Federal Court  Cour fédérale

Date: 20251031

Docket: IMM-12932-24

Citation: 2025 FC 1764

Ottawa, Ontario, October 31, 2025

PRESENT: The Honourable Madam Justice Ngo

BETWEEN:

DASH, MIHIR RANJAN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Mihir Ranjan Dash [Applicant], seeks judicial review of a June 26, 2024, decision by an officer at the High Commission of Canada in Singapore [Officer] refusing his application for permanent residence under the Quebec Investor Class in accordance with subsection 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and subsection 90(2) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227

[IRPR]. The Officer was not satisfied with the Applicant's intent to reside in the Province of Quebec and therefore did not meet the requirements of the IRPA and the IRPR.

II. Background and Decision Under Review

[2] The Applicant is a citizen of Bangladesh. On November 14, 2019, Immigration, Refugees and Citizenship Canada [IRCC] received the Applicant's application for a permanent residence visa in the Quebec Investor Class.

[3] On June 1, 2023, the High Commission of Canada in Singapore requested from the Applicant several documents, including "any and all steps taken to prepare for relocation to Quebec," a "detailed written settlement plan for arrival in Quebec," and a "detailed written outline, accompanied by any available evidence explaining employment/business plans for after arrival in Quebec." The Applicant responded to this request on July 1, 2023. He submitted several documents including, among others, a settlement plan, a support letter from a friend, a letter attesting to taking French classes in Dhaka, a business plan outline, and a description of his children's education plans in Quebec.

[4] In a letter dated May 7, 2024, the Applicant was asked to attend an in-person interview to be held on June 10, 2024. This letter also set out a list of all documents required for the interview [Convocation Letter]. The Convocation Letter reminded the Applicant that he had the onus of demonstrating he meets the eligibility requirements of his application under the Quebec investor class. The list attached to the Convocation Letter also specifies that the Applicant can "bring additional documents to demonstrate that [he] meet[s] the selection criteria."

[5] On June 10, 2024, the Applicant attended the interview with his wife and daughter and brought a letter from his bank, correspondence between his daughter and McGill University, and various documents attesting to the sufficiency of his funds.

[6] On June 25, 2024, the Officer refused the Applicant's application for a permanent resident visa because they were not satisfied that he intended to reside in the province of Quebec, as is required by subsection 90(2) of the IRPR.

[7] The Officer explained that "the applicant was unable to offer any meaningful detail in regard to his plans, preparations, research, or knowledge of how he would go about setting up a business in Quebec and determining its viability." The Officer concluded that the Applicant had been given the opportunity to address the Officer's concerns but was unable to provide anything of substance that would demonstrate that he had done any real groundwork to establish a business or live in Quebec permanently. On the whole, the Officer found that the Applicant's responses to their document request and at the interview were insufficient to fulfill the required criteria [Decision]. This Decision is the subject of this application for judicial review.

III. Preliminary Issues

[8] I first address the Respondent's objections on the Applicant's new issues raised, and submission that the Court ought not hear these new issues on judicial review. The Respondent states that the scope of the Applicant's issues changed between the original Memorandum of Law and Argument [Original MOA] to the Further Memorandum of Law and Argument [Further

MOA]. Furthermore, at the hearing, some arguments were brought up for the first time, and others, abandoned.

[9] Generally, a new argument should not be raised at the Further MOA stage. This is a well-established principle (*AB v Canada (Citizenship and Immigration)*, 2020 FC 19 at paras 72,74; *Lakatos v Canada (Citizenship and Immigration)*, 2019 FC 864 at paras 25–29).

[10] Non-exhaustive factors for the Court to consider in hearing new issues include, for example, whether the new issues are related to those in respect of which leave was granted, if they are supported by the evidentiary record, the risk of prejudice for the Respondent and the possibility of undue delay (*Al Mansuri v Canada (Public Safety and Emergency Preparedness)*, 2007 FC 22 at paras 12–13 [*Al Mansuri*]; *Correa Rodriguez v Canada (Citizenship and Immigration)*, 2021 FC 937 at para 13, citing *Al Mansuri*, other citations omitted).

