submissions

### A. *Preliminary issue: Sylvie Toupin's Affidavit*

[41] The Respondent argues that the evidence submitted with the affidavit of Sylvie Toupin concerns other applicants and was not before the officer in deciding the application at issue in this litigation. Nor is the evidence relevant to this litigation. Subject to limited exceptions, only material before the decision maker is admissible on judicial review. According to the Respondent, the affidavit of Sylvie Toupin does not fall within the exceptions. It is not general background, it does not address any alleged gaps in the evidentiary record, nor is it relevant to the Court's exercise of its remedial discretion (*Namgis First Nation v Canada*, 2019 FCA 149 at para 7-12).

[42] Decisions made on other applications and letters sent to other applicants have no bearing on the reasonableness of the decision under review, or the specific procedural fairness issues raised by the Applicant.

B. *Procedural Fairness*

(1) The lack of notice regarding an interpreter

[43] The Respondent submits that the Applicant raises for the first time in her Further Memorandum the fact that she was not advised in the convocation letter that she could have an interpreter present at her interview. The Applicant failed to raise any concerns regarding interpretation at the first available opportunity and has not shown that she was prejudiced by the absence of an interpreter.

[44] The Applicant failed to raise any concerns of her ability to understand the Officer or answer questions during the course of her interview. There is the general principle that an applicant must raise concerns regarding translation or interpretation at the first reasonable opportunity, which she failed to do (*Muradi v Canada (MCI)*, 2024 FC 1661 at para 39, citing *Mohammadian v Canada (MCI)*, 2001 FCA 191 and *Singh v Canada (MCI)*, 2010 FC 1161 at para 3).

[45] Moreover the Applicant did not assert any prejudice flowing from the absence of an interpreter, and the evidence shows that the Applicant could communicate in English, citing the following evidence: (a) the notes of the interview showing that the Applicant was able to respond

to the Officer's questions. The Applicant has not disputed the contents of these notes; (b) the Applicant's response in English only to the procedural fairness letter; (c) the Applicant's statements during the interview that her "background is English" and that she was able to communicate in English for her job.

(2) Specific concerns to be raised regarding Applicant's intent to reside

[46] The Respondent submits that there was no breach of procedural fairness in this case. The Applicant knew and was given multiple opportunities to address the concerns of the Officer that she did not intend to reside in Quebec and show that she met the requirements of the IRPR. The onus was on the Applicant to put together an application that convinced the officer that she met the requirements of the legislation (*Singh v Canada (MCI)*, 2012 FC 526 at para 52, 55).

[47] Nevertheless, according to the Respondent, the Officer did give the Applicant an opportunity to address the concern that she did not intend to reside in Quebec. While the letter of January 11, 2024, does not list the Officer's concern, the Applicant could and should have anticipated that she had to meet the requirements of the IRPR. Indeed, the letter explicitly requests specific evidence relevant to her intention to reside in Quebec, including evidence that she had taken steps to plan and prepare for a move to Quebec.

[48] Following the letter of January 11, the Applicant provided information about her residency program in Canada on February 6, 2024. It is only after receiving that information that the Applicant was invited to a personal interview by a letter dated May 29, 2024. The interview, which was conducted on July 2, 2024, provided the Applicant with a further opportunity to

address the Officer's concerns. At the outset, the Officer made clear that there were ongoing concerns regarding the Applicant's intention to reside in Quebec. The Applicant's answers and evidence did not assuage those concerns. The interview was sufficient to meet the requirements of procedural fairness (*Pritchin v Canada (MCI)*, 2014 FC 425; *Kisana v. Canada (MCI)*, 2009 FCA 189, [2010] 1 FCR 360 at para 29). The officer was not required to raise ongoing concerns and give the Applicant a third opportunity to respond following the interview (*Walia v Canada (MCI)*, 2016 FC 1171 at para 17).

[49] Overall, the Respondent concludes that the letter requesting additional documents, along with the interview, gave the Applicant ample opportunity to understand and respond to the Officer's concerns. The onus was on the Applicant to satisfy the officer that she met the requirements of the Regulations. The Applicant was given an opportunity to meet this onus, but failed to do so.

