Federal Court  Cour fédérale

Date: 20230116

Docket: IMM-9275-21

Citation: 2023 FC 62

Ottawa, Ontario, January 16, 2023

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

YING WANG

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Ms. Ying Wang, is a Chinese citizen. She seeks judicial review pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001 c 27 [IRPA] of a decision of an officer [the Officer] of Immigration, Refugees and Citizenship Canada [IRCC] in Beijing, China, refusing her application for a temporary resident visa. The Officer refused her

application for a visa because Ms. Wang failed to respond properly to a question and omitted to disclose a prior US visa revocation.

[2] For the reasons that follow, this application for judicial review is dismissed.

II. Background

[3] In 2019, Ms. Wang applied for a temporary resident visa to visit her son, who is a permanent resident of Canada. On her application, she answered “no” to the following question: “Have you ever been refused a visa or permit, denied entry or ordered to leave Canada or any other country or territory?”

[4] During the course of the first review, an officer of IRCC learned that Ms. Wang had failed to disclose a prior US visa revocation. The Global Case Management System notes indicate that an initial procedural fairness letter was sent to the Applicant, but no response was received. On October 30, 2019, an officer refused the application.

[5] On January 16, 2020, Ms. Wang applied for leave and judicial review. The parties settled the matter, as the Respondent agreed to send the matter back for a second review and redetermination by a different officer, and Ms. Wang discontinued the application for judicial review on February 12, 2020.

[6] On second review, the Officer noted the prior information that Ms. Wang’s US Tourist Visa was revoked for having worked without authorization. As in the first review, the Officer

became concerned that Ms. Wang answered “no” when asked whether she had ever been refused a visa. The Officer sent her a procedural fairness letter outlining this concern. On June 4, 2020, Ms. Wang, represented by counsel, submitted a response, arguing the error was an innocent mistake as she completed the immigration forms with haste and failed to read the portion of the question about “any other country.” The Applicant submitted that she believed she answered the questions truthfully.

[7] On September 23, 2020, the Officer refused the application.

III. The Decision

[8] The Officer reviewed the response to the procedural fairness letter. The Officer noted that the main points in the response indicate that Ms. Wang made the application in haste, and that she did not read or understand that the question was not specific just to Canada.

[9] In response to Ms. Wang’s argument that the application was made in haste, the Officer’s notes state:

> In reviewing this submission and the points of completing the application in haste and misunderstanding the question, I will note that the application was signed and submitted almost 2 months before [the Applicant’s] intended departure and is documented with documents that appear to have been obtained and provided by her son in Canada even further in advance which does not suggest haste or unreasonable duress in completing the application.

[10] In response to the Applicant’s argument that she did not read or understand that the question was not specific just to Canada, the Officer’s entry states:

> With respect to question 2 b), I note that the wording asks if the applicant had been "refused a visa or permit, denied entry or ordered to leave Canada or any other country or territory" – the specific inclusion of "any other country or territory" clearly serves in any reading of the question to illustrate that the question is not specific to Canada. I am furthermore not in a position to evaluate the reasons behind [the Applicant's] denial of entry to and removal from the USA, however I do take into consideration that [the Applicant] was refused entry to USA and did not declare that in the application when specifically and directly asked the question.

[11] The Officer concludes that the response to the procedural fairness letter is not sufficient to disabuse the Officer of the concern that Ms. Wang replied untruthfully to question 2(b), and that this misrepresentation could have induced an error in the administration of the IRPA. The Officer writes:

> On the balance, [the Applicant's] response to the concerns put forth do not disabuse me of the concerns that she replied untruthfully to statutory question 2(b), this misrepresentation could have induced an error in the administration of the act in the assessment of [the Applicant's] bona fides as a temporary entrant to Canada.

[12] The Officer refused the application pursuant to paragraph 40(1)(a) of the IRPA for misrepresentation, and thus the Applicant is inadmissible for a period of five years.