[11] With respect to the first new issue, the Applicant's allegation of a breach of procedural fairness involved the Convocation Letter which the Applicant challenged as not being a "Procedural Fairness Letter" [PFL] and claimed that he ought to have been provided with a true PFL so that he would be aware of the issues before attending his interview. Then, at the hearing, this argument evolved to simply challenge the Respondent's characterization of the Convocation Letter as a PFL, which could mislead the Court.

[12] I agree with the Respondent that the Applicant's arguments related to the Convocation Letter have evolved. However, the Applicant confirmed that he is no longer challenging a breach

of procedural fairness based on the Convocation Letter, however defined. The Applicant also confirmed that he was not pursuing the allegation that there was a reasonable apprehension of bias related to the High Commission of Canada in Singapore of an alleged "pattern" by this office of rejecting applications under the Quebec Investor Class. This was an appropriate concession, given that this argument by the Applicant's legal counsel firm has been rejected by the Court (see for example, *Awal v Canada (Citizenship and Immigration)*, 2025 FC 1024 at paras 31–36; *Liu v Canada (Citizenship and Immigration)*, 2025 FC 1392 at paras 41–42). This "procedural fairness issue" is therefore no longer part of the application for judicial review.

[13] However, the Applicant has maintained throughout this proceeding that the Officer was biased against him at the interview, and that he was doomed to fail the interview no matter how he answered. I can therefore still consider this issue.

[14] With respect to the second new issue, the Respondent identified that the Applicant's Further MOA raises for the first time the argument that the Applicant's file was assessed according to the wrong immigration stream.

[15] In the Original MOA, the Applicant asserted that the Officer erred in putting too much emphasis on a business plan to determine intention to reside in Quebec in the refusal. In the Further MOA, the Applicant states that the Officer erroneously analyzed the application as if it were made under the Quebec Entrepreneur Class under section 97 of the IRPR. In the Quebec Entrepreneur Class, a business plan is required (albeit stemming from Quebec regulations rather than the IRPR), whereas it is not a requirement under the Quebec Investment Class. The

Applicant pointed to the Officer's multiple questions about the proposed business plan during the interview, and the weight accorded to the plan's perceived insufficiencies in the Decision.

[16] The Applicant states that this is not a new argument, but rather, flows from the Original MOA. The Applicant also submitted that he is simply "streamlining" his submission following recent decisions of the Court on cases involving the Quebec Investor Class (citing *Fatema v Canada (Citizenship and Immigration),* 2025 FC 772 [*Fatema*]).

[17] With respect, I disagree with the Applicant that this new argument flows from the initial argument in respect of which leave was granted. The initial argument—that the Officer erred in overly focusing on the business plan–is diametrically different to an argument that the Officer applied the wrong program and IRPR requirements by requiring a business plan when none is needed by his program. This new argument is also not supported by the evidentiary record.

[18] I also disagree that the *Fatema* decision is somehow relevant in demonstrating that the Applicant is not raising a new argument. In *Fatema*, the question before the Court did not involve whether the applicant's case was evaluated under the wrong program, nor did this decision alter the case law on the Quebec Investor Class. Rather, in *Fatema*, the Court concluded that it was reasonable for the visa officer to evaluate the business plan as submitted by the applicant to assess their intention to reside in Quebec, among other things.

[19] The Respondent is correct that the Applicant has improperly raised new arguments for the first time in his Further MOA. I therefore decline to consider the Applicant's new argument in considering the reasonableness of the Decision under review.

IV. Issues and Standard of Review

[20] The issue on judicial review is, therefore, whether the Decision was unreasonable in finding that the Applicant did not meet the requirements of the Quebec Investor Class by not sufficiently demonstrating an intention to reside in Quebec and whether there was a breach of procedural fairness (or bias) in relation to the interview.