C. *Reasonableness of the Impugned Decision*

[50] The Officer reviewed the evidence, including the Applicant's response to the request for documents and information of January 2024, and answers to questions in interview of July 2024, and made a reasonable finding that the Applicant did not meet the requirements of the IRPR.

[51] As conceded by the Applicant, the assessment of an applicant's intention to reside is a highly discretionary exercise. Though the Applicant asserts that the Officer failed to consider her answers in context, it is submitted that this assertion is without merit. The reasons show that the

officer considered the evidence and information on file before coming to a reasonable conclusion regarding the Applicant's intention to reside in Quebec.

[52] The Applicant raises the inability of foreigners to buy property in Quebec as a reason for the Applicant's inaction in exploring places where she and her family might live. This explanation was not put to the Officer, which means that it cannot be argued that the Officer failed to address this issue. At any rate, the Respondent submits that the Officer's conclusion was reasonable given that the Applicant had not even approached any realtors and had little knowledge of the city where she claimed to intend to reside. The limited evidence provided by the Applicant (links to several real estate listings) was reasonably found to be insufficient to appease the Officer's concerns. Further, the Applicant's stated plans to sell her properties in Beijing did not demonstrate that she intended to reside in Quebec. The fact that the Applicant may have funds available for resettlement did not overcome her lack of knowledge, concrete plans, or steps taken with respect to moving her family to Quebec specifically, and her one visit to Quebec did not demonstrate her strong intention to move. While it is true that the Applicant did not have to show a plan to reside in Canada immediately, it was reasonable for the Officer to expect the Applicant to have a more detailed and concrete plan for moving herself, her husband, and her son to Quebec (*Dhaliwal* at para 23).

[53] The Respondent argues that the Officer's finding that the Applicant did not demonstrate an interest in learning French was reasonable in light of the evidence. The Applicant stated an intention to learn French after arriving in Quebec, but had not taken any formal course or education in French. While she claimed to be learning from YouTube and through the use of an

online application, she could not provide the name of the application or evidence of her studies. No documents were provided in response to the letter that specifically asked for evidence of having studied French.

[54] The Respondent submits that the Applicant's lack of clarity about her future business plans was a relevant consideration. The absence of a concrete business plan, even in the Quebec Investor Class, is a factor which can be considered by an Officer (*Kabir v. Canada (MCI)*, 2023 FC 1123 at paras 3, 28-29; *Quan v. Canada (MCI)* 2022 FC 576 at paras 6, 9, 29; *Hao v. Canada (MCI)*, 2000 CanLII 15150 at para 26; *Shehada v. Canada (MCI)*, 2004 FC 11 (CanLII) at para 8).

[55] Overall, the Respondent submits that the Officer reviewed the evidence and made a reasonable finding that the Applicant failed to meet this onus.

## VII. Analysis

[56] As already noted, the parties agree that the intention to reside is a highly discretionary appraisal. That is in line with what has been called the most fundamental principle of immigration law: "non-citizens do not have an unqualified right to enter or remain in Canada" (*Chiarelli v Canada (Minister of Employment Insurance)*, [1992] 1 SCR 711, p. 733; *Medovarski v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 51, [2005] 2 SCR 539, para 46). There must exist some discretion in the assessment of whether or not someone should be accepted in the community. In the case at bar, the legislation requires that a decision be made about the intent of a would be immigrant to reside in a particular location. That does not

transform a discretion into arbitrariness, but that informs the whole issue of the conditions under which someone intends to satisfy the requirement that there exists an actual intention to reside in a particular area of the country as required by law.

