

Federal Court



Cour fédérale

**Date: 20260226**

**Docket: IMM-21800-24**

**Citation: 2026 FC 267**

**Toronto, Ontario, February 26, 2026**

**PRESENT: The Honourable Justice Thorne**

**BETWEEN:**

**GLORILENN FERRERIA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Nature of the Matter

[1] The Applicant, Glorilenn Ferreria, seeks judicial review of Immigration, Refugees and Citizenship Canada's [IRCC] October 10, 2024 return of her 2024 Parents and Grandparents Program [PGP] family class sponsorship and permanent residence application. [Decision] The application was rejected on the basis of being incomplete pursuant to the relevant Ministerial Instructions [MIs], the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act], and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations], purportedly because the resume of one of the sponsored parties was incomplete.

[2] The Respondent contends that the return of the Applicant's application is "non-justiciable", and in the alternative that the Decision to return the application was reasonable and procedurally fair.

[3] For the reasons that follow, I grant the application, as I find the return of the Applicant's application for incompleteness to be justiciable, and the Decision to return the application to be unreasonable.

## II. Facts

[4] In 2020, Glorilenn Ferreria [Applicant] submitted an Interest to Sponsor form hoping to sponsor her parents, Gloria [Principal Applicant] and Glenn [Dependant], for permanent residence visas. They are citizens of the Philippines. By letter dated May 29, 2024, the Applicant was then invited to apply to sponsor her parents as part of the 2024 intake of the Parents and Grandparents Program [2024 PGP], by August 2, 2024.

[5] The Applicant and her parents [collectively, the Applicants], accordingly submitted the application which was received by IRCC on June 22, 2024.

[6] In a procedural fairness letter dated September 3, 2024, IRCC informed the Applicant that their application for sponsorship "does not meet the requirements for processing as the application is incomplete" and noted various items that were missing and incomplete. These included a copy of the Invitation to Apply letter, an incomplete Additional Family Information form, the provision of details with respect to the parents' previous government employment, the parents' original marriage certificate and the requirement that the sponsored individuals submit

complete CV/resumes including all information since the age of 18 and that do not contain any gaps.

[7] On or about September 7, 2024 the requested documents were emailed by the Applicant to IRCC. On October 10, 2024 the Applicant was informed that her application status in the online portal account had been updated. On October 10, 2024, by email and an attached letter, the Applicant was then informed the application was incomplete and had been rejected on this basis.

[8] The Decision asserted that the Applicant had not met the requirements for processing, stating in part:

This refers to your application submitted under the 2024 Parents and Grandparents Program (PGP). Following a review of your application, it appears you **do not meet the requirements for processing.**

**Your application is incomplete as the below is/are missing and/or incomplete:**

• **[DEP] Resume (for Dependant): Incomplete**

You were sent a letter on 2024/09/03, outlining our concerns and requesting the missing information be provided within 30 calendar days. However, as of today's date, we have not received the missing information or a written explanation as to why you were unable to provide the information within the allotted timeframe.  
[Emphasis original]

[9] The Decision went on to refer to "Program requirements" including the relevant Ministerial Instructions effective April 12, 2024 (*Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in*

*relation to those applications*'), and further referenced section 87.3 of the Act, and ss 10-12 of the Regulations. The Decision stated that because the application was incomplete, the Applicants did not meet the requirements for processing under the 2024 PGP, and the application was rejected.

[10] The Global Case Management Notes [GCMS] which form part of the reasons state, in their entirety:

PGP 2024 Application Failed at Completeness Check Application  
Received: 2024/06/22 Intake #: XXXX Initial Request Date:  
2024/09/03 Due Date: 2024/10/03 IPRMS receipt: XXXX  
Reasons for rejection: - [DEP] Resume (for Dependant):  
Incomplete Status of the application changed to Return on the  
Portal. Rejection Letter sent to SPR: [Ferreria, Glorilenn] [XXXX]  
Via E-mail Letter has been uploaded under Sponsorship >  
Outgoing. This application will not be processed or put in queue  
for processing.

