Federal Court Cour fédérale

Date: 20260420

Docket: IMM-19291-24

Citation: 2026 FC 525

Toronto, Ontario, April 20, 2026

PRESENT: Madam Justice Whyte Nowak

BETWEEN:

SOPHIA YABITEIGHA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Sophia Yabiteigha [Applicant] seeks judicial review of a decision dated August 29, 2024 [Decision], of an Immigration, Refugees and Citizenship Canada [IRCC] officer [Officer]. The Officer refused her application for permanent residence under the Home Support Worker Class by reason that she had not fully responded to an IRCC document request. The Applicant contests this finding, insisting that she provided the requested documents well within the

deadline provided. On reconsideration, the Officer confirmed that the documents had not been uploaded to the IRCC portal and the Decision was reaffirmed.

[2] For the reasons that follow, I am dismissing this application. While the result is indeed harsh given that the program ended in June 2024, it was the Applicant's responsibility alone to ensure the sufficiency of her application. The Applicant's contention that she submitted all of the necessary documentation on time is not made out on the record before the Court.

II. Facts

A. *The Applicant's application*

[3] On July 8, 2022, the Applicant submitted a permanent residence application under the Home Support Worker Class as the principal applicant with four dependents.

[4] On January 5, 2024, the IRCC sent a letter to the Applicant requesting her Schedule A: Background/Declarations [Declarations], travel histories, police certificates and proof of funds from her potential employer in Canada [Requested Documents]. The IRCC letter advised the Applicant that a failure to provide the Requested Documents within 30 days could result in a refusal of her application.

[5] In her affidavit sworn December 2, 2024, the Applicant says that on January 24, 2024, she uploaded updated Declarations, police certificates and travel summaries for herself, her husband and one of her dependents as well as notices of assessment [NOAs] from her potential

employer. The Applicant received a response from donotreply@cic.gc.ca which includes the statement in bold type, “We got your document. Thank you!” [Acknowledgment of Receipt]. She has also provided a screenshot [Screenshot] of her MCIC account which shows a statement, “we are reviewing the additional documents you provided.” Despite this evidence, the only document that appears in the Certified Tribunal Record [CTR], are the NOAs.

B. *The Decision*

[6] On August 29, 2024, the Applicant was notified by letter that her application had been refused. The Global Case Management System [GCMS] notes that accompanied the Decision state that the application was refused for non-compliance with the Officer’s request to provide documents in accordance with subsections 41(a) and 16(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*Act*]. The Applicant’s application was assessed based on the information on file, which the Officer found to be deficient. The GCMS notes state that the Applicant’s work permit application was therefore not processed and the related fees were to be refunded.

C. *The Applicant’s request for reconsideration*

[7] The Applicant submitted a request for reconsideration on September 11, 2024, on the basis that she believed there had been an error in the processing of her application. She provided a letter of explanation and an affidavit in which she asserted that she had in fact uploaded all of the Requested Documents to the IRCC portal.

[8] On September 27, 2024, the Applicant was notified by letter that because the Requested Documents were still outstanding at the time of the Decision, the refusal stands. The GCMS notes read:

[9] Reconsideration request reviewed. Applicant has provided an affidavit to indicate that submissions were made on time. I note the confirmation of document received by the applicant when the NOAs were uploaded. The applicant was advised to provide a variety of documents in the general request letter. The response to that request letter, provided the NOAs, with the additional documents outstanding. I note that our support officer opened portals in order to allow the applicant to upload the remaining documents. The sch As, travel histories and PCs were not uploaded and remained outstanding at the time of refusal. As I am satisfied there was no err in law, refusal stands.

[10] The Applicant did not judicially review the decision on reconsideration.

III. Issues and Standard of Review

[11] The Applicant has raised issues going to the reasonableness and fairness of the Decision.

[12] The parties agree that the standard of review on the merits of the Decision is reasonableness as articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraphs 16-17 [*Vavilov*]. This Court must consider whether the Decision, including both its rationale and its outcome, falls within a range of possible outcomes when read

in light of the history and context of the proceedings (*Vavilov* at paras 83, 94). A reasonable decision is justifiable, transparent and intelligible (*Vavilov* at para 99).