[57] As my colleague Justice Alan Diner eloquently said in *Dhaliwal* (supra, at 2016 FC 131), "The assessment of intention, since it is a highly subjective notion, may take into account all indicia, including past conduct, present circumstances, and future plans, as best as can be ascertained from the available evidence and context", (para 31). That suggests evidently that a decision made by weighing numerous indicia is highly deferential. The decision is considered as a whole because it is the accumulation of indicia which must be assessed. Indeed, as stated by Justice Sébastien Grammond in *Quia* (supra, para 16), "in assessing an applicant's intention to reside in a province, visa officers are not bound by the applicant's statements" (para 15). The Applicant's contention, presented at the hearing, that her intent to reside as expressed is close to dispositive unless the visa officer explains why she is not believed is untenable. It is for the officer to assess, considering all the evidence, including the Applicant's contention that she does so intend, whether the intention to reside has been established. An expression to reside without sufficient evidence may not satisfy the decision maker of the actual intention to establish oneself. The notion implies more than a mere "pied-à -terre".

[58] In the case at hand, the evidence of an actual intent to reside in Quebec (in French, an applicant "cherche à s'établir") was found to be thin, at best, when the matter was considered in its entirety, and not piecemeal. In my view, the decision of the visa officer had the characteristics of a reasonable decision, that is that it is justified, transparent and intelligible, and it is justified in

relation to the relevant factual and legal constraints (*Vavilov*, para 99). The Applicant did not discharge her burden of showing the decision to be unreasonable because of serious shortcomings demonstrating a lack of justification, transparency and intelligibility (*Vavilov*, para 100). It must be remembered that the reviewing court reviews the decision and refrains from deciding the issue on the merits (*Vavilov*, para 83). For a reviewing court, its starting point is the principle of restraint; it adopts an appropriate posture of respect in undertaking what remains a robust form of review (*Vavilov*, para 13-14).

[59] The Court has reviewed all the evidence on this record. It cannot find that the conclusion reached by the officer was not reasonable in the circumstances of this case. For someone who wants to immigrate in Quebec to have such limited knowledge of the province, having visited Montreal for one day in 2017, is quite revealing. It did not escape the decision maker that that did not tend to show an intention to establish herself. In close to seven years, the Applicant, who has travelled extensively, did not visit the place she indicated wishing to reside in with her family for more than 1 ½ day. The officer is not mistaken when it is noted that the Applicant provided “very little evidence”, her responses to questions at the interview of July 2024 being vague about settlement and business. What is also telling, in my estimation, is that neither the Applicant’s spouse nor her son had ever visited Montreal. Other than stating that she always liked Montreal, the Applicant knew very little about the city, or the province, or the neighbourhood where she would establish herself. There was equally very little said about the possible employment or business activities that may be undertaken. Other than generalities, the officer had nothing tangible to assess. Even photographs of Montreal supplied by the Applicant don’t show her as being present in the picture, as the officer remarked, or feature the friend who

accompanied the Applicant in what would have been a whirlwind tour of the city in one day. As a matter of fact, the photographs themselves included in the record did not appear to make an impression as they may have the appearance of stock pictures.

[60] The Applicant has suggested that the time it had taken for her application to be dealt with explains why the plans for immigrating to Canada were vague. The difficulty with such an assertion is that, as stated in the May 29, 2024, convocation letter to the interview of July 2, the "onus is on you to satisfy the interviewing officer that you meet the eligibility requirements of the category in which you are applying". From the letter of January 11, 2024, requesting specific documentation, it was clear that the officer was considering the criteria under subsection 90(2) of the *IRPR*: at the top is the intention to reside in Quebec. It was particularly clear, in my view, that the Applicant was expected to prove her intention to get established in Quebec. There was no granularity in the evidence offered in support of that stated intention.

[61] The Applicant sought to rely on new evidence. Her only contention was that it was an exception to the well-known rule that only the evidence presented to the decision maker is to be considered by the reviewing court (*Association of Universities and Colleges of Canada v Access Copyright*, 2012 FCA 22; 428 NR 297). The rationale for that general rule is that reviewing courts are invited to overturn decisions Parliament has chosen to entrust to an administrative decision maker. The two have different roles to play. A reviewing court is not a court of first view. It considers how the administrative decision maker made their decision, which implies that the record before the decision maker is what controls.

