

Federal Court



Cour fédérale

Date: 20260116

**Dockets: IMM-22163-24
IMM-22771-24**

Citation: 2026 FC 67

Toronto, Ontario, January 16, 2026

PRESENT: Madam Justice Whyte Nowak

BETWEEN:

TONG DANG KHOA NGUYEN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Tong Dang Khoa Nguyen [the Applicant] seeks judicial review of two decisions of an immigration Officer of the Canadian High Commission in Singapore [the Officer]. The first is a decision dated November 13, 2024 [Decision] in which the Officer refused the Applicant's application for permanent residence [PR Application] as a member of the Quebec Investor Class

(Court File IMM-22163-24). In the second decision dated November 22, 2024, the Officer refused the Applicant's request for reconsideration of the Decision [Reconsideration Decision] (Court File IMM-22771-24). The applications were heard together and are the subject of this single Judgment.

[2] For the reasons that follow, the applications are dismissed as the Applicant has failed to satisfy his onus of showing that the decisions are unreasonable. The Officer's finding that the Applicant has not credibly demonstrated his intention to reside in Quebec was open to the Officer on the record and is entitled to deference. The Officer's determination that there are no grounds to overturn the Reconsideration Decision is also reasonable.

II. Facts

A. *The Applicant's PR Application*

[3] The Applicant and his wife [Spouse] reside in Vietnam. They have two children who at various points in the application process attended school in Montreal on student visas. In June 2023, the Applicant submitted a PR Application as a member of the Quebec Investor Class seeking permanent residence for him, his wife and minor daughter.

[4] In conducting a review of the PR Application, the Officer found that there was insufficient proof of the Applicant's intention to reside in Quebec as required by subsection 90(2) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The Officer sent the file to the interview queue and requested that the Applicant submit further evidence including

an outline of the steps taken to prepare for the family's relocation including evidence of prior travel to Quebec and detailed settlement and business plans.

[5] The Applicant submitted a number of documents in response including a letter authored by the Applicant and his Spouse, dated September 12, 2024 [Letter], in which they detailed their children's studies in Montreal and stated that they were looking for a home in various Montreal neighbourhoods. Amongst the various documents they submitted were screenshots showing their internet searches for housing in Montreal and documents showing that the Spouse had travelled to Montreal twice to see their children. In their Letter, the Applicant and his Spouse advised that they are committed to learning the French language and are considering enrolling in French language courses. The Applicant provided a business plan [Business Plan] for a "bánh mì" sandwich shop, which included proposed locations and a certificate of completion of a cooking class by the Spouse.

[6] In a further letter dated September 22, 2024, the Applicant and his Spouse detailed their savings and properties in Vietnam as well as their settlement plan.

B. *The Applicant's Interview*

[7] An interview between the Applicant and the Officer took place on November 5, 2024 [the Interview]. The Officer advised the Applicant that the purpose of the Interview was to assess the Applicant's intention to reside in Quebec. The Applicant was warned that the onus was on him to satisfy the Officer of his intention and to answer all questions truthfully and completely.

[8] The Global Case Management System [GCMS] notes that accompanied the Decision show that the Officer was concerned that in the two years since submitting the PR Application, the Applicant had merely conducted internet searches and by the Applicant's own admission, he did not have a clear picture of where the family would settle or how he would start a business.

[9] The GCMS notes show that the Officer advised the Applicant of credibility concerns related to the Applicant's intent to reside in Quebec given his failure to travel to the province. The Applicant advised that he required leave because of his job in the government sector and noted that his Spouse had visited Montreal. The Applicant also acknowledged at the Interview that his interests were not limited to wanting to open a "bánh mì" shop and also included the possibility of exporting goods from Canada to sell in Vietnam, starting a construction company, investing in agriculture and growing mushrooms.

C. *The Decision*

[10] The Applicant's PR Application was refused on November 13, 2024, as the Officer was not satisfied that the Applicant had credibly established his intention to reside in Quebec. The GCMS notes read:

The applicant has several broad business ideas but lacks thorough research in any specific sector, leading to concerns about his intent to reside. His business plans are vague. Additionally, despite holding a valid visa and claiming to conduct research for years, he has never traveled to Quebec, which raises credibility issues. His reason for not visiting Quebec is not convincing. He has no clear idea of where he wants to reside in Quebec. As the principal applicant, he lacks a clear plan for what he wants to do there. His statement that he will find more details after arriving in Quebec does not inspire confidence in his intent to reside. Although his children are studying in Quebec and his wife has quit her job, these

factors are insufficient to establish applicant's intent to reside in Quebec. Application refused as per R90(2).