[Note: personal information has been anonymized]

[11] The Applicant then submitted a reconsideration request that was received by IRCC on October 13, 2024. This was refused on October 29, 2024.

[12] On November 6, 2024, the Applicant filed two separate Notices of Application in relation to this matter: one for the reconsideration refusal and the other pertaining to the October 10, 2024 rejection decision for incompleteness. Leave for the October 29, 2024 reconsideration refusal was dismissed, while the application for leave for the incompleteness rejection was granted, and is the subject of this judicial review.

III. Preliminary Issue – New Evidence

A. *The Applicant's new evidence is admitted*

[13] The Applicant seeks to admit new evidence, in particular a copy of the PGP Guide 5772 – Application to Sponsor Parents and Grandparents, correspondence and screenshots from the Principal Applicant about their permanent residence application, the relevant Ministerial Instructions, and application instructions for the PGP program.

[14] In *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [*Access Copyright*], the Federal Court of Appeal stated the general rule that evidence not before the administrative decision maker is not admissible on judicial review (*Access Copyright* at paras 19-20). However, there are three recognized exceptions to the general rule, and I note this list is not exhaustive. These are with respect to allowing evidence: (1) to provide general background information to assist the reviewing court to understand the record (2) to bring to the court's attention to procedural defects not in the evidentiary record of the decision maker and (3) to highlight the complete absence of evidence that was before the administrative decision maker when it made a particular finding (*Access Copyright* at para 20; *Sibbald v Canada (Attorney General)*, 2022 FCA 157 at para 37).

[15] The Applicant argues that the evidence was before the decision maker at the time of the making of the Decision or falls into the general background and procedural defect exceptions. For its part, the Respondent raises no argument against the admission of this new evidence, and,

in fact, itself also includes links to Guide 5772 – Application to Sponsor Parents and Grandparents and the 2024 Document checklist IMM 5771 in its own materials.

[16] I find that the Applicant’s new evidence falls into the general background exception and accordingly have allowed it to be admitted.

#### IV. Issues and Standard of Review

[17] This matter raises two issues:

1. Whether the Decision to return the Application for incompleteness is justiciable?
2. If so, whether the Decision was reasonable and procedurally fair?

[18] This Court has held that no standard of review applies to an argument as to justiciability of a refusal to process an application (*Goel v Canada (Citizenship and Immigration)*, 2025 FC 275 [*Goel*] at para 4 citing *Camara c Canada (Citoyenneté et Immigration)*, 2024 CF 1823 at para 15; *Zhou v Canada (Citizenship and Immigration)*, 2021 FC 1424 at para 23; *Sheikh v Canada (Citizenship and Immigration)*, 2020 FC 199 at para 17). Recently in *Devgon v Canada (Citizenship and Immigration)*, 2025 FC 2005 [*Devgon*], my colleague Justice Michael Battista described the issue of justiciability as “a threshold question unrelated to the substantive review of an administrative decision [...] [which is] resolved through the application of principles related to institutional and constitutional standards that answer the question of whether a matter is inappropriate for judicial involvement” (at para 8 citing *Friends of the Earth v Canada (Governor in Council)*, 2008 FC 1183 at paras 19, 24-26).

[19] The decision to return the application, meantime, is reviewable on the standard of reasonableness (*Devgon* at para 9; *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [*Mason*]). A reasonable decision 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; *Mason* at paras 8 and 64). A reviewing court must consider whether “the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision” (*Vavilov* at para 99). The burden is on the party challenging the decision to show that it is unreasonable (*Vavilov* at para 100).

[20] Finally, on judicial review, procedural fairness is reviewed on a correctness-like standard, with the overarching consideration being “whether the applicant knew the case to meet and had a full and fair chance to respond” (*Vavilov* at para 53; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 (CanLII), [2019] 1 FCR 121, [*CPR*] at paras 54-56; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35, leave to appeal to the SCC dismissed, 2021 CanLII 69969 (SCC)). The Court in this regard asks, “whether the procedure was fair having regard to all of the circumstances, including the Baker factors” (*CPR* at para 54 citing *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817, (1999), 174 DLR (4th) 193).