IV. Standard of Review

[13] The parties submit that in reviewing the substance and merits of the Officer's decision, the applicable standard of review is reasonableness. I agree (*Canada (Minister of Citizenship and Immigration) v Vavilov,* 2019 SCC 65 at paras 16-17, 23-25 [*Vavilov*]).

V. The Applicant's Submissions

[14] Ms. Wang argues that the Officer's decision is unreasonable because: (1) the Officer ignored evidence that was contradictory to their conclusion; (2) the Officer failed to assess whether the alleged misrepresentation could have been an innocent misrepresentation; and (3) the reasons are not justifiable, intelligible, or transparent.

[15] The first argument of the Applicant relates to the Officer's assessment of the evidence. Ms. Wang argues that the Officer ignored and misapprehended her evidence. After having a better understanding of the question, in her response to the procedural fairness letter, Ms. Wang explained the circumstances of the revocation of her US visa. She submits that her visa was revoked because she was believed to have worked without permission; however, she argues that she never worked in the US. The Officer only engages with this submission by saying that they are not in a position to evaluate the reasons for which Ms. Wang was denied entry to the US.

[16] The Applicant further argues that the Officer did not engage with counsel's submissions that her answer "no" to question 2(b) was based on her subjective understanding of the question, and therefore ought not to be considered as a misrepresentation.

[17] The Applicant also submits that the Officer did not reasonably assess her evidence that she innocently neglected to disclose her US refusal, as she completed the form in a hurry. She submits that the Officer misapprehended the evidence by characterizing her submissions as arguing that the application as a whole was prepared in haste. The Applicant's submissions

indicated only that the relevant *forms* were completely quickly, not that the entire application was prepared in haste.

[18] The second argument of the Applicant relates to the application of the "innocent misrepresentation exception." Ms. Wang argues that the Officer failed to analyse her argument that the mistake was an innocent misrepresentation, nor did the Officer address that possibility. The case law establishes that the applicable test in determining whether misrepresentation occurred as a result of an innocent mistake is whether the person honestly and reasonably believed no misrepresentation was being made (*Canada (Citizenship and Immigration) v Robinson*, 2018 FC 159; *Medel v Canada (Minister of Employment and Immigration)*, 1990 2 FC 345 at para 11 (FCA)).

[19] The Applicant relies on the decision in *Menon v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1273 at para 15, where the Court notes that the IRCC's manual recognizes that "honest errors and misunderstandings sometimes occur in completing application forms and responding to questions. While in many cases it may be argued that a misrepresentation has technically been made, reasonableness and fairness are to be applied in assessing these situations." Moreover, in *Berlin v Canada (Citizenship and Immigration)*, 2011 FC 1117 at paras 19-20 [*Berlin*], this Court held that the innocent mistake exception has considerable jurisprudence, and that being forthcoming in disclosing information when asked is a basis for excusing what might appear as a deliberate misrepresentation. The Applicant argues her case is analogous.

[20] The Applicant submits that it is important for officers to use discretion when dealing with misrepresentations (*Sohrabi v Canada (Citizenship and Immigration),* 2012 FC 501 at para 18). The Applicant submits that the Officer's notes do not reveal consideration of her explanation regarding her innocent misrepresentation. The Officer simply makes a conclusion, with no indication of whether her arguments were considered.

[21] The Applicant also relies on *Gill v Canada*, 2021 FC 1441 at paras 23-29 [*Gill*], where the applicant did not disclose a US refusal in his work permit application. Justice McHaffie held that the officer made no findings about whether the omission was out of the applicant's control as a result of his misunderstanding. He also highlighted the obligation of officers to address an applicant's response to the procedural fairness letter to explain why it failed to disabuse them of their concerns.

[22] Finally, as a third argument, Ms. Wang argues that the Officer's reasons are not justifiable, intelligible or transparent. In her view, the Officer's notes do not explain why they were not disabused of their concern of misrepresentation in light of Ms. Wang's explanation of her innocent mistake, the provision of details regarding her US refusal, and her additional supporting documents.