[21] The parties submit that the standard of review with respect to the merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25). I agree that reasonableness is the applicable standard of review.

[22] On judicial review, the Court must consider whether a decision bears the hallmarks of reasonableness – justification, transparency and intelligibility (*Vavilov* at para 99). A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review (*Vavilov* at para 90). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

[23] A claim of procedural fairness, including bias of a decision maker, is determined on a standard of review more akin to the standard of correctness. The Court must analyze whether the proceedings were fair in light of all the circumstances (*Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paras 21–28 [*Baker*]; *Canadian Pacific Railway Limited v Canada (Attorney General)*, 2018 FCA 69 at paras 54–56; *Lipskaia v Canada (Attorney General)*, 2019 FCA 267 at para 14; *Fontaine v Canada (Attorney General)*, 2021 FC 309 at para 21).

[24] The fundamental question remains whether the Applicant knew the case to be met and whether he had a full and fair opportunity to respond to it. The duty to act fairly is twofold: (1) the right to a fair and impartial hearing before an independent decision-maker, and (2) the right to be heard (*Fortier v Canada (Attorney General)*, 2022 FC 374 at para 14, citing *Therrien (Re)*, 2001 SCC 35 at para 82). Everyone is entitled to a full and fair opportunity to present their case (*Baker* at para 28). The nature and extent of the duty will vary with the specific context and the different factual situations dealt with by the administrative decision-maker, as well as the nature of the disputes it must resolve (*Baker* at paras 25–26).

V. Analysis

[25] The Quebec Investor Class is among multiple classes where applicants can be selected as permanent residents in Canada, including economic immigration, where the selection is based on the applicant's ability to become economically established in Canada (IRPA at para 12(2)). The various available economic immigration programs and their selection criteria are set out in Part 6 of the IRPR. However, despite meeting provincial program requirements, the federal government

still holds the exclusive authority to grant permanent resident visas and admit foreigners to Canada. To be considered a member under the Quebec Investor Class, an applicant must satisfy two criteria: (1) be named in a "Certificat de sélection du Québec," and; (2) to intend to reside in Quebec. There are no other requirements (*Uddin v Canada (Citizenship and Immigration)*, 2025 FC 1708 at paras 19–20, other citations omitted).

[26] The Applicant was issued a Certificat de sélection du Québec. As such, the only remaining outstanding criteria in processing his application was his intention to reside in Quebec.

[27] The Applicant submits that the Officer unduly focused on the business plan, and that the lengthy visa processing delays prevented him from properly preparing for settlement in Quebec and concretizing his immigration plans, hence leading to what was perceived as insufficient evidence of his intent to reside. He identifies the Officer's failure to address or consider these delays in assessing the Applicant's interview answers as unreasonable. The Applicant further argues that the Officer engaged in speculation when stating that the Applicant would not likely reside in Quebec if permanent resident status was granted to him and to his family. The Applicant explains that he stated multiple times during the interview that he intends on residing in Quebec.

[28] I cannot agree with the Applicant's arguments that the Decision is unreasonable. Rather, I find that the Decision is grounded in the legal and factual constraints that bear upon the decision-maker. The Applicant disagrees with the Officer's conclusions, but as described in the following

paragraphs, he has not identified any reviewable errors or flaws that are central or significant requiring the Court's intervention (*Vavilov* at para 100).

[29] The Officer's interview notes and analysis of the application are found in the Global Case Management System notes, which form an integral part of the reasons and decision in immigration matters (*Khan v Canada (Citizenship and Immigration),* 2025 FC 104 at para 20 [*Khan*]).

[30] While there is no definite standard to be met by a visa applicant who seeks to demonstrate that they have the intent to reside in Quebec, it is clear from the case law that determining the "intent" of an applicant is an exercise infused with subjectivity. Indeed, the Court's jurisprudence is clear that a visa officer has a large degree of discretion when determining the "intent" of an applicant to reside in a given province, as they are allowed to take into account all available indicia at their disposal (*Khan* at para 6; *You v Canada (Citizenship and Immigration),* 2023 FC 1675 at para 21; *Quan (Citizenship and Immigration),* 2022 FC 576 at para 24 [*Quan*]).