V. Analysis

A. *The matter is justiciable*

[21] In its materials, the Respondent submitted that a decision not to process an application due to non-compliance with the MIs is not a refusal and is therefore not subject to judicial review, relying on the cases of *Sadeghian v Canada (Citizenship and Immigration)*, 2024 FC 1144 [*Sadeghian*] at paras 7-8; *Zhou v Canada (Citizenship and Immigration)*, 2021 FC 1424; *Sheikh v Canada (Citizenship and Immigration)*, 2020 FC 199 [*Sheikh*] and *Filippiadis v Canada (Citizenship and Immigration)*, 2014 FC 685 [*Filippiadis*] at paras 2-3, 33.

[22] Prior to the hearing, this Court issued a direction to the parties to provide submissions on the recent case of *Devgon*, a very similar matter also concerning the return of a Parents and Grandparents sponsorship application for the reason of an incomplete resume. In that matter, the Respondent raised identical arguments as here with respect to justiciability, which were addressed by that Court at paras 10-38. In *Devgon*, the Court disagreed with the Respondent, whose principal authorities were again *Sheikh* and *Sadeghian*, distinguishing these cases, and Justice Battista found that the decision to reject the application for an incomplete resume was indeed justiciable. I note that in the matter at hand, the Respondent appeared to resile from its argument with respect to justiciability, stating only that it had nothing further to add and ultimately making no submissions as to this or the justiciability determination in *Devgon*.

[23] In any event, in my view the analysis and conclusions of the Court in *Devgon* with respect to justiciability are determinative and are of direct application to the matter at hand.

[24] The doctrine of judicial comity is obviously applicable to findings of law (*R v Sullivan*, 2022 SCC 19 at para 44 [*Sullivan*]; *Popovici v Canada (Citizenship and Immigration)*, 2023 FC 960 at para 25). Notably, *Sullivan* sets out three narrow exceptions in which trial courts should depart from binding decisions of a court of coordinate jurisdiction, none of which apply in these circumstances (*Sullivan* at paras 75-78 citing with approval *Re Hansard Spruce Mills*, 1954 CanLII 253 (BC SC), [1954] 4 DLR 590 (BCSC)).

[25] More generally, *Apotex Inc. v Allergan Inc.*, 2012 FCA 308 [*Apotex*] also said of the doctrine of judicial comity in the context of immigration, at para 48:

It is up to the judges of the Federal Court to determine how this doctrine is to be applied to their decisions. I note in this respect that different considerations may arise depending on the jurisdiction being exercised. I have in mind, for example, immigration where decisions of the Federal Court are final in the absence of a question being certified (see *Ziyadah v. Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 8290 (FC), [1999] 4 F.C. 152, paras. 9 and 12 (T.D.)). However, the general view appears to be that the conclusions of law of a Federal Court judge will not be departed from by another judge unless he or she is convinced that the departure is necessary and can articulate cogent reasons for doing so. On this test, departures should be rare.

[26] Having reviewed *Devgon*, I see no reason to depart from Justice Battista's reasoning as to justiciability, as the relevant facts are only of minor difference and the relevant legal principles are directly applicable in the present case.

[27] I further note that in terms of justiciability, a situation that has been identified where judicial review of an administrative body's conduct is not triggered is when such conduct "fails to affect legal rights, impose legal obligations, or cause prejudicial effects" (*Air Canada v*

*Toronto Port Authority*, 2011 FCA 347 (CanLII), [2013] 3 FCR 605 at paras 28-29 citing *Irving Shipbuilding Inc v Canada (Attorney General)*, 2009 FCA 116, [2010] 2 FCR 488, leave to appeal to the SCC dismissed, 2009 CanLII 57521; *Democracy Watch v Canada (Conflict of Interest and Ethics Commissioner)*, 2009 FCA 15, 86 Admin LR (4th) 149, leave to appeal to the SCC dismissed, 2009 CanLII 30416 (SCC); *Prince v Canada (National Revenue)*, 2020 FCA 32 at para 21).