[23] The duty to provide justifiable, intelligible, and transparent reasons is more significant when a finding has significant consequences for applicants. In *Toki v Canada (Immigration, Refugees, and Citizenship),* 2017 FC 606 at para 38, Justice Diner affirmed the serious nature of a misrepresentation ban, requiring an officer's reasons to clearly support the misrepresentation

finding. In the case at hand, the Applicant submits that the Officer provided no insight into the reasoning that led to the misrepresentation conclusion. The Officer did not explain with clear reasons why the submissions to the procedural fairness letter were insufficient.

VI. The Respondent's Submissions

[24] The Respondent argues that in the context of visitor permits and similar applications, the volume of applications and need for timely processing, it is accepted that the reasons are necessarily and usually brief. The Respondent relies on the Federal Court of Appeal decision in *Zeifmans LLP v Canada*, 2022 FCA 160 at paras 9-10 [*Zeifmans*], in which the Court of Appeal held, relying on *Vavilov*, that "reviewing courts must not insist on the sort of express, lengthy, and detailed reasons that, if asked to do the job themselves, they might have provided: *Vavilov* at paras. 91-94." The FCA goes on to state, "the reasons on key points do not always need to be explicit. They can be implicit or implied."

[25] The Respondent relies on this Court's decision in *Vahora v Canada (Citizenship and Immigration)*, 2022 FC 778 [*Vahora*], which summarizes the principles regarding misrepresentation and the failure to disclose a prior US immigration refusal. Section 40 of the IRPA is broadly worded, and intentionally so. Applicants have a duty to ensure the completeness and accuracy of their application. Section 16 of the IRPA sets out a duty to answer truthfully. Findings of misrepresentation must be supported by clear and convincing evidence. The exception to s 40 is narrow and applies only to "truly extraordinary circumstances." An inadmissibility finding requires there be both a misrepresentation, and that the misrepresentation is material.

[26] Regarding the first requirement, it is not necessary that the misrepresentation be intentional, deliberate, or negligent. For the second requirement, that the misrepresentation is material, it is only necessary that the misrepresentation *could have* induced an error in the application of the IRPA, not that it has actually done so. It is well established that the misrepresentation at issue in this case is material. The Respondent argues that even if this Court holds that the reasons are not sufficient with respect to materiality, the failure to provide more reasons is not fatal to the Officer's decision (*Goburdhun v Canada (Citizenship and Immigration)*, 2013 FC 971 at para 42 [*Goburdhun*]).

[27] In *Vahora*, this Court held that an innocent failure to provide material information still constitutes misrepresentation. It is trite law that the onus is on the applicant to support their application, including any response to a procedural fairness letter. While the Court in *Vahora* admitted that mistakes occur, something more than a bald statement that a mistake was made is required.

[28] The Respondent argues the gist of Ms. Wang's explanation for the misrepresentation is that she filled out the forms in a hurry. That is not a satisfactory explanation. The innocent mistake exception is limited to exceptional circumstances, where the knowledge of the misrepresentation is beyond the applicant's control. The Officer rejected the explanation that the forms were filled in a hurry, and observed that the wording of question 2(b) is clear.

[29] The Respondent relies on four cases to support the reasonableness of the Officer's decision. In *Ahmed v Canada (MCI)*, 2020 FC 107 [*Ahmed*], the applicant omitted to disclose a

US visa refusal. The officer refused the applicant's explanation that the applications were made in "quick succession" and the omission was due to a "copy and paste" inadvertence. The Court upheld that refusal.

[30] In *Lin v Canada (MCI)*, 2021 FC 1124 [*Lin*], the applicant did not disclose that she had been removed from the US. She did not review the application prepared by her representative, and indicated the omission was unintentional. The officer refused to accept the explanation that she "just forgot to disclose her travel history." The Court upheld the officer's refusal, and held that the "innocent misrepresentation exception is very narrow and only applies to truly extraordinary circumstances."