[31] As summarized by Justice Diner, "[t]he 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" (*Dhaliwal v Canada (Citizenship and Immigration),* 2016 FC 131 at para 31 [*Dhaliwal*]).

[32] A visa officer can, in the context of an interview, question and seek clarification of an applicant's statements. The purpose of an interview is not to merely challenge the credibility of an applicant's statements, but also to ascertain the sufficiency of those statements to support an application (*Quan* at para 26, citing *Kisana v Canada (Citizenship and Immigration)*, 2009 FCA 189 at para 29).

[33] Furthermore, when assessing the intent to reside in Quebec under the Investors Program, if the Applicant submits a business plan in his application, nothing prevents the Officer from asking questions about this plan during the interview. An Applicant's lack of answers or research into the market he claims to want to enter can reasonably raise doubts about his intent to reside in Quebec (*Kawser Masud c Canada (Citoyenneté et Immigration)*, 2025 CF 1602 at para 37, *Sultana Sony c Canada (Citoyenneté et Immigration)*, 2025 CF 1603 at para 33 [*Sultana Sony*], citing *Quan* at para 26).

[34] Based on the above-described legal constraints, the Officer did not err by asking questions flowing from the information that the Applicant provided in support of his application under the Quebec Investor Class program, including the business plan he provided, and to consider these answers in the Decision.

[35] At the interview, the Officer asked the Applicant what he intended to do if he moved to Quebec. He answered that he planned to start the same clothing business that he had in Bangladesh, selling traditional handloom sarees. He was asked to elaborate on what would be involved to establish the business. When his answers were vague, the Officer asked him to focus

his answers on how he would go about to establish a clothing business in Quebec, including describing the preliminary work or research that he undertook. The Applicant answered that he could only give better details once he arrived in Canada. However, the Officer described to the Applicant the type of research and preparations that could be undertaken while still outside Canada. The Applicant responded he did not undertake any of those efforts.

[36] It was therefore open for the Officer to find that the Applicant's assertions about his business plan were not corroborated by evidence of any concrete efforts. The Officer's conclusion that the Applicant did not provide meaningful details about planning, preparation, research or knowledge of how to go about setting a business in Quebec was grounded in the record before them. The Applicant's lack of answers or research into the market he claimed to want to enter reasonably raised doubts about his intent to reside in Quebec (*Sultana Sony* at para 33).

[37] In addition, it is evident that the interview questions were not solely focused on the business plan. I am satisfied that the interview questions were linked to the assertions that the Applicant made in this application, or flow from statements he made at the interview.

[38] Indeed, at the interview, the Officer asked the Applicant to elaborate on his assertion that they were trying to enrol his daughter at McGill, or for his son to complete a Masters'. However, the Officer noted the email provided did not corroborate anything other than a general inquiry. The Applicant's son's various efforts to research how to set up the business or locate houses while he lived in Montreal were discussed. A letter from a realtor and a family friend submitted

to corroborate these efforts were assessed by the Officer. The Officer reiterated to the Applicant that the Convocation Letter requested that he provide evidence to support a housing search and found the letters insufficient to demonstrate that his son actually undertook the efforts described. The Applicant had also sent in a confirmation of his enrolment in French classes with the Alliance Française, but during the interview, was unable to provide particulars about the classes. The Officer also noted that he could not respond to the questions about the French classes without his daughter's assistance. As such, the Officer's conclusions that there was little to corroborate that the Applicant made efforts to locate housing, or that he studied French at all, for example, were grounded in the record before them.

[39] The Decision assessed the business plan, the research the Applicant described having undertaken to reside in Quebec, and the lack of language proficiency despite his assertion he took French courses. These are all factors which the Officer could reasonably consider in reaching their conclusion on the intention to reside in Quebec, as the Court has described in *Dhaliwal*.