[62] There are exceptions to that general rule. The only one invoked by the Applicant is the one referred to as the background information. However, what is being offered, some nine other applications similar to the one under consideration here, is not, and cannot be, background information. As I indicated during the hearing of the judicial review application, the description given of that exception in *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 is dispositive of the attempt made at allowing for the admissibility of the new evidence:

> [23] The background information exception exists because it is entirely consistent with the rationale behind the general rule and administrative law values more generally. The background information exception respects the differing roles of the administrative decision-maker and the reviewing court, the roles of merits-decider and reviewer, respectively, and in so doing respects the separation of powers. The background information placed in the affidavit is not new information going to the merits. Rather, it is just a summary of the evidence relevant to the merits that was before the merits-decider, the administrative decision-maker. In no way is the reviewing court encouraged to invade the administrative decision-maker's role as merits-decider, a role given to it by Parliament. Further, the background information exception assists this Court's task of reviewing the administrative decision (*i.e.*, this Court's task of applying rule of law standards) by identifying, summarizing and highlighting the evidence most relevant to that task.

Without a doubt, the evidence proffered was meant as new evidence going to the merits. It is not a summary of the evidence relevant to the merits that was before the decision maker. It was meant as new evidence. It was not for the purpose of identifying, summarizing and highlighting the evidence most relevant that was before the decision maker. Accordingly, the new evidence offered in this case could not be admissible on the ground argued by the Applicant.

[63] The Applicant also raised two procedural fairness issues reviewable on a correctness standard. First, the Applicant contends months after the interview conducted in July 2024 that

she should have received notice that she could use an interpreter for the interview. Not only this matter was not raised when it should have, but it lacks an air of reality.

[64] During the interview itself, the Applicant when discussing her ability to learn French commented about the fact that her background was English, tending to demonstrate that she could learn another language. In her application form for permanent residency, the Applicant lists 23 trips to London, England, from June 2015 to April 2019, together with four trips to North America (including one to Vancouver-Montreal). The trips were always for extensive periods.

[65] Moreover, in Schedule 6 of the same form, the Applicant rates her proficiency in English as being high for “listen” and “read” and moderate for “speak” and “write”. That is a rating higher than ‘basic’. Her proficiency in French is rated by her as none. It can hardly be said that the Applicant was deficient in English.

[66] As importantly, the Applicant never raised the issue until she was denied permanent residency. One cannot sit on such an argument and raise it to *ex post facto*. She did not renounce access to an interpreter. She merely never raised the issue. The Respondent is right to argue that this Applicant never raised any concern about interpretation until her further memorandum of fact and law of June 26, 2025 (after her initial memorandum of fact and law and a reply to the Respondent’s initial factum).

[67] I dismiss the argument according to which the Applicant had to be advised of the opportunity to use an interpreter. As was found recently in *Lin v Canada (Minister of Citizenship*

*and Immigration)*, 2025 FC 1043, where evidence of an applicant's ability to communicate in English is present, there is no breach of procedural fairness that has been demonstrated. It must be remembered that the right to an interpreter is contingent on the person not understanding or speaking the language in which the proceedings (here, the interview) are conducted. Linguistic understanding underlies the right to an interpreter. As the Federal Court of Appeal said in *Mohammadian v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 191, [2001] 4 FC 85, "…where a claimant choses [sic] to do nothing despite his or her concern with the quality of the interpretation, the Refugee Division would itself have no way of knowing that the interpretation was in any respect deficient" (para 18). I cannot see any reason why the observation concerning the quality of the interpretation would not apply with equal force to the interpretation itself, especially where the record before the decision maker is illuminating as to the proficiency of the person in the language used in the interview. Furthermore, the concerns regarding translation must be made at the first reasonable opportunity (*Muradi v Canada (Minister of Citizenship and Immigration)*, 2024 FC 1661). If there was any issue about understanding the interviewer, it was indeed incumbent on the Applicant to raise the matter. The notes of the interview record that the Applicant was advised that "it is important that you let us know at any moment if something is unclear or you do not understand the meaning of a question." None was expressed at the time the concern emerged, if there was indeed any concern.

[68] The second procedural fairness argument refers to the contention that the decision maker ought to have advised the applicant ahead of time of the concern about the intention to reside in Quebec.