D. *The Reconsideration Decision*

[11] On November 13, 2024, the Applicant requested that the Decision be reconsidered. In further submissions, he expressed his desire to reunite with his family in Quebec and noted that he had invested in Quebec bonds while emphasizing the economic difficulties that followed the COVID-19 pandemic, which created a strain in his role as the financial provider of his family. He stated that as a manager in a state-owned enterprise in Vietnam, he cannot take leave since it requires approval from senior leadership, however, receiving a visa would give him a valid reason to request leave. The Applicant advised of his plans to visit his children for the Lunar New Year holidays. The Applicant submitted documents related to his children's schooling and a promissory note showing his investment.

[12] On November 22, 2024 the Officer issued the Reconsideration Decision which reads:

This refers to your application for permanent residence in Canada. I have received your request for reconsideration of my decision. I have thoroughly reviewed and considered the information you have provided. I am not satisfied that an error was made in the initial decision of your case. As such, the refusal decision stands. We hope this information will be of assistance.

[13] The GCMS notes show that the Officer considered the information provided by the Applicant not to be additional or new information and therefore, there were no grounds to overturn the Reconsideration Decision.

III. Issues and Standard of Review

[14] The Applicant has raised issues going to the reasonableness of both the Decision and Reconsideration Decision.

[15] In conducting a review of the merits of a decision, an applicant bears the burden of showing that the decision is unreasonable in that there is some fundamental flaw in its rationale or outcome, or that it lacks the hallmarks of justification, intelligibility and transparency (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 95 and 99-101 [*Vavilov*]). In conducting this analysis, the Court is not entitled to either reweigh or reassess the evidence (*Vavilov* at para 125).

IV. Analysis

A. *No failure to account for evidence in arriving at the Decision*

[16] The Applicant takes issue with the Officer's finding that he had "several broad business ideas" and that his business plans were vague and lacked thorough research which undermined his true intent to reside in Quebec. The Applicant submits that the Officer ignored the evidence which included his repeated reference to opening a "bánh mì" shop during his Interview and the details he provided during the Interview which included: (i) his research on "bánh mì" shops; (ii) the fact that he has a "bánh mì" recipe; (iii) the Spouse's completion of a cooking course; (iv) the fact that he would conduct research on the pricing of "bánh mì" once in Canada; (v) his Spouse's exploratory visits to Montreal; and (vi) their selection of a location for their restaurant.

[17] The Applicant says this evidence is relevant, specific and material, and points to the opposite conclusion drawn by the Officer. The Applicant submits that the Court may infer from the Officer's failure to refer to this evidence, that the Officer made an erroneous finding of fact without regard to the evidence (citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17).

[18] I agree with the Respondent that the Applicant has not rebutted the presumption that the Officer reviewed all of the evidence. The failure to mention evidence does not mean that it was ignored (citing *Uddin v Canada (Citizenship and Immigration)*, 2025 FC 1708 at para 28 [*Uddin*]). Ultimately, the Applicant's argument that his evidence was detailed and specific amounts to a disagreement with the Officer's assessment of the evidence as "vague" and would require the Court to reassess the record to come to a different conclusion, which is not the Court's role on judicial review (*Vavilov* at para 125).

As a visa officer's determination of "intent" is entitled to a high degree of deference (*Uddin* at para 22) and the Officer's findings are reasonably supported on the record, I find that the Applicant has not shown a basis for this Court's intervention.

B. *No failure to account for new evidence in the Reconsideration Decision*

[19] The Applicant submits that the Reconsideration Decision is unreasonable by reason that the Officer failed to account for the new evidence he provided to explain why he had not travelled to Quebec. The evidence from the Applicant's further submissions on reconsideration was:

My role as a manager in a state-owned enterprise in Vietnam limits my ability to take leave, as it requires approval from senior leadership.

[20] The Applicant submits that the Officer was required to grapple with this “unusual” evidence given its significance to the Officer’s credibility finding.

[21] I agree with the Respondent that it was open to the Officer to find that this explanation was substantively the same as that given by the Applicant at the Interview. Nor can I agree with the Applicant’s submission that the Officer’s failure to address the Applicant’s explanation a second time constitutes a failure in responsive justification. The Officer addressed the Principal Applicant’s reason for not travelling to visit Quebec in the Decision (finding the Principal Applicant’s explanation not to be convincing) and given the Officer’s view that no new information had been provided, it was not necessary for the Officer to address the Applicant’s explanation yet again.

V. Conclusion

[22] As the Applicant has not met his onus of showing that either the Decision or the Reconsideration Decision are unreasonable, the applications are dismissed.

JUDGMENT in IMM-22163-24 and IMM-22771-24

THIS COURT'S JUDGMENT is that:

1. The applications for judicial review are dismissed.
2. There is no question for certification.

"Allyson Whyte Nowak"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-22163-24
IMM-22771-24

STYLE OF CAUSE: TONG DANG KHOA NGUYEN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF ZOOM VIDEOCONFERENCE

DATE OF HEARING: JANUARY 14, 2026

JUDGMENT AND REASONS: WHYTE NOWAK J.

DATED: JANUARY 16, 2026

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