[40] I am also not persuaded by the Applicant's argument that lengthy visa processing delays adversely impacted his ability to continuously pursue preparation for settlement in Quebec. He has not demonstrated that the Officer could not consider whether there was any ongoing or recent engagement in assessing his intention to reside in Quebec. In fact, it bears repeating that a visa officer can consider past conduct, present circumstances, and future plans, as best as can be ascertained from the available evidence and context. The evidence before the Officer demonstrated that the Applicant only began to engage in any activity once documents were

requested of him and even at that, his engagement was limited and wanting of any material details.

[41] The Applicant has challenged the Officer's assessment of the answers and the documentation he provided in support of his application. At the hearing, the Applicant took the Court to the same passages and documents that were considered and discussed during the interview. The Applicant is essentially asking the Court to come to a different assessment and conclusion than that which the Officer had arrived at. The Court cannot reweigh evidence on judicial review (*Vavilov* at para 125).

[42] I cannot find that it was unreasonable for the Officer to conclude that the Applicant did not meet his onus show that he had an intention to reside in Quebec, and therefore, did not meet the criteria under the IRPR.

[43] Finally, the Applicant submits that the Officer was biased in processing his application. He points to the Officer's concerns about the format of the Applicant's correspondence with the real estate agent, taken in conjunction with the Officer's comments during the interview, to conclude that the officer had doubts about the Applicant's credibility, and would not believe the Applicant no matter the evidence submitted.

[44] I cannot agree with the Applicant's arguments.

[45] The grounds for the apprehension must be "substantial" and the Applicant has not discharged his high burden of proving a reasonable apprehension of bias (*Oleynik v Canada (Attorney General)*, 2020 FCA 5 at paras 56–57, other citations omitted). The Applicant's very serious allegation of bias must be supported by material evidence (*Arthur v Canada (Attorney General)*, 2001 FCA 223 at para 8). Here, there was insufficient evidence to support the Applicant's contention that the Officer was biased against him, or that the refusal outcome was predetermined.

[46] Prior to the interview, the Applicant was explicitly informed of the IRCC's concerns about his intent to reside and was invited to submit documentation attesting to his intent at multiple instances in the process. The Officer clearly identified at the beginning of the interview that they had concerns with respect to the Applicant's information and documentation on the intention to reside in Quebec. As such, it is clear that the emphasis of the interview would address the Applicant's intention to reside.

[47] The Applicant identified certain passages of the interview transcript as being proof of alleged bias. However, I must consider the interview in the context of the entire interaction, not just certain excerpts. It is clear upon reading the whole transcript that when the Applicant provided vague answers, the Officer informed him why they continued to be concerned and asked the Applicant to clarify or elaborate his answers. The Officer's questions probing the Applicant's assertions did not constitute a bias or a predisposition to refuse his application.

[48] The Applicant had the onus to prove that he met all the requirements set out by the IRPR. I understand the Applicant's argument that he has stated and reiterated his intentions to reside in Quebec at numerous places during the interview. However, making assertions of intention or verbal pledges is not enough. The Officer was required to consider whether the Applicant's assertions were reasonably supported and concluded that they were not. The issue was the answers provided, not the questions asked. The Applicant has not demonstrated that he did not have a fair and impartial hearing before an independent decision-maker.

[49] The Decision meets the hallmarks of reasonableness, being coherent and rational in its analysis of the evidence and arguments provided. The Decision was responsive to the Applicant's submissions and is not unreasonable.

VI. Conclusion

[50] The application for judicial review is dismissed.

[51] The parties do not propose any question for certification, and I agree that in these circumstances, none arise.

JUDGMENT in IMM-12932-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. The style of cause is corrected to remove "c/o Department of Justice" and to name the proper Respondent as the Minister of Citizenship and Immigration.
3. There is no question for certification.

"Phuong T.V. Ngo"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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