[69] This constitutes an assertion that is not sustainable. The *IRPR* makes it explicit that an applicant in the Quebec Investor Class must intend to reside in Quebec, as well as having been named in a Certificat de Sélection du Quebec issued by Quebec. If called to an interview, surely an applicant would see fit to prepare for the issues that may be raised. Hence, the principal issue, if not the only issue, was the residency since the law makes it the issue for consideration in these matters (“chercher à résider au Québec”).

[70] But there is more. The January 11, 2024, letter requested that documentation be submitted. Evidence of the intention to reside in Quebec is undeniably demanded. What is more is that are prominently featured specific requirements. I reproduce the list of topics to be addressed, as found in the letter:

> 2. Outline any and all steps taken to prepare for relocation to Quebec, Canada (this could include but is not limited to:
>
> - evidence of housing search,
> - evidence of having looked for schooling for children,
> - evidence of having studied French,
> - evidence of having divested assets in home country,
> - support letters from friends or family residing in Quebec,
> - evidence of past travel to Quebec,
> - any other information/documents deemed relevant.
>
> 3. Detailed written settlement plan for arrival in Quebec.
>
> 4. Detailed written outline, accompanied by any available evidence explaining employment/business plans for after arrival in Quebec.

The Applicant knew, or ought to have known, that residing in Quebec was foremost in the concerns of the visa officer and that specific indicia were relevant. Not only the *IRPR* calls for that essential criterion of intention to reside in Quebec, but the letter is particularly explicit.

[71] The Applicant was given a sufficient and fair notice of issues that may be addressed. The case law of this Court was recently reviewed in *Fatema v Canada (Minister of Citizenship and Immigration)*, 2025 FC 772. I reproduce some of the most relevant paragraphs from the decision:

> [13] The Applicant submits that there was a breach of procedural fairness because she did not know the case that had to be met prior to the interview because the Convocation Letter did not identify the Officer's concerns about the Applicant's intention to reside in Quebec.
>
> [14] It is not contested that in the Quebec Investor Class, an applicant must satisfy two criteria. First, they must have obtained a Certificat de Sélection du Québec [CSQ] from the government of Quebec. Second, they must demonstrate the intent of residing in Quebec.
>
> [15] Procedural fairness and the extent of the "notice" in an interview convocation letter in the context of the Quebec Investor Class application process has recently been addressed by Justice Gleeson in *Khan v Canada (Citizenship and Immigration)*, 2025 FC 104 [*Khan*].
>
> [16] In *Khan*, the applicant was advised in a letter convoking an interview that the purpose of the interview is "to assess the application and that the applicant has the onus of satisfying the interviewing officer that the eligibility requirements have

> been met." In that case, the applicant had been granted a CSQ. As such, the only other statutory requirement left for the applicant to satisfy is the intent of residing in Quebec. Justice Gleeson found that under these circumstances, it was evident that only a single requirement remained in issue - the applicant's intent to reside in Quebec. As such, the letter provided to the applicant was sufficient and fair. This is particularly so where an applicant had been recently requested to provide evidence of intent to reside and where the duty of fairness owed the applicant is at the lower end of the spectrum. The jurisprudence has also long recognized that concerns arising directly from the requirements of the IRPR do not trigger an obligation to provide notice to an applicant (*Khan* at para 11, citing *Quan v Canada (Citizenship and Immigration)*, 2022 FC 576 at paras 33-34 [*Quan*]).
>
> [17] It is also well established that immigration officers do not have an obligation to share their concerns regarding the evidence submitted in support of a permanent residence application when these concerns arise directly from one of the requirements of the statutes and regulations (*Quan* at para 33, citing *Naboulsi v Canada* (*Citizenship and Immigration*), 2019 FC 1651, at para 92; *Zeeshan v Canada* (*Citizenship and Immigration*), 2013 FC 248 at paras 33, 46; *Rukmangathan v Canada* (*Minister of Citizenship and Immigration*), 2004 FC 284 at para 23).

This applies fully to the circumstances of the case at bar.

