

Federal Court



Cour fédérale

**Date: 20260226**

**Docket: IMM-6040-25**

**Citation: 2026 FC 266**

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

**PRESENT: The Honourable Mr. Justice Southcott**

**BETWEEN:**

**LI RONG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] This is an application for judicial review of a decision dated March 4, 2025 [the Decision], by an Immigration, Refugees and Citizenship Canada [IRCC] officer [the Officer], returning the Applicant's application for permanent residence under the Agri-Food Pilot Program as incomplete pursuant to sections 10 and 12 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] As explained in further detail below, this application for judicial review is dismissed, because the Applicant's arguments do not demonstrate that the Decision is unreasonable or that it was made without requisite procedural fairness.

## II. **Background**

[3] The Applicant is a citizen of China and a resident of British Columbia. In or about January 2025, he submitted an application for permanent residence under the Agri-Food Pilot Program [the Program], a capped immigration stream established to support Canada's agricultural labour market [the Application].

[4] As part of the Application, the Applicant submitted IRCC Form IMM 0008 (Generic Application Form for Canada) [IMM 0008], which includes a requirement to provide details about the Applicant's family members. However, the Applicant omitted inclusion of the biological son of the Applicant's spouse from a previous relationship [the Omitted Child]. The Applicant included certain information about the Omitted Child elsewhere in his application, in IRCC Form IMM 5406 (Additional Family Information) [IMM 5406].

[5] On March 4, 2025, the Officer returned the Application as incomplete, referencing sections 10 and 12 of the IRPR, on the basis that the Applicant failed to list the Omitted Child on IMM 0008. By the time the Decision was communicated to the Applicant, the Program had reached its maximum intake and was closed to new applications, resulting in the Applicant being unable to reapply for permanent residence through the Program.

### III. Issues and Standard of Review

[6] Following consideration of the parties' respective written and oral submissions, I would articulate the issues for the Court's determination as follows:

A. Is the Decision reasonable?

B. Did the Officer breach procedural fairness in making the Decision?

[7] As is implicit in its articulation, the first issue set out above is subject to the reasonableness standard of review as explained by the Supreme Court of Canada in *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The second issue, involving procedural fairness, is subject to the standard of correctness (*Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). Put otherwise, the Court's role is to assess whether the process followed was fair, taking into account all applicable circumstances (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54).

### IV. Legislation

[8] The provisions of the IRPR relevant to the issues in this application read as follows:

#### **Form and content of application**

**10 (1)** Subject to paragraphs 28(b) to (d) and 139(1)(b), an application under these Regulations shall

(a) be made in writing

#### **Forme et contenu de la demande**

**10 (1)** Sous réserve des alinéas 28b) à d) et 139(1)b), toute demande au titre du présent règlement :

a) est faite par écrit sur

using the form, if any, provided by the Department or, in the case of an application for a declaration of relief under subsection 42.1(1) of the Act, by the Canada Border Services Agency;

**(b)** be signed by the applicant;

**(c)** include all information and documents required by these Regulations, as well as any other evidence required by the Act;

**(d)** be accompanied by evidence of payment of the applicable fee, if any, set out in these Regulations; and

**(e)** if there is an accompanying spouse or common-law partner, identify who is the principal applicant and who is the accompanying spouse or common-law partner.

le formulaire fourni, le cas échéant, par le ministère ou, dans le cas d'une demande de déclaration de dispense visée au paragraphe 42.1(1) de la Loi, par l'Agence des services frontaliers du Canada;

**b)** est signée par le demandeur;

**c)** comporte les renseignements et documents exigés par le présent règlement et est accompagnée des autres pièces justificatives exigées par la Loi;

**d)** est accompagnée d'un récépissé de paiement des droits applicables prévus par le présent règlement;

**e)** dans le cas où le demandeur est accompagné d'un époux ou d'un conjoint de fait, indique celui d'entre eux qui agit à titre de demandeur principal et celui qui agit à titre d'époux ou de conjoint de fait accompagnant le demandeur principal

### **Required information**

**(2)** The application shall, unless otherwise provided by these Regulations,

**(a)** contain the name, birth date, address,

### **Renseignements à fournir**

**(2)** La demande comporte, sauf disposition contraire du présent règlement, les éléments suivants:

**a)** les nom, date de

nationality and immigration status of the applicant and of all family members of the applicant, whether accompanying or not, and a statement whether the applicant or any of the family members is the spouse, common-law partner or conjugal partner of another person;

naissance, adresse, nationalité et statut d'immigration du demandeur et de chacun des membres de sa famille, que ceux-ci l'accompagnent ou non, ainsi que la mention du fait que le demandeur ou l'un ou l'autre des membres de sa famille est l'époux, le conjoint de fait ou le partenaire conjugal d'une autre personne;

[...]

[...]

### **Return of application**

### **Renvoi de la demande**

**12** Subject to section 140.4, if the requirements of sections 10 and 11 are not met, the application and all documents submitted in support of it, except the information referred to in subparagraphs 12.3(b)(i) and (ii), shall be returned to the applicant.

**12** Sous réserve de l'article 140.4, si les exigences prévues aux articles 10 et 11 ne sont pas remplies, la demande et tous les documents fournis à l'appui de celle-ci, sauf les renseignements visés aux sous-alinéas 12.3b)(i) et (ii), sont retournés au demandeur.

## **V. Analysis**

### **A. *Is the Decision reasonable?***

[9] The Applicant asserts that he interpreted instructions on IMM 0008 as requiring inclusion in that form information related only to family members that he may wish to sponsor for immigration to Canada at a later date. He submits that, based on that interpretation, he did not include information related to the Omitted Child, and that it is clear that he had no intention to

misrepresent or to conceal the existence of the Omitted Child, as he included in IMM 5406 the information related to the Omitted Child required by paragraph 10(2)(a) of the IRPR.