[28] I agree with the Court in *Devgon* that, in the circumstances at hand, the legal right affected is the statutory right conferred by the invitation to apply to sponsor the Applicant's parents as part of the 2024 intake of the Parents and Grandparents Program:

The decision to return the application affected the Applicants' right to file an application in pursuit of permanent residence. This right was conferred upon them by statute when they received an invitation to apply under subsection 10.1(1) of the *IRPA*. Without the invitation to apply, grounded in statutory authority, the Applicants would have no right to have their application processed. The Officer's decision to return their application affected this right. (*Devgon* at para 22)

[29] Further, with respect to the consideration of prejudicial effect, certain of the Applicant's arguments in their submissions illuminate the stakes of the return of their application.

Notwithstanding the timeline of 2020 to 2025 and given that this is a program mainly for elderly individuals, the Applicant notes that the program is currently closed. There is also no right of appeal under the Immigration Appeal Division [IAD] because the application was rejected under section 12 of the Regulations, and in that sense is not considered a decision which can be reviewed by the IAD on its merits. These harsh consequences can be considered and were addressed in *Devgon* at para 24, wherein the Court noted that losing their spot in the applicants'

pool due to incompleteness functionally meant losing the invitation to apply, and that in today's circumstances of heightened competitiveness, uncertainty and tightening immigration restrictions, this certainly results in "significant prejudice". This is also the case in the matter at hand.

[30] In short, suffice it to say that I, too, agree with my colleague Justice Anne Turley that "[d]ecisions to reject an application for incompleteness cannot be immune from judicial review where an applicant disputes the determination that it is indeed incomplete" (*Goel* at para 9). The Applicant does so here, and I find that this matter is one that is justiciable before this Court.

B. *The Decision is not reasonable*

[31] Turning to the merits, upon review of the record in this matter, I find that the Decision is not transparent or intelligible and is therefore unreasonable (*Vavilov* at paras 99-100).

[32] At the outset, I note that the Applicant made a wide variety of submissions in arguing both that the Decision was procedurally unfair and that it was unreasonable. As I have found that the Decision was not reasonable for one central reason, I confine my analysis to that issue and need not address the procedural fairness submissions.

[33] Among the arguments of the Applicant with respect to the issue of reasonableness is that in the PGP no legal definition has been established as to what constitutes a "complete" resume, and that nor is there a legal basis to reject an application for incompleteness because the requisite resume had a chronological gap.

[34] The Respondent argues that the application was reasonably rejected for processing because it was missing a complete resume, a requirement which was clearly set out in the online instructions and the procedural fairness letter received by the Applicant. The Respondent asserts that the resume of the Applicant's father was missing an approximately five-year period in its listing of historical employment, contrary to the procedural fairness letter's requirement that the resume was to have no gaps. The Respondent submits that given the Officer's statutory requirement to comply with the MIs, the Officer could not accept a non-compliant application. They further argue that an application does not exist if it is incomplete pursuant to the Act, and that the onus was on the Applicant to provide a complete application.

[35] As noted, the record in this matter establishes that the Decision letter states:

This refers to your application submitted under the 2024 Parents and Grandparents Program (PGP). Following a review of your application, it appears you **do not meet the requirements for processing**.

**Your application is incomplete as the below is/are missing and/or incomplete:**

• **[DEP] Resume (for Dependant): Incomplete**

You were sent a letter on 2024/09/03, outlining our concerns and requesting the missing information be provided within 30 calendar days. However, as of today's date, we have not received the missing information or a written explanation as to why you were unable to provide the information within the allotted timeframe.  
[Emphasis original]

[36] While the GCMS notes read:

**PGP 2024 Application Failed at Completeness Check**  
Application Received: 2024/06/22 Intake #: XXXX Initial Request Date: 2024/09/03 Due Date: 2024/10/03 IPRMS receipt: XXXX  
**Reasons for rejection: - [DEP] Resume (for Dependant): Incomplete** Status of the application changed to Return on the

