Federal Court Cour fédérale

Date: 20260429

Docket: IMM-1702-25

Citation: 2026 FC 562

Ottawa, Ontario, April 29, 2026

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

AMANPREET KAUR DHAMU

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Amanpreet Kaur Dhamu, a citizen of India, seeks judicial review of a decision of a visa officer [Officer] dated January 13, 2025 [Decision], refusing her application for a Post-Graduate Work permit [PGWP] on the basis of her failure to provide a document requested in a procedural fairness letter and resulting non-compliance with s. 16(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] reproduced below:

Obligation — answer truthfully	**Obligation du demandeur**
16 (1) A person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires.	16 (1) L'auteur d'une demande au titre de la présente loi doit répondre véridiquement aux questions qui lui sont posées lors du contrôle, donner les renseignements et tous éléments de preuve pertinents et présenter les visa et documents requis.

[2] Ms. Dhamu submits the Decision is unreasonable because the refusal was based solely on her failure to provide a credential assessment report from the World Education Services [WES] in relation to her foreign vocational diploma, despite the alleged facts that: a) the WES does not assess vocational diploma from India; b) foreign education is not a statutory requirement for PGWP eligibility; and c) the Officer provided no justification explaining why the requested WES document was reasonably required in this case. Ms. Dhamu submits that while s. 16(1) of the IRPA imposes a duty of candour, that duty is not unlimited, and the Officer may only require documents that are reasonably required for the examination. In such circumstances, a refusal grounded in nom-compliance is unreasonable where the request itself is unjustified, impossible to fulfill or disconnected from the statutory scheme governing the application.

[3] The Respondent, the Minister of Citizenship and Immigration [Minister], submits that the Decision is not unreasonable. The Officer reasonably raised concerns about Ms. Dhamu's prior studies in India and, in doing so, requested additional information from her. However, Ms. Dhamu did not comply with the Officer's request, thereby failing to meet her obligation to answer truthfully under s. 16(1) of the IRPA.

[4] For the reasons mentioned below, the application for judicial review is dismissed. The Officer's Decision that Ms. Dhamu was in non-compliance to both its request and Ms. Dhamu's duty of candour is not unreasonable. Thus, the Officer's refusal of Ms. Dhamu's PGWP application is not unreasonable.

I. Facts

[5] Ms. Dhamu first entered Canada on January 3, 2023, as an international student. She completed a post-graduate diploma in Computer Systems Technician-Networking at St. Clair's College, a designated learning institution. Ms. Dhamu's study permit was valid until September 30, 2024.

[6] In September 2024, upon completion of her education program, Ms. Dhamu applied for a PGWP.

[7] On November 15, 2024, a procedural fairness letter was sent to Ms. Dhamu regarding her application for the PGWP. The procedural fairness letter indicates that a copy of a report from the WES concerning her claimed foreign studies with OM Institute of Vocational Education and Training was required to continue processing her application. She was provided with 30 days to submit the information.

[8] On December 2, 2024, Ms. Dhamu responded by submitting her OM Institute of Vocational Educational and Training document and transcripts.

II. Decision Under Review

[9] The Officer's Global Case Management System [GCMS] notes are part of the Decision: *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at para 44. The GCMS notes dated January 13, 2025, indicate that Ms. Dhamu failed to abide by the duty of candour found at s. 16(1) of the IRPA by failing to provide the requested document. The Officer also noted having reasonable grounds to believe that Ms. Dhamu would not leave Canada at the end of the authorized stay because she had not left the country since first entering on a study permit in January of 2023. The relevant GCMS notes are reproduced below in full:

> The subject is a FN from India that entered Canada 2023-01-03 on a study permit for post-secondary studies with St Clair College, valid until 2024-09-30. The subject is requesting a PGWP and demonstrates completion of the 2-year Computer Systems Technician – Networking diploma with St. Clair College; however, I had concerns with the foreign education the subject claimed with OM Institute of Vocational Education and Training, as means of entry to Canada. Therefore, on 2024-11-15, request was sent to the subject for a copy of their report from World Education Services concerning their claimed foreign studies with OM Institute of Vocational Education and Training. Allowing the subject 30-days to comply. Under A16(1), a person who makes an application must answer truthfully to all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires. However, to date, the subject failed to comply with my request. Furthermore, the subject entered Canada 2023-01-03, and have remained in Canada to date. Therefore, I have reasonable grounds to believe the subject will not depart Canada at the end of the period authorized for their stay if granted an extension. Application refused, subject advised to depart Canada.
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> [Emphasis added.]