[72] I note in passing that our Court seems to have gone even further in finding that, generally speaking, when concerns of visa officers derive from the requirements of the legislation, the officer does not have a duty to raise those concerns (*Sing v Canada (Minister of Citizenship of*

*Canada)*, 2012 FC 526, para 52 and 55). That is clearly the case here where the regulation requires the visa officer to consider one criterion, that of the Applicant's intent to establish herself in Quebec as a resident of the Province. At any rate, in this case it was evident that the concern about the residency requirement was a live issue that the Applicant could not ignore.

[73] That is not to say that there may not be circumstances where the concern would need to be spelled out more. In the case at hand, there was only the residency issue that was left to be addressed. However, in the case of *Condero* (supra), cited by the Applicant, our Court found in the particular circumstances of the case there was a need to provide a more fullsome indication for the reason for an interview. There, the issue moved from the military career of the applicant to the specificity of allegations of complicity in the commission of crimes against humanity. As put by Justice René Leblanc, then of this Court:

> [15] First, there is a difference, in my view, between being asked to provide details about one's military career (rank, status, unit, duties, commanding officers, locations, commencement and end dates at various stages of military career) and being notified of concerns regarding one's complicity in the commission of crimes against humanity. To say that one logically leads to the other, as contented by the Respondent, is a conclusion I am not prepared to draw in the circumstances of this case.
>
> [16] The crux of the matter here is that the Applicant was invited to an interview in which he was accused of being complicit in crimes against humanity. There was no prior notice of that accusation. Given the seriousness of such allegations and the complexity of the notion of complicity to crimes against humanity in both international and domestic law, as evidenced by Ezokola, a foreign national in the position of the Applicant should not be left to speculate as to whether they might be required to defend against such allegations at an interview, if such interview is to be, as is the case here, their only opportunity to respond to them. In such circumstances, this, for me, is not adequate notice of the case to meet.

[74] The Applicant sought to draw the same kind of difference in her case, suggesting more than demonstrating that there exists a substantial difference between being asked to provide details about relocation in Quebec and being notified about concerns that her intention to reside. With respect, I disagree. In the case at bar the details about the relocation, which are expressed in a rather precise fashion and are wide ranging, are the means to an end. These are elements which help in determining an intention to establish oneself. Moreover, there is in this case one, and only one, criterion to consider which is front and central in the legislation: the intention to reside in Quebec. This is not meaningless or non-important. This could not have been a surprise and counsel for the Applicant conceded that there were no trap set against her client. Our Court in *Condero* was actually careful to note that "This is not to say that in all cases where a foreign national seeks a Canadian immigration visa, be it for permanent or temporary residence status, that there will be a breach of the rules of procedural fairness each time the visa officer's concerns are only conveyed at the interview" (para 21). *Condero* is a case where the applicant was expecting an interview about his military career; the interview was rather about complicity in some of the most serious crimes in our law. In the case at bar, the case to be met was clear from the legislation and the letter of January 11, 2024, which was explicit and did not leave much to the imagination. There was no surprise.

## VIII. Conclusion

[75] As a result the judicial review application must be dismissed. The decision under review was procedurally fair and its outcome was reasonable. The parties were canvassed and did not propose a question to be certified pursuant to section 74 of the *IRPA*. I agree that none emerges out of this case.

**JUDGMENT in IMM-13128-24**

**THIS COURT'S JUDGMENT is as follows:**

1. The judicial review application is dismissed.

2. The parties were canvassed and did not propose a question to be certified pursuant to section 74 of the *IRPA*.

"Yvan Roy"
Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

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|---|---|
| **DOCKET:** | IMM-13128-24 |
| **STYLE OF CAUSE:** | QINGNI LIU v THE MINISTER OF CITIZENSHIP AND IMMIGRATION |
| **PLACE OF HEARING:** | MONTRÉAL, QUEBEC AND BY VIDEOCONFERENCE |
| **DATE OF HEARING:** | JULY 23, 2025 |
| **JUDGMENT AND REASONS:** | ROY J. |
| **DATED:** | AUGUST 20, 2025 |

**APPEARANCES:**

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