[31] In *Bagga v Canada (MCI)*, 2022 FC 454 [*Bagga*], the applicant failed to disclose a US visa refusal. The applicant indicated this failure was an unintentional, clerical error. The officer refused this explanation, as the applicant is responsible to ensure the information is truthful and complete. The Court upheld this refusal.

[32] Finally, in *Alalami v Canada (MCI)*, 2018 FC 328 [*Alalami*], the applicant failed to disclose a US visitor visa refusal. The officer did not accept the explanation that the applicant misread the question as applying only to Canadian visa refusals. The Court upheld this refusal.

VII. The Decision Is Reasonable

[33] The case law clearly establishes that s 40(1)(a) of the IRPA is to be interpreted broadly. The innocent misrepresentation exception is narrow. While understanding the consequences of a five-year period of inadmissibility for Ms. Wang, this is the consequence selected by Parliament.

A. *The relevant principles*

[34] The first step in the analysis is to assess whether a misrepresentation was made. Assessing the jurisprudence applicable to paragraph 40(1)(a) of the IRPA, Justice Gascon helpfully summarized the principles of misrepresentation in *Kazzi v Canada (Citizenship and Immigration)*, 2017 FC 153 at para 38:

> [38] Turning now to the case law, the general principles arising out of this Court's jurisprudence on paragraph 40(1)(a) of the IRPA have been well summarized by Madame Justice Tremblay-Lamer in *Sayedi* at paras 23-27, by Madame Justice Strickland in *Goburdhun v Canada (Citizenship and Immigration)*, 2013 FC 971 [*Goburdhun*] at para 28 and by Mr. Justice Gleeson in *Brar* at paras 11-12. The key elements flowing from those decisions and that are of particular relevance in the context of this application can be synthetized as follows: (1) the provision should receive a broad interpretation in order to promote its underlying purpose; (2) its objective is to deter misrepresentation and maintain the integrity of the Canadian immigration process; (3) any exception to this general rule is narrow and applies only to truly extraordinary circumstances; (4) an applicant has the onus and a continuing duty of candour to provide complete, accurate, honest and truthful information when applying for entry into Canada; (5) regard must be had for the wording of the provision and its underlying purpose in determining whether a misrepresentation is material; (6) a misrepresentation is material if it is important enough to affect the immigration process; (7) a misrepresentation need not be decisive or determinative to be material; (8) an applicant may not take advantage of the fact that the misrepresentation is caught by the immigration authorities before the final assessment of the

> application; (9) the materiality analysis is not limited to a particular point in time in the processing of the application; and (10) the assessment of whether a misrepresentation could induce an error in the administration of the IRPA is to be made at the time the false statement was made.
>
> (See also: *Wang v Canada (Citizenship and Immigration)*, 2018 FC 368 15-19 [*Wang*, 2018] (as cited in *Malik v Canada (Citizenship and Immigration)*, 2021 FC 1004 at paras 10-11 and *Vahora* at para 30) and *Oloumi v Canada (Minister of Citizenship and Immigration)*, 2012 FC 428 [*Oloumi*]).

[35] Further, as noted in *Wang*, 2018 at para 16, s 40 is worded broadly enough that it encompasses even misrepresentations made by another party, including an immigration consultant, without the knowledge of the applicant (see also: *Wang v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1059 at para 58 [*Wang*, 2005]; *Vahora* at para 31).

[36] In light of the jurisprudence holding that s 40 is to be broadly interpreted, the Applicant misrepresented her immigration history by failing to disclose her prior US visa revocation. As noted by the Officer, the statutory question clearly encompasses visa refusals and revocations from countries other than Canada. By answering "no" to this question, the Applicant misrepresented her immigration history.