III. Issue and Standard of Review

[10] This determinative issue before me is whether the Officer's determination that Ms. Dhamu failed to comply with the required duty of candour under s. 16(1) of the IRPA was unreasonable.

[11] The presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25. To avoid intervention on judicial review, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility: *Vavilov* at para 99. For the reviewing court to intervene, the party challenging the decision must satisfy the court that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" and that the alleged flaws "must be more than merely superficial or peripheral to the merits of the decision": *Vavilov* at para 100.

IV. Analysis

[12] In my view, the Officer's conclusion that Ms. Dhamu did not fulfill the duty of candour under s. 16(1) of the IRPA was not unreasonable.

(1) The Request Was Reasonable and Relevant

[13] Ms. Dhamu recognizes that s. 16(1) of the IRPA requires an applicant to provide documents that an officer reasonably requires for the purpose of assessing the PGWP application. However, Ms. Dhamu argues that the statutory language of s. 16(1) requires that an

officer not request a document “arbitrarily, disproportionately, or without connection to the legislative scheme governing the application”. Ms. Dhamu submits the Officer failed to explain why it was reasonable to request the WES document regarding her foreign vocational diploma, given that the PGWP is based on education you have obtained in Canada.

[14] The Minister submits that the document requested by the Officer may not be specifically relevant to obtaining the PGWP but is nonetheless relevant given the Officer’s concerns about the integrity issue surrounding how Ms. Dhamu entered into Canada. The Minister submits that the integrity of the Canadian immigration system is always a relevant underlying issue and the relevance is related to the verification of how Ms. Dhamu entered Canada. The Minister submits that if one were to accept as non-relevant how a person first entered into the country, this would obviate the need for cessation proceedings where people have lied about how they got refugee status or revocation of citizenship proceedings where one questions how people may have come in and obtained their citizenship.

[15] In those circumstances, I agree with the Minister regarding the relevance of the request made by the Officer in their procedural fairness letter and the ensuing obligation under s. 16(1) to providing “documents that the officer reasonably requires”. Unlike s. 40, s. 16(1) of the IRPA does not impose a materiality requirement; the only requirement under s. 16(1) is that of relevance: *Shafique v Canada (Citizenship and Immigration)*, 2023 FC 226 [*Shafique*] at para 13.

(2) Ms. Dhamu Failed to Comply with the Request and/or Adequately Respond to Procedural Fairness Letter

[16] The Minister submits that, under s. 16(1) of the IRPA, visa applicants must comply with the duty of candour to provide complete, honest and truthful information when applying for entry into Canada and that obtaining a visa is not a right: *Sbayti v Canada (Citizenship and Immigration)*, 2019 FC 1296 at paras 24-27. Ms. Dhamu was made aware of the Officer's concern regarding her prior studies in India via the procedural fairness letter. The goal of the procedural fairness letter is to provide an applicant like Ms. Dhamu an opportunity to ease concerns that an officer may have in reviewing their application. In particular, the Officer requested documentation to address "concerns with the foreign education the subject claimed with OM Institute of Vocational Education and Training, as means of entry in Canada". The Minister submits that Ms. Dhamu failed to provide the requested credential assessment report from the WES in relation to her foreign vocational diploma document and the application was refused.

[17] In my view, it is clear that the Officer's reasons for refusing Ms. Dhamu's application are based on her failure to provide the requested documentation. The Minister submits that failing to respond to an officer's concerns raised in a procedural fairness letter amounts to non-compliance with the duty of candor under s. 16(1) and is sufficient to ground a refusal: *Mescallado v Canada (Citizenship and Immigration)*, 2011 FC 462 [*Mescallado*] at para 21; *Shafique* at para 15.

