

Federal Court



Cour fédérale

Date: 20251030

Docket: IMM-8487-24

Citation: 2025 FC 1755

Ottawa, Ontario, October 30, 2025

PRESENT: The Honourable Justice Thorne

BETWEEN:

MD ZAKIR HOSSEN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the Matter

[1] The Applicant, a citizen of Bangladesh, seeks judicial review of the refusal of his application for permanent residence made under the Section 90 Quebec investor class of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations] and Section 12(2) of the *Immigration and Refugee Protection Act* (SC 2001, c27) [Act]. The application was refused under subsection 11(1) of the Act, as the officer was not satisfied of the Applicant's intention to reside in Quebec pursuant to paragraph 90(2)(a) of the Regulations.

[2] The Applicant argues that the decision to refuse his application was unreasonable. He states that the Officer erred in finding that his claims that he intended to establish a business and settle in Quebec were undermined by: 1) the Applicant's lack of a concrete plan to establish himself and his family in Quebec; 2) his lack of knowledge and research about the Quebec market and legal requirements in relation to the business that he allegedly intended to open; 3) the Applicant's "dismissive" answers when questioned about these issues; and 4) the fact that the Applicant had essentially left most of both his business and relocation preparations to a friend. The Applicant further asserts that there was no evidence that he did not intend to immigrate to Canada, nor which indicated that he intended to settle anywhere other than Quebec.

[3] For the following reasons, this application is dismissed as I do not find the decision to be unreasonable.

II. Background

[4] The Applicant, a citizen of Bangladesh and an executive in a medical business, applied for permanent residence under the Quebec investor class, asserting that he intended to establish a medical healthcare centre in Laval, Quebec. He applied with his spouse and four children as accompanying dependents. His application was received by Immigration, Refugees and Citizenship Canada [IRCC] on September 4, 2019.

[5] The Migration Officer [Officer] reviewing the application noted that the Applicant's only previous travel within Canada was to Toronto, and that there was no evidence of any visits or ties to Quebec. On June 1, 2023, the Officer requested more information regarding the Applicant's intention to reside in Quebec, including a "[D]etailed written settlement plan for arrival in

Quebec”, a “[D]etailed written outline, accompanied by any available evidence explaining employment/business plans for after arrival in Quebec”, updated documents and any evidence of preparations to move to Quebec. A month later, the Applicant responded by email, attaching a settlement plan for arrival in Quebec, a four-page business plan, and a statement that the family was learning French, and that one daughter had completed a French language course.

[6] An interview with the Applicant was later conducted by a Migration Officer in Dhaka, Bangladesh on March 6, 2024, where the Applicant was alerted to the Officer’s concerns about his stated intention to reside in Quebec. The Officer specifically questioned him about the significant lack of detail in both his business plan, and with respect to his plans to resettle in Quebec. The procedural fairness section of the Officer’s Global Case Management System [GCMS] records that in relation to that questioning, it was put to the Applicant that:

BASED ON YOUR RESPONSE TODAY AND THE INFORMATION ON FILE, I HAVE CONCERNS WITH YOUR INTENT TO RESIDE IN QUEBEC. YOU APPEAR TO HAVE DONE VERY LITTLE RESEARCH ABOUT QUEBEC. YOU ANSWERED VAGUELY TO MY QUESTIONS TODAY ABOUT YOUR BUSINESS AND SETTLEMENT PLANS IN QUEBEC AND JUST SAID THAT YOU WILL FIND OUT MORE DETAILS AFTER YOU DO YOUR MEDICALS. YOU HAVE NO IDEA OF THE LOCATION, HOUSING, SCHOOLS, THE LICENSING THAT YOU NEED FOR YOUR HEALTHCARE BUSINESS, BUSINESS EXPENSES, QUEBEC’S EMPLOYMENT ACT AND SEEM TO BE HEAVILY RELYING ON YOUR FRIEND AND REAL ESTATE AGENT. THIS DOESN’T SATISFY ME THAT YOU HAVE THE INTENT TO RESIDE IN QUEBEC.

[7] The GCMS notes further record the Applicant’s response to this:

(Ans) I didn’t do any research prior to the invitation for interview. After the invitation, I did some research. I have applied for tourist visa. I applied for the visa so that I can go there to do research. It is true that I was not able to do much research as I was busy. I got the

interview notification few days back and I was busy preparing. I will do my research if you give me one or two months. I will find the people from healthcare centre there. And then I will decide. I won't bring my family there before that. I will buy a house and then they will go with me.