B. *The Officer did not fail to consider and assess the Applicant's explanation*

[37] Ms. Wang's argument that the reasons are insufficient because the Officer did not adequately refer to the evidence submitted in response to the procedural fairness letter cannot succeed. The Applicant's main concern is the failure of the Officer to specifically cite the following evidence from her affidavit:

> Regretfully, I had filled out the application forms in a hurry and I had not fully read the questions. As a result, I mistakenly believed that the question was only asking about prior refusals or removals from Canada. I did not realize that the questions asked about other countries as well.
>
> I answered "no" to this question because I have never been refused a visa or been denied entry to Canada. I did not intend to lie or misrepresent on my application – I simply failed to fully understand what the question was asking of me.

[38] The Officer refers to that response when characterizing the argument as generally being that the Applicant completed the forms in haste. The Officer specifically dismisses the Applicant's argument and referred to her documents suggesting that the application was signed almost two months prior to departure and included documents that had been obtained and provided even further in advance by her son.

[39] The Officer also refers to the Applicant's submissions on the circumstances of her US visa refusal when the Officer states: "I am furthermore not in a position to evaluate the reasons behind [the Applicant's] denial of entry to and removal from the USA." The failure of the Officer to specifically state that they gathered this information from the Applicant's *affidavit* cannot be determinative. "Reasonableness review is not a 'line-by-line treasure hunt for error'" (*Vavilov* at para 102, citing *Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd*¸ 2013 SCC 34 at para 54 and *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board),* 2011 SCC 62 at para 14).

[40] The jurisprudence clearly establishes that the sufficiency of reasons is dependent on the context, and that in the visa context, the obligation for reasons is fairly minimal. Further, the

Court is entitled to "connect the dots on the page where the lines, and the direction they are headed, may be readily drawn" (*Komolafe v Canada (Minister of Citizenship and Immigration)*, 2013 FC 431 at para 11 as cited at *Vavilov* at para 97).

C. *Brief reasons are not necessarily unjustified*

[41] At para 32 of *Vahora*, Justice Kane held that "the jurisprudence has established that the decisions in work permit and other visa applications are not expected to provide extensive reasons." That context is important in assessing the sufficiency of the Officer's reasons. The reasons in this case are not comparable to the reasons provided by the officer in *Gill* at para 12, where the officer makes no reference whatsoever to the contents of the procedural fairness letter submissions (see also: *Munoz Gallardo v Canada (Citizenship and Immigration)*, 2022 FC 1304 at para 16 [*Munoz Gallardo*]).

[42] As cited in *Vahora*, in discussing the reality and pressures on visa officers, Justice Diner wrote in *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 17 that "simple, concise justification will do." This is consistent with the jurisprudence cited by the Respondent, *Zeifmans* at para 9 (relying on *Vavilov*), that administrative decision makers need not provide the sort of lengthy, express reasons that a court may provide. The context in which the decision is made matters.

[43] Finally, the Officer's use of template language "is not problematic *per se*; however the template language must fit the circumstances in that it provides the necessary justification and intelligibility [citations omitted]" (*Vahora* at para 38, and the cases cited therein). The reasons in

this case are responsive to the submissions, summarizing Ms. Wang's arguments, and explaining why they are unsatisfactory. The concluding language used by the Officer in this case is similar to language that has been upheld in other cases, including *Vahora*, *Bagga*, and *Ahmed*. There mere fact that language may be drawn from a template does not render it unreasonable.

D. *Innocent misrepresentation exception does not apply in this case*

[44] Ms. Wang submits that the Officer should have considered whether her error was an innocent misrepresentation and failed to do so.

[45] The jurisprudence establishes a narrow exception where an applicant inadvertently and honestly misrepresents a material fact, to preclude a finding of inadmissibility pursuant to s 40 of the IRPA. The misrepresentations need not be intentional or deliberate (*Masoud v Canada (Citizenship and Immigration)*, 2012 FC 422 at paras 33-37).