[18] Ms. Dhamu submits both *Mescallado* and *Shafique* are distinguishable on the basis that, in both those cases, the requested documents "were clearly relevant and obtainable".

[19] In *Mescallado*, the applicant had responded "no" to a question in the forms asking if he had ever been charged with a crime or offence. The officer investigated further and found the

applicant had a charge for “slight physical injuries”, which were provisionally dismissed in 2004 and subsequently permanently dismissed in 2009. The officer did not accept the explanation provided by the applicant and rejected his permanent resident visa for failing to comply with s. 16(1) of the IRPA: *Mescallado* at paras 2-9. While the Court found that s. 16(1) of the IRPA could ground the refusal of a visa application, the Court found the decision under review to be unreasonable because the officer’s refusal to accept the applicant’s explanation was made without any basis, and no reasons were articulated for this credibility finding, nor was there any evidence that could refute the applicant’s explanation: *Mescallado* at paras 21-22, 27.

[20] On the other hand, in *Shafique*, the Court held that a finding of non-compliance with s. 16(1) of the IRPA was not unreasonable because the applicants had provided untrue information on their application form and during their interview. I note that the applicants in that case conceded before the Court that the information was untrue: *Shafique* at paras 3-6.

[21] Ms. Dhamu reiterates that the issue in this case is the reasonableness of the request itself, and the Officer’s failure to justify their request renders the Decision unreasonable.

[22] In my view, Ms. Dhamu fails to address two crucial points: (i) that she failed to provide any explanation for not having the copy of the WES report in relation to her studies with OM Institute of Vocational Education and Training, and (ii) that she failed to make any submissions to the Officer as to the reasonableness of the request. Had Ms. Dhamu provided any explanation or submission on those two crucial points, then the Officer could have assessed her explanation for omitting to file the requested document and/or her submission as to the reasonableness of the

request, as the officer did in *Mescallado*. Then this Court could have reviewed the reasonableness of the Officer's reasons on judicial review.

[23] Ms. Dhamu argues that the refusal was not reasonable on the basis that the requested information is not required for a PGWP application. However, Ms. Dhamu failed to adequately respond to the Officer's request and failed to provide any explanation at all to the Officer for not complying with the Officer's request and explaining why such a document would not be reasonably available.

[24] In written submissions before the Court, Ms. Dhamu submits that the record demonstrates that the WES does not process or assess vocational diploma such as her credentials from OM Institute of Vocational Education and Training. However, Ms. Dhamu fails to provide any reference to where this evidence can be found in the record before the Court. During the hearing, counsel for Ms. Dhamu conceded that there was no evidence on the record to substantiate this allegation. Even if that were indeed the case, Ms. Dhamu did not provide any such evidence to the Officer and did not make any submissions on the matter.

[25] The Officer can only assess the evidence and submissions before them. Absent any such evidence and submissions from Ms. Dhamu, it was reasonable for the Officer to render its Decision refusing the application on a finding of non-compliance with the duty of candor under s. 16(1) of the IRPA. It was Ms. Dhamu's responsibility to put her best foot forward and adequately answer the Officer's procedural fairness letter.

[26] Essentially, what this case boils down to is Ms. Dhamu taking issue with the fact that the Officer did not consider an explanation she never gave them.

[27] In the circumstances, the Officer's conclusion that Ms. Dhamu was in non-compliance to both its request and Ms. Dhamu's duty of candour is not unreasonable. The Officer's refusal of Ms. Dhamu's PGWP application is not unreasonable.

V. Conclusion

[28] For these reasons, the Court dismisses the application for judicial review. The Court finds no fatal flaw or sufficiently serious shortcoming in the Decision to render it unreasonable. It is not the Court's role to reweigh the evidence or to remake the Decision based on information not available to the decision-maker.

[29] Neither party raised a serious question of general importance for certification, and I find that none arises in the circumstances of this matter.

JUDGMENT in IMM-1702-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. No question of general importance is certified.

"Ekaterina Tsimberis"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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