

Federal Court



Cour fédérale

Date: 20250926

Docket: IMM-7138-24

Citation: 2025 FC 1588

Ottawa, Ontario, September 26, 2025

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

**JIA CHEN
MENGLIN REN
TIANHAO REN
TIANLE REN**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicants seek judicial review of their refused application for permanent residence (“PR”) under the Home Child Care Provider Class (“HCCPC”) by an immigration officer (the

“Officer”) of Immigration, Refugees and Citizenship Canada (“IRCC”) on April 3, 2024. The Applicants submit that the Officer’s decision is unreasonable and procedurally unfair.

[2] For the reasons that follow, I disagree. This application for judicial review is dismissed.

II. Background

[3] The Applicants are citizens of China. The Principal Applicant submitted an HCCPC application on December 22, 2021. The HCCPC application was supported by a job offer from an individual named RM (the “Employer”).

[4] On November 28, 2023, an IRCC agent noted that there were “[n]o financial or supporting docs on file” for the Employer and it “appears [the] employer has multiple job offers under [the] same P# with the other APR eligibility passed”.

[5] That same day, the Officer issued a letter to the Employer with a request for further information. It requested “[p]roof of [the Employer’s] ability to pay the wages specified in the offer of employment”.

[6] The Officer’s letter also asked the Employer to “[explain] why a caregiver is mandatory,”. Amongst other questions under this heading, the letter asked “If [the Employer is] hiring multiple caregivers and issuing multiple job offers, [...] How many caregivers [does the Employer] need? How many job offers [is the Employer] issuing beside the [Principal Applicant] in this application? Why [does the Employer] think [they] need multiple caregivers?”

[7] The Officer also issued a letter to the Applicants advising them that they had sent a letter to the Employer.

[8] On December 7, 2023, the Employer responded to the Officer. The Employer stated that he is self-employed, and his spouse is a homemaker. He provided his Notices of Assessment for 2020 to 2022, his T4 for 2020, and the T4 forms for his business in 2020 and 2022. The Employer did not address the issue of multiple caregivers.

[9] On December 19, 2023, the Officer issued a second letter to the Applicants stating that, “[they] have not provided an offer of employment that is genuine.” The Officer explained that “[a] request letter was sent to your employer for additional information. They did not respond with all of the requested information.”

[10] The Applicants resubmitted the same materials which the Employer sent to IRCC on December 7, 2023, based on the information they were told by their immigration consultant.

[11] On April 3, 2024, the Officer refused the Applicants’ HCCPC application, as “it appears [the Employer] has not provided answers...on the series of questions in regards to multiple job offers.” The Officer was “not satisfied [the Employer] has the financial ability to afford multiple caregivers” or that “the job offer is reasonable or genuine for a full-time child caregiver.” This is the decision that is presently under review.

III. Issues and Standard of Review

[12] The two issues in this application are whether the Officer's decision is reasonable and procedurally fair.

[13] The parties submit that the applicable standard of review for the merits of the decision is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 25, 86-87 ("Vavilov")). I agree.

[14] The issue of procedural fairness is to be reviewed on the correctness standard (*Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 37-56 ("Canadian Pacific Railway Company"); *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). I find that this conclusion accords with the Supreme Court of Canada's decision in *Vavilov* (at paras 16-17).

[15] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Vavilov* at para 15). 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 (*Vavilov* at para 85). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

[16] For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (*Vavilov* at para 100). Not all errors or concerns about a decision will warrant intervention. A reviewing court must refrain from reweighing evidence before the decision-maker, and it should not interfere with factual findings absent exceptional circumstances (*Vavilov* at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a “minor misstep” (*Vavilov* at para 100).

[17] Correctness, by contrast, is a non-deferential standard of review. The central question for issues of procedural fairness is whether the procedure was fair having regard to all of the circumstances, including the factors enumerated in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 (at paras 21-28; see also *Canadian Pacific Railway Company* at para 54). In the context of a permanent residence application under HCCPC, the procedural fairness required is at the lower end of the spectrum (*Gumtang v Canada (Citizenship and Immigration)*, 2023 FC 758 at para 17).

IV. Analysis

A. *The Officer’s Decision was Reasonable*

[18] The Applicants submit that the Officer’s decision was unreasonable because the Officer assessed the HCCPC application based on factors outside the IRCC’s guidelines entitled “Home Child Care Provider Pilot and Home Support Worker Pilot: Assessing the application against selection criteria” (the “Guidelines”). The Applicants further submit that there was no evidentiary basis for IRCC’s statement that the Employer extended a job offer to another

candidate. As a result, the Applicants submit that the Officer effectively impugned the Employer's credibility.