[10] I note that, in his written representations filed in support of this application for judicial review, the Applicant quotes a set of instructions from IMM 0008 that do not appear in the record before the Court. The Respondent identifies a somewhat similar version of such instructions as appearing on a page from IMM 0008 (included as an exhibit to the Applicant's affidavit filed in this application for judicial review), which was completed by the Applicant and submitted in support of the Application. That version of the instructions [the IMM 0008 Instructions] reads as follows:

You must provide details about each of your family members, whether they will come with you to Canada or not. You must include your spouse or common-law partner, if applicable, and all of your dependent children, and those of your spouse or common-law partner, who are not already permanent residence or citizens of Canada.

You must also include details on family members if you don't know where they are (even those missing or presumed dead). If you don't list them on your application, you will not be able to sponsor them later if your situation changes.

[11] In his affidavit, the Applicant quotes instructions that he read when completing IMM 0008, which are consistent with the language in the IMM 0008 Instructions.

[12] At the hearing of this application, the Court questioned the Respondent's counsel on the legislative significance of the forms such as IMM 0008 that IRCC expects an application under the IRPR to employ. The Respondent referenced paragraph 10(1)(a) of the IRPR, which requires that an application under the IRPR be made in writing using the form, if any, provided by the

Department of Citizenship and Immigration. The Respondent argued that the effect of this paragraph is that an applicant must employ the prescribed form and comprehensively complete that form, together with supporting documentation, in compliance with instructions therein or referenced therein.

[13] While the Application included some information related to the Omitted Child in IMM 5406, the Respondent submits that the Application was nevertheless incomplete, and therefore reasonably rejected by the Officer pursuant to section 12 of the IRPR, because the Application did not include all information and supporting documentation related to the Omitted Child that is contemplated by IMM 0008. The Respondent also disputes the Applicant's assertion that his IMM 5406 included all information related to the Omitted Child required by paragraph 10(2)(a) of the IRPR.

[14] In advancing its position related to the significance of IMM 0008, the Respondent relies on a link in its memorandum of argument to an online guide for applications under the Program, which the Respondent asserts provides instructions on information and supporting documentation to be included in such an application. However, the Respondent has not introduced this guide as evidence before the Court. Nor does the record before the Court include evidence as to precisely how IMM 0008 or other relevant forms present to an applicant, online or otherwise, when completing an application.

[15] However, paragraph 10(2)(a) of the IRPR clearly requires that an application under the IRPR include certain categories of information in relation to all family members of an applicant which, pursuant to subsection 1(3), includes a dependant child of an Applicant's spouse. The

Applicant acknowledges that the Omitted Child qualifies as a dependent for purposes of the IRPA. While the IMM 5406 for the Omitted Child included in the Application captures some of the categories of information required by paragraph 10(2)(a) of the IRPR, it does not appear to capture all the required information. Notably, nationality and immigration status appear to be captured by IMM 0008 but not by IMM 5406.

[16] I therefore find the Decision to have reasonably concluded that the Application was incomplete pursuant to section 10 of the IRPA, such that section 12 required that it be returned to the Applicant (*Gennai v Canada (Citizenship and Immigration)*, 2017 FCA 29 at para 6).

[17] In so finding, I have considered whether the language of the IMM 0008 Instructions could reasonably be interpreted to restrict the categories of family members to which paragraph 10(2)(a) applied, but I do not find this to assist the Applicant. In my view, the language is clear that an applicant is required to provide details about all family members, including dependent children of a spouse or common-law partner, who are not already permanent residents or citizens of Canada. The language of the IMM 0008 Instructions does not limit this requirement to family members that the applicant may wish to sponsor in the future.

[18] In conclusion, I also note that I do not read the Decision as representing a finding that the Applicant had intended to misrepresent or to conceal the existence of the Omitted Child. The Officer found only that the Application was incomplete.

B. *Did the Officer breach procedural fairness in making the Decision?*

[19] The Applicant argues that the Officer breached procedural fairness in making the Decision, because the Applicant was not alerted to the deficiency in the Application and given an opportunity to correct it. In support of this position, the Applicant references (although without any supporting evidence) IRCC guidelines to the effect that procedural fairness requires that applicants be informed of a decision-maker's concerns with respect to an application and given a meaningful opportunity to respond thereto.

[20] However, I agree with the Respondent's submission that the onus to submit a complete application lies with an applicant, and there is no duty upon an officer to remind an applicant of the need to submit everything required for a complete application (*Joseph v Canada (Citizenship and Immigration)*, 2018 FC 268 at para 13). An officer is not required to alert an applicant to a requirement of which they have already been notified (*Gugliotti v Canada (Citizenship and Immigration)*, 2017 FC 71 at para 31; *Karami v Canada (Citizenship and Immigration)*, 2018 FC 846 at paras 25-26).

[21] As I have concluded earlier in these Reasons that the IMM 0008 Instructions clearly state the requirement to provide details about all family members, including dependent children of a spouse or common-law partner who are not already permanent residents or citizens of Canada, the above jurisprudence applies, and there is no basis for a conclusion that the Officer breached procedural fairness in arriving at the Decision.

VI. **Conclusions**

[22] As I have found that the Decision is reasonable and did not result from a breach of procedural fairness, this application for judicial review must be dismissed. Neither party proposed any question for certification for appeal, and none is stated.

**JUDGMENT IN IMM-6040-25**

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

1. This application for judicial review is dismissed.
2. No question is certified for appeal.

"Richard F. Southcott"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-6040-25

**STYLE OF CAUSE:** LI RONG v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 24, 2026

**JUDGMENT AND REASONS:** SOUTHCOTT J.

**DATED:** FEBRUARY 26, 2026

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