[8] The GCMS notes go on to summarize the Officer's concerns arising from the interview:

OFFICER REVIEW: I have reviewed the applicant's response at the interview and information on file. At the interview, I was concerned that applicant did not present a concrete plan to establish in Quebec and there appeared to be no concrete steps taken to prepare for life in Quebec. He had limited knowledge of the location, accommodation, licensing that he requires to setup his medical clinic etc. He answered dismissively to my questions and stated that he will find out more details when he received his 'medicals'. Moving over to another country is a big decision to make and I don't find it credible that applicant would leave everything to his friend and real estate agent to sort out. Given applicant's superficial response, lack of preparation to settle down in Quebec and for the reasons noted above, and on a balance of probabilities, I am not satisfied that Applicant intends to reside in Quebec, if a visa is issued. Application refused as per R90(2).

[9] In a decision letter dated March 19, 2024, the Officer refused the Quebec investor class application for permanent residence [Decision]. As elaborated in the GCMS notes, the Officer stated in the Decision that they were not satisfied that the Applicant intended to establish the business and reside in Quebec.

III. Issue and Standard of Review

[10] The sole issue at play in this matter is whether the decision under review is reasonable.

[11] In this respect, the role of a reviewing court is to examine the decision maker's reasoning and to determine whether the decision is based on an "internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker":

Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at para 85 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64. Although the party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100), the reviewing court must assess “whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility”: *Vavilov* at para 99.

IV. Relevant Provisions

[12] The Quebec investor class, including the requirement to “intend to reside in Quebec” is defined in Section 90 of the Regulations:

90 (1) For the purposes of subsection 12(2) of the Act, the Quebec investor class is prescribed as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada.

Member of Class

(2) A foreign national is a member of the Quebec investor class if they

- (a)** intend to reside in Quebec; and
- (b)** are named in a Certificat de sélection du Québec issued by Quebec.

90 (1) Pour l’application du paragraphe 12(2) de la Loi, la catégorie des investisseurs (Québec) est une catégorie réglementaire de personnes qui peuvent devenir résidents permanents du fait de leur capacité à réussir leur établissement économique au Canada.

Note marginale :Qualité

(2) Fait partie de la catégorie des investisseurs (Québec) l’étranger qui satisfait aux exigences suivantes :

- a)** il cherche à s’établir dans la province de Québec;
- b)** il est visé par un certificat de sélection du Québec délivré par cette province.

[13] Subsection 12(2) of the Act sets out the economic establishment purpose of permanent resident selection under the economic immigration class:

Selection of Permanent Residents

12 (2) Economic immigration – A foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada.

Sélection des résidents permanents

12(2) La sélection des étrangers de la catégorie « immigration économique » se fait en fonction de leur capacité à réussir leur établissement économique au Canada.

V. Analysis

A. *The Decision is reasonable*

[14] Counsel for the Applicant conceded that the Applicant failed to provide detailed responses to the Officer's questions in his interview, and that he particularly seemed to have no information in relation to Quebec's licensing requirements and employment law in relation to the healthcare industry. Counsel also acknowledged that nor did his client have any information in relation to potential business locations, or with respect to matters such as housing and schools for his family. However, counsel argued that it was reasonable for the Applicant not to have detailed responses to the Officer's interview questions, given the context of the delay between the receipt of the application (September 4, 2019) and the Applicant's later interview (March 6, 2024). He asserted that it made sense that the Applicant had not done extensive research or preparation, as he had not initially known when his interview might be. Given that, counsel stated that there was little point in the Applicant doing research early, as any information he learned might have been out of date by the time of the eventual interview. Counsel noted that there had been an eight-month gap between the request for information on settling in Quebec and the Applicant being

contacted for the interview, and asserted that the Applicant had taken a “realistic approach” by making only “preliminary investigations” until the application was more proximate in its timeline. He also noted that the Applicant had stated that he had been very busy in the time before the interview and that he had intended to do the research after the fact, but that the Applicant had still provided a settlement plan, and a business plan with funding estimates both for living expenses and the establishment of the proposed medical clinic.

[15] Counsel for the Applicant also briefly responded to the Officer’s concern regarding the Applicant’s lack of any French language training, explaining that the Applicant had been busy running a business in Bangladesh and that therefore it was not unreasonable that he would not have progressed significantly in this regard. Counsel noted that, in any case, the family’s daughter had taken a French language course.