[19] The Respondent submits that the Officer's decision is reasonable. The Respondent submits that the factors underlying the refusal decision – namely, the genuineness of the job offer, why a caregiver is mandatory, and the employer's ability to pay the caregiver – are listed in the Guidelines as selection criteria for HCCPC applications. The Respondent further submits that IRCC's observation that the Employer had extended multiple job offers was not baseless, as the evidence for this statement is contained in the Global Case Management System ("GCMS") notes. In light of the concerns raised in the letter to the Employer on November 28, 2023, the Respondent submits that the Officer reasonably found the evidence the Employer and the Applicants provided to be insufficient.

[20] I agree with the Respondent that the Officer's decision is reasonable.

[21] The Officer did not look to matters beyond the Guidelines. The Guidelines state that an employer's "financial ability to pay the wages specified in the job offer" and "[w]hether the terms of the offer are terms that the employer is reasonably able to fulfill" are relevant considerations in the assessment of HCCPC applications. The concerns about the Applicants' HCCPC application involved the Employer's ability to pay the Principal Applicant, in light of the multiple job offers linked to his profile with IRCC.

[22] I am not convinced that the IRCC lacked evidence to find that the Employer had extended multiple job offers. The GCMS notes show that an IRCC agent flagged the multiple

job offers as an issue on November 28, 2023. This is sufficient to establish an evidentiary basis for the Officer's concern.

[23] The Officer made no veiled negative credibility finding. Although the Applicant is correct that the Employer consistently referred to “a full-time caregiver” [*emphasis added*] in his response letter dated December 7, 2023, the Respondent rightly notes that the issue of multiple job offers was entirely unaddressed in this same document. The Officer could not have disbelieved the Employer on the issue of multiple caregivers because the Employer made no representations on this point. I agree with the Respondent that this distinguishes the present matter from the authorities cited by the Applicants, in which the officer failed to consider contradictory evidence raised by the applicant on their own behalf (*Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 10; *Shirazi v Canada (Citizenship and Immigration)*, 2024 FC 822 at paras 22-23).

B. *The Officer's Decision was Procedurally Fair*

[24] The Applicants further submit that the Officer infringed their procedural rights by failing to disclose “information in the [O]fficer's possession that [the Employer] may be seeking to employ multiple caregivers” and, as a result, “depriv[ed the Applicants of] a meaningful opportunity to respond to that concern.”

[25] The Respondent submits that the HCCPC assessment process was procedurally fair because the Applicants were informed of IRCC's concerns and provided with an opportunity to address them.

[26] I agree with the Respondent. The Officer was not obliged to disclose the issue of multiple job offers to the Applicants in advance.

[27] I note that the Officer raised several concerns in their assessment of the job offer's genuineness. The Officer could not have anticipated in advance that the Employer would present income information sufficient to hire just one caregiver, fail to address the issue of multiple caregivers, and that the Applicants' application would be refused as a result.

[28] The Applicants submit that the Officer's failure to disclose the specific deficiencies of their job offer prevented them from "ask[ing the Employer] to disabuse the [O]fficer of their mistaken impression" or "opt[ing] to find a different employer and provide an alternate job offer." I agree that further detail would have been of greater assistance to the Applicants in preparing their response, but I cannot find that the Officer was obliged to provide further detail to comply with procedural obligations. It was open to the Applicants to inquire further. Instead, the Applicants resubmitted the material the Employer already provided to IRCC, despite IRCC's clear indication that the Employer "did not respond with all of the requested information."

[29] I recognize that the Applicants undertook this course of action in reliance on their immigration consultant. I also recognize that the Applicants could not control the adequacy of the Employer's response. However, the Officer provided 30 days for the Applicants to respond. The Applicants elected to respond immediately. Their mistaken belief that their Employer's materials had not been received does not qualify as an error on the part of the Officer.

V. Conclusion

[30] For these reasons, I find that the Officer's decision is reasonable and procedurally fair. The Officer accounted for the evidence the Applicants and Employer provided and appropriately applied the selection criteria for HCCPC applications (*Vavilov* at paras 99, 126). The Officer provided sufficient information for the Applicants to respond to IRCC's concerns. This application for judicial review is dismissed.

[31] No questions for certification were raised, and I agree that none arise.

JUDGMENT in IMM-7138-24

THIS COURT’S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7138-24

STYLE OF CAUSE: JIA CHEN, MENGLIN REN, TIANHAO REN AND
TIANLE REN v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: SEPTEMBER 4, 2025

JUDGMENT AND REASONS: AHMED J.

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