[13] Issues of procedural fairness are reviewed on a standard akin to correctness (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 34 [*Canadian Pacific*]). The ultimate question is whether the applicant knew the case they had to meet and had a full and fair chance to respond (*Canadian Pacific* at para 56).

IV. Analysis

A. *The Decision is reasonable*

[14] The Applicant submits that the Decision is unreasonable given that she submitted the Requested Documents within the 30-day deadline and the IRCC admitted that they were received as evidenced by the Acknowledgement of Receipt. However, as the Respondent points out, neither the Acknowledgement of Receipt nor the Screenshot identify the documents that were uploaded and the CTR includes only the NOAs. The Applicant's bald statement that she uploaded the Requested Documents is insufficient (*Toor v Canada (Citizenship and Immigration)*, 2019 FC 1143 at paras 13-14). According to the GCMS notes, the Officer found the Schedule A Declarations, travel histories and police certificates to be outstanding at the time of the Officer's assessment of the application and this Court has confirmed an officer's right to make a decision based on the documents on file at the time of an assessment (*Mei v Canada (Citizenship and Immigration)*, 2009 FC 1040 at para 24 [*Mei*]).

[15] The Applicant submits that she did all that she could to ensure that the Requested Documents were properly sent and received and that neither the *Act* nor the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*] require applicants to follow-up with the IRCC to ensure the receipt of documents.

[16] I do not agree with the Applicant's reading of the *Act* and the *Regulations*. Subsection 16(1) of the *Act* places the burden on the Applicant to produce all relevant evidence and documents that an officer reasonably requires, and paragraph 10(1)(c) of the *Regulations* provides that an application shall include all information and documents required by the *Regulations*, as well as any other evidence required by the *Act*. Moreover, the Court in *Mei* squarely considered the argument that "it is practically impossible" to verify the receipt of a document by the IRCC and an applicant should not be put to a further step to follow-up on communications sent. Justice de Montigny (as he then was) rejected this submission and held that "the burden is on the applicant to make sure that it has been effectively received if there is any doubt" (*Mei* at para 23). In the face of an Acknowledgment of Receipt that did not identify the documents received, the burden lay with the Applicant to ensure her documents were in fact received.

B. *The Applicant was not denied procedural fairness*

[17] The Applicant submits that she should have been provided notice of the fact that the Requested Documents were not uploaded given that she says she is unable to confirm this from her account. While counsel for the Applicant cited cases where an applicant received a second notice, the case law is clear that there is no duty to provide a further procedural fairness letter

where an officer is not satisfied that their concerns have been fully addressed, nor do officers have a duty to make further inquiries or to provide a "running score" (*Bayramov v Canada (Citizenship and Immigration)*, 2019 FC 256 at para 16).

[18] I find that the Applicant was not denied procedural fairness. The letter sent by the IRCC on January 5, 2024, clearly outlined the case to meet by identifying the Requested Documents, the deadline for providing them and the consequences that would result by not providing them by that time (*Canadian Pacific* at para 56). The Applicant was also provided with a full and fair chance to respond with the Officer even creating a portal to upload the documents.

V. Conclusion

[19] The Decision, while admittedly severe in its result, is fair and defensible in respect of the applicable law and the facts of this case. Accordingly, this application for judicial review is dismissed.

[20] The parties did not raise a question of general importance, and I agree that none arise.

JUDGMENT in IMM-19291-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and

2. No question of general importance is certified.

"Allyson Whyte Nowak"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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APPEARANCES:

Juliette Ukpabi	FOR THE APPLICANT
Meenu Ahluwalia	FOR THE RESPONDENT

SOLICITORS OF RECORD:

The Republic Law Barristers and Solicitors Calgary, Alberta	FOR THE APPLICANT
Attorney General of Canada Calgary, Alberta	FOR THE RESPONDENT