[46] The general principles of this exception are discussed in *Alalami* at para 15,where Justice Southcott held:

> While even an innocent failure to provide material information can result in a finding of inadmissibility, the jurisprudence does recognize an exception where an applicant can show an honest and reasonable belief that he or she was not withholding material information (see, e.g., *Baro v Canada (Citizenship and Immigration)*, 2007 FC 1299 at para 15).

[47] The test to establish the applicability of the innocent misrepresentation exception was set out by this Court in *Alkhadi v Canada (Citizenship and Immigration)*, 2019 FC 584 at para 19, and requires a subjective and an objective element:

> 1. The subjective test, where the decision maker asks whether or not the applicant honestly believed he/she was not making a misrepresentation; and
>
> 2. The objective test, where the decision-making asks whether or not it was reasonable on the facts that the applicant believed he/she was not making a misrepresentation.
>
> (See also: *Lin* at para 24; *Munoz Gallardo* at para 19; *Gill* at para 18).

[48] In applying these elements, the Court must be mindful of the comments of Justice Bell in *Lin* at para 27 that the "innocent misrepresentation exception is very narrow and only applies to truly extraordinary circumstances." Such extraordinary circumstances may include situations where the applicant "honestly and reasonably believed that they were not misrepresenting a material fact and that knowledge of the misrepresentation was beyond the applicant's control (*Patel v Canada (Citizenship and Immigration)* 2017 FC 401 at para 64; *Ahmed* at para 32)."

[49] Moreover, in *Ahmed* at para 30, Justice Russell added that "the innocent misrepresentation exception may not be established through mere inadvertence, or because the mistake was made by a third-party representative: see *Goudarzi v Canada (Citizenship and Immigration)*, 2012 FC 425 at para 40 and *Sayedi v Canada (Citizenship and Immigration)*, 2012 FC 420 at para 43."

[50] Applying these principles, in this case, the Officer did not err in failing to consider whether the innocent misrepresentation exception applied. Rather, as was the case in *Alalami*, the Officer specifically considered and rejected the explanation of the Applicant for the omission and as such, the "innocent misrepresentation exception" could not apply.

[51] Indeed, in their reasons, the Officer rejected the Applicant's explanation that the forms were prepared in haste. The Officer specifically noted that the application was signed and submitted almost two months before Ms. Wang's intended departure date, with documentation obtained even prior to that. The Officer stated that this advanced preparation "does not suggest haste or unreasonable duress." This finding is reasonable.

[52] Therefore, the Officer did not have to consider whether the explanation, that he rejected, could meet the "innocent misrepresentation exception." As held by Justice Southcott in *Alalami*: "If this explanation had been accepted, it may have been incumbent upon the Officer to consider the innocent error exception…" (*Alalami* at para 16). However, when an officer specifically rejects an applicant's explanation for the omission, no further inquiry as to any justification or the application of the innocent misrepresentation exception is necessary.

[53] The Applicant also argues that the Officer mischaracterized her evidence and that only the relevant *forms* were completed in haste, and not the entire application. In her submission, the advanced date of the preparation of the application is not indicative of the time spent on the relevant application forms. That argument ignores that "the onus is on the Applicant to ensure the completeness and accuracy of their application" (*Wang*, 2018 at para 15, citing *Oloumi* at para 23, *Jiang v Canada (Citizenship and Immigration)*, 2011 FC 942 at para 35, and *Wang*, 2005 at paras 55-56).

[54] While the Officer did not specifically find that Ms. Wang made an *intentional* misrepresentation, the reasons indicate that the Officer did not accept her explanation for the

omission as being objectively reasonable. Moreover, as held by Justice Russell in *Ahmed* at para 30, the innocent misrepresentation exception may not be established through mere inadvertence. That is essentially what the Applicant is asking for in this case. As stated in her response to the procedural fairness letter dated June 4, 2020, she "completed her immigration forms with haste and, as a result, she failed to read the portion of the question about "any other country.""