Portal. Rejection Letter sent to SPR: [Ferreria, Glorilenn] [XXXX]  
Via E-mail Letter has been uploaded under Sponsorship >  
Outgoing. **This application will not be processed or put in  
queue for processing.** [Emphasis added and information  
anonymized]

[37] From this, it is evident that while the Decision identifies that the Applicant's application was rejected because the resume of the Dependant was purportedly incomplete, no explanation is provided as to how or why that document is incomplete. Further, nowhere in the evidence provided by the parties is this ever established, and no explanation is given by the Officer or the IRCC as to this or how that determination was reached. I note that this is unlike a case such as *Devgon*, where the evidence directly established that the resume was specifically determined to be incomplete because the listings of employment history contained a gap, and that no explanation had been provided as to where or whether the party had been employed over that time. No such determination or explanation was ever provided in the matter at hand.

[38] I note that the Respondent in this matter proceeds as if the resume was found to be incomplete because there is a gap in the listings pertaining to the Dependant's historical employment status. When questioned as to why they believed this to be the case, counsel for the Respondent conceded that nowhere in the evidence is it ever established that this, or any other reason, is given for why the resume was felt to be incomplete. However, counsel stated that the 2024 Document Checklist form for the Parents and Grandparents program lists that among the documents to be provided is a CV/Resume, and that the form specifies with respect to this: "The principal applicant and all dependants who are 18 years of age and older must provide a CV/Resume. Please ensure all CVs/Resumes include information since the age of 18 and details of the employment and volunteer positions held." Counsel then essentially posited that since the

resume in question features a gap in the listings of historical employment, and that the procedural fairness letter had previously noted, among other things, that resumes submitted were to have no gaps, this gap must have been the reason the resume was determined to be incomplete. Counsel further argues that submitting such an incomplete resume was grounds for the Officer to reasonably reject to process the application.

[39] Counsel for the Respondent may well be correct that this was the reason why the resume was found to be incomplete, however it is unknowable if this is the case. It could just as easily be due to some other deficiency in the resume. Ultimately, the reasoning of the Officer cannot be buttressed in this fashion, after the fact, by speculating about a potential line of analysis by the Officer that is not apparent in the Decision itself. The jurisprudence is clear that reasonableness review does not permit this Court to entertain supplemental reasons beyond those issued in the decision under review (see e.g. *Alexion Pharmaceuticals Inc v Canada (Attorney General)*, 2021 FCA 157 at paras 8 and 15, citing *Vavilov* at para 97 quoting *Komolafe v Canada (Citizenship and Immigration)*, 2013 FC 431 at para 11; *Rezaei v Canada (Immigration, Refugees and Citizenship)*, 2020 FC 444 at para 28).

[40] The fact that the Decision leaves readers, including the Respondent, to guess why the resume is incomplete, and thus why the application has been found incomplete, exposes clear issues with the transparency and intelligibility of the Decision. Under these circumstances, I cannot find the Decision to be reasonable.

VI. Conclusion

[41] For these reasons, this application for judicial review is granted. The matter is returned for redetermination by a different IRCC Officer. Prior to the redetermination, the Applicants shall be given an opportunity to provide updated submissions and documentation, including resumes, in support of their application.

[42] The parties have not proposed any question for certification under paragraph 74(d) of the Act, and I agree that none arises.

[43] No costs are awarded.

**JUDGMENT IN IMM-21800-24**

**THIS COURT'S JUDGMENT is that:**

1. The judicial review application is granted.
2. The decision of October 10, 2024, is set aside and the matter is returned for redetermination by a different IRCC officer. Prior to the redetermination, the Applicants shall be given an opportunity to provide updated submissions and documentation, including resumes, in support of their application.
3. No question of general importance is certified.
4. No costs are awarded.

"Darren R. Thorne"

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Judge

**FEDERAL COURT  
SOLICITORS OF RECORD**

**DOCKET:** IMM-21800-24

**STYLE OF CAUSE:** GLORILENN FERRERIA v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VIA VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 13, 2026

**JUDGMENT AND REASONS:** THORNE J.

**DATED:** FEBRUARY 26, 2026

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