

Federal Court



Cour fédérale

**Date: 20121205**

**Docket: IMM-4927-12**

**Citation: 2012 FC 1421**

**Vancouver, British Columbia, December 5, 2012**

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

**BETWEEN:**

**YUE LI ZHOA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] Maintaining that the duty of candour is of paramount essence to the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*]; and acknowledging that without such candour, the objectives as set out in Section 3 of the *IRPA* risk failure.

[2] Understanding that the Canadian immigration authorities rely, first and foremost, on candour to ensure that their respective decisions reflect the health, family, security, social, economic and cultural fabric which Canada has set for itself through objectives as set out in

legislative provisions of the *IRPA*, all of which are reflected in the Section 3 framework encompassing the Act.

[3] Responding to a judicial review application of the Applicant, the Court denies the judicial review due to inherently apparent significant credibility concerns and a lack of evidence to support the Applicant's eligibility for the position of Financial Manager, an occupation listed as National Occupational Classification (NOC) 0111.

[4] This Court acknowledges the decision of Justice Marshall Rothstein in *Lam v Canada (Minister of Citizenship and Immigration)* (1998), 152 FTR 316:

[4] ... The onus is on an applicant to file a clear application together with such supporting documentation as he or she considers advisable. The onus does not shift to the visa officer and there is no entitlement to a personal interview if the application is ambiguous or supporting material is not included.

[5] Recognizing that the Applicant, herself, admits she made a "mistake", it is this that gave rise to serious credibility concerns:

- a. No adequate inclusion of a chronological work history for the last ten years;
- b. Lack of credibility in respect of the accounting field as unrelated work had been submitted as being related.

[6] When assessing procedural fairness, the visa officer has no duty to question subsequently when an application is ambiguous and appears, on the face of the record itself, to miss adequate supporting documents.

[7] Having concluded, on the basis of the file, that the decision of the visa officer is reasonable as per *Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190, this Court dismisses the judicial review application of the Applicant.

**ORDER**

**THIS COURT ORDERS that** the Applicant's application for judicial review be dismissed.

No question of general importance for certification.

"Michel M.J. Shore"

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Judge

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

**DOCKET:** IMM-4927-12

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

**PLACE OF HEARING:** Vancouver, British Columbia

**DATE OF HEARING:** December 4, 2012

**REASONS FOR ORDER  
AND ORDER:** SHORE J.

**DATED:** December 5, 2012

**APPEARANCES:**

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