[55] To remove from the objective element of the test considerations such as whether the misrepresentation was beyond the applicant's control or whether the errors were by mere inadvertence would mean that every case where an applicant claims that a misrepresentation was the result of an accident would warrant the application of this exception. That is not consistent with the jurisprudence that characterizes the exception as "narrow" and "extraordinary."

[56] Moreover, applying the "innocent misrepresentation exception" to mere inadvertence, errors, or inattention in the completion of forms would diminish the onus put on applicants to ensure the completeness and accuracy of their application, which could then lead to additional concerns in the administration of the IRPA and the assessment of requests for entry into Canada.

[57] In support of her application for judicial review, the Applicant relied on *Berlin* as an example where an officer's decision was unreasonable partly because the officer failed to meaningfully assess the applicability of the innocent misrepresentation exception. In *Berlin*, however, the applicant included the information omitted from the form at issue in prior applications, and in some of the materials he filed for the application at issue. That is not the case here.

[58] In *Gill*, another case relied upon by the Applicant, the applicant had answered "yes" to the question at issue in this case, and mentioned six previous applications, but failed to mention additional US refusals. The officer's decision simply stated, "The applicant has responded but has failed to disabuse me of the concerns presented." The officer did not mention the contents of the response. Justice McHaffie found that the officer did not provide an adequate justification for his conclusion, making no findings about whether the omission was beyond the applicant's control or as a result of his apparent misunderstanding (*Gill* at para 21). *Gill* is not analogous to this case. Most importantly, the Officer in this case did refer to the documents and submissions made by the Applicant in response to the procedural fairness letter, and relied upon the Applicant's submission to justify why in their view, they were not disabused of the concerns presented.

[59] While perhaps a very unfortunate error, the Officer was not obliged to accept the Applicant's explanation that she filled out the forms "with haste." Completing forms "with haste" (and failing to read a portion of the question), as is the case here, is not a proper justification and does not constitute the narrow and extraordinary circumstances contemplated by the case law. The Officer's reasons refer to the gist of the Applicant's submissions and the Officer was not obliged to mention every submission or evidence presented by the Applicant. In my view, their decision was reasonable in the circumstances.

E. *The omission is material*

[60] In order to apply s 40 of the IRPA, the jurisprudence establishes that the misrepresentation must be material such that it: "induces or could induce an error in the administration of this Act" [emphasis added].

[61] The misrepresentation need only be important enough to affect the process; it is not necessary that it would be decisive (*Oloumi* at para 25, as cited in *Wang*, 2018 at para 18; *Goburdhun* at para 28). The fact that the Officer had access to the undisclosed information regarding the Applicant's US visa revocation does not negate the misrepresentation (*Vahora* at para 44).

[62] A very similar factual scenario was at issue in *Alalami*. In that case, Justice Southcott rejected the argument that the access to information by an officer through an information sharing agreement between Canada and the United States rendered the omission immaterial (*Alalami* at paras 22-23, relying on *Singh v Canada (Citizenship and Immigration),* 2015 FC 377 at para 48 and *Goburdhun* at 43).

[63] The Officer in this case clearly stated that they found that the misrepresentation "could have induced an error in the administration of the act in the assessment of [the Applicant's] bona fides as a temporary entrant to Canada." This conclusion is reasonable, and warrants deference.

VIII. Conclusion

[64] It is of the utmost importance that an officer can rely on the most accurate information presented by an applicant. As stated above, the administration of the IRPA relies upon the applicant's onus to ensure the completeness and accuracy of their application. Any misrepresentation, whether intentional or not, could potentially induce an error. That is why it is important for applicants to revise any application and attest to its accuracy and completeness.

[65] This application for judicial review is dismissed.

[66] The parties have not proposed a question for certification and I agree that none arise in this case.

JUDGMENT in IMM-9275-21

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. The parties have not proposed a question for certification and no question of general importance is certified.

"Guy Régimbald"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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