[16] Finally, counsel submits that if the Applicant had not intended to relocate to Quebec, he would not have invested funds, identified a community (Laval), done “some research”, nor made the application to immigrate to Canada. They argue that there is no evidence to suggest that the Applicant did not intend to immigrate to Canada, or that he would not reside in Quebec.

[17] For its part, the Respondent submits that the Applicant is merely improperly inviting the Court to reweigh the evidence considered by the Officer, and to interpret it in his favour. They stress that the onus was on the Applicant to demonstrate their genuine intention to reside in Quebec, and that the Officer rationally based his decision on the evidence and interview responses, taking into account all available indicia. It cited as authority for these propositions: *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 at para 33; *Dhaliwal v Canada*

(*Citizenship and Immigration*), 2016 FC 131 at para 31 [*Dhaliwal*]; *Rabbani v Canada* (*Citizenship and Immigration*), 2020 FC 257 at para 43 [*Rabbani*]. The Respondent asserts that the Officer reasonably based their Decision on the Applicant's lack of information and knowledge, as well as his vague and dismissive responses regarding the plans to establish the business and settle in Quebec.

[18] With respect to the argument about delay between the submission of the application and the convening of the interview, the Respondent submits that as the Applicant could not have known how long the process would take, it is reasonable to expect that he would have undertaken an acceptable level of research at the outset, given that he was submitting a potentially life changing permanent residence application. The Respondent also noted that, in his interview, the Applicant himself had not offered delay as an explanation for his lack of research and preparation, but that this rationale only appeared in his counsel's materials.

[19] The Respondent also canvassed the various concerns outlined by the Officer, among them the Applicant's lack of a concrete plan for residing in Quebec, and the failure to research or take any concrete steps to learn about or prepare to establish a business in Quebec. They noted the Applicant's lack of knowledge in relation to location, accommodation or licensing issues. The Respondent also noted that the Applicant's responses to these questions were evasive and dismissive, and that it was reasonable for the Officer to be skeptical about the Applicant apparently having left much of the planning for this endeavour to a friend, given that relocating internationally is a major endeavour that is not to be undertaken lightly.

[20] Finally, the Respondent stressed that deference was due to the Decision of the Officer. The Respondent noted that the Officer was based in Dhaka, Bangladesh, specially trained and knowledgeable with respect to these issues, and that they had the benefit of personally interviewing the Applicant. The Respondent argued that the Officer's Decision only needed to fall within a spectrum of reasonable decisions, and that the issue was not whether this Court could have come to a different decision based on the evidence, but merely whether the rationale and thought process of the Officer in the Decision was logical, discernable and exhibited the hallmarks of reasonableness.

[21] Despite the submissions of the Applicant, I am not persuaded that it was somehow unreasonable for the Officer to conclude that the Applicant's lack of knowledge, research and preparation in relation to how to establish his proposed business in Quebec, or with respect to the issue of relocating there, undermined his stated intention to do so.

[22] In my view, it was not unreasonable for the Officer to conclude that the lack of both information gathered and indicia of planning by the Applicant undermined his visa application. Under the program at issue, the intention to reside in the province of Quebec is a separate condition in addition to being selected by the province, requiring a visa officer's assessment of the intention of the applicant: *Qiao v Minister of Citizenship and Immigration*, 2022 FC 247 at para 14, cited by Justice Gleeson in *Khan v Canada (Citizenship and Immigration)*, 2025 FC 104 at para 6. Further, the assessment of intention to reside is "an exercise infused with subjectivity" and attracts a "large degree of discretion" on the part of the visa officer: *Quan v Minister of Citizenship and Immigration*, 2022 FC 576 at para 24 [Quan]. This Court has further recognized

that an officer may appropriately take into consideration “all indicia, including past conduct, present circumstances, and future plans, as best as can be ascertained from the available evidence and context”: *Dhaliwal* at para 31 [emphasis added] cited in *Qiao v Minister of Citizenship and Immigration*, 2022 FC 247 at para 15; recently cited by Justice Tsimberis in *Lee v Canada (Citizenship and Immigration)*, 2024 FC 1523 at para 30 and Justice Roy in *Liu v Canada (Citizenship and Immigration)*, 2025 FC 1392 at para 16).

[23] In my view, despite any delay in processing the application, it was reasonable for the Officer to expect the Applicant to have provided additional and specific information about their plans to relocate to and establish a business in Quebec. I note that in their written submissions with respect to delay, in support of their argument the Applicant cited no jurisprudence or other legal authority. The Respondent is correct in pointing out that regardless of when his interview was eventually scheduled, the Applicant would still have needed to gather the information necessary to proceed with his alleged plans to develop the business which was drawing him to Quebec. It is not unreasonable that the Applicant’s failure to do so, in any meaningful way, was considered problematic by the Officer. Accordingly, I do not agree that it was reasonable for the Applicant to have taken almost no steps to do so prior to his interview. Instead, behaving in this manner reasonably runs the risk of an officer deciding as they did in this matter. Indeed, though the Applicant has made no explicit procedural fairness arguments, it is of note that the onus remains on the applicant to assemble applications which are convincing to a visa officer (*Quan* at para 35 citing *Singh v Canada (Citizenship and Immigration)*, 2012 FC 526 at para 52; *Fatema v Canada (Citizenship and Immigration)*, 2025 FC 772 at para 19).

[24] Further, a review of the correspondence with IRCC reveals that repeated opportunities were provided to the Applicant to respond to the Officer's concerns at various stages in the process of his application.

[25] On June 1, 2023, the Applicant was asked to provide further specific information about their settlement plan, and evidence of their preparations for relocation to Quebec. On July 17, 2023, the Officer reviewed the documents the Applicant had submitted in response but found that it was not clear that the Applicant had genuinely looked into the viability of the proposed business, or of relocation. The Officer detailed their concerns, referring to the evidence the Applicant had provided, and specifically noted that an interview would be held "to explore [the Applicant's] intent to reside in Quebec."

[26] It is of note that the resulting January 18, 2024 letter advising the Applicant of his interview particularly outlined that the onus lay on the applicant to satisfy the interviewing officer as to their eligibility, and that he should be prepared to do so at the interview:

The onus is on you to satisfy the interviewing officer that you meet the eligibility requirements of the category in which you are applying. Please bring to your interview any supporting documents relating to which you would like an officer to consider when making a decision on your application.

[27] In short, the onus did not lay on the Officer to establish that the Applicant intended to reside elsewhere than Quebec, as seems to be contemplated by the Applicant in their argument that there was not evidence that indicated that he intended to reside elsewhere.

[28] In addition, at the interview, the Applicant was asked a variety of questions about the viability of the business, residence and his relocation/settlement plans, and upon review of the

record it is apparent that the Officer questioned the Applicant in some depth about these issues. I find that the Officer reasonably found that the answers provided by the Applicant failed to alleviate his concerns. The Officer also directly raised their credibility concerns with the Applicant to give him an opportunity to address those concerns. Regardless of whether a different conclusion could possibly have been reached by a decision maker based on the information provided, it cannot be said that there is not a rational chain of analysis in the Decision, or that the Officer's line of thinking cannot be discerned.

[29] I can certainly appreciate that the Applicant has a different perspective on how the information before the Officer should have been considered. However, it is apparent that the Applicant simply disagrees with the way the Officer weighed the evidence in this matter, and that he is essentially asking this Court to also do so and to step in to displace the Officer's conclusion with its own. That is not the role of this Court on judicial review: *Vavilov* at para 125.

[30] The burden is on the Applicant to show that the Decision is unreasonable by establishing that there are sufficiently serious shortcomings in the Decision such that it could not be said to exhibit the requisite degree of justification, intelligibility and transparency: *Vavilov* at para 100. Considering the evidence on the record, I am not satisfied this burden has been met. The Officer has clearly identified and explained their concerns, and also provided the Applicant with an opportunity to address them. Again, it cannot be said that the logic of the decision cannot be discerned, and I find that the Decision's reasons are transparent, intelligible and justifiable. It was open to the Officer to conclude that they were not satisfied that the Applicant intended to relocate to Quebec and that the Applicant did not meet the requirements of their class.

Regardless of whether others might have come to different conclusions, in my view the Officer's findings are reasonable and call for deference.

VI. Conclusion

[31] For the above reasons, this application for judicial review is dismissed.

[32] The parties proposed no question for certification, and I agree that none arises.

JUDGMENT IN IMM-8487-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is certified.
3. No costs are awarded.

"Darren R. Thorne"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8487-24

STYLE OF CAUSE: MD ZAKIR HOSSEN v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

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