

Date: 20091110

Docket: IMM-1802-09

Citation: 2009 FC 1145

Ottawa, Ontario, November 10, 2009

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

WEI WEI JIANG

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

I. Overview

[1] Ms. Wei Wei Jiang applied for permanent residence in Canada as a skilled worker. A visa officer at the Canadian Embassy in Beijing evaluated her application and scored her 56 points, 11 points short of the threshold for success. Ms. Jiang argues that the officer erred in the assessment of her education credentials and asks me to order a reassessment by a different officer. I can find no basis for overturning the officer's decision and must, therefore, dismiss this application for judicial review.

II. Analysis

[2] The sole question is whether the officer's assessment of Ms. Jiang's educational qualifications was reasonable.

[3] Ms. Jiang claims that she had acquired two post-secondary diplomas, each based on two years of study, one from the Shanghai Technician School (1976-1978) and another from the Li Xin Accounting Institute (1990-1992). In order to be given credit for these diplomas, Ms. Jiang had to show that they represented post-secondary credentials from institutions recognized by the responsible accrediting authority in China (see s. 73, *Immigration and Refugee Protection Regulations*, SOR/2002-227).

[4] The visa officer informed Ms. Jiang that the appropriate authority in China was the China Academic Degrees and Graduate Education Development Centre (CADGEDC). On her own, the officer was able to ascertain from the CADGEDC that the Li Xin diploma did not qualify because the school was only recognized as a higher education institution in 2003, long after Ms. Jiang had acquired her accounting certificate. Ms. Jiang does not dispute that conclusion.

[5] However, Ms. Jiang maintains that the CADGEDC can only verify the status of academic credentials and graduate degrees, not ordinary educational credentials such as her 1978 technical diploma. Further, Ms. Jiang submits that CADGEDC can only validate credentials acquired after 1995. Accordingly, she attempted to satisfy the requirement for accreditation by acquiring a

certificate from the Shanghai Panel Telecommunications Group (the organization that succeeded the Shanghai Technician School). The certificate states that Ms. Jiang was indeed a full-time student from 1976-1978 and achieved a two-year, post-secondary certificate.

[6] The officer found that Ms. Jiang's certificate did not demonstrate that she had obtained a post-secondary credential from an institution recognized by the responsible authority. According to the officer, the CADGEDC had been charged with accrediting all post-secondary credentials in China since 1949 and was, therefore, the proper authority.

[7] Ms. Jiang asks the Court to find that the officer erred when she concluded that her evidence of accreditation was insufficient and that her explanation for not being able to obtain accreditation from the CADGEDC was inadequate. In my view, the officer was entitled to give the evidence provided by Ms. Jiang whatever weight she felt it deserved. I cannot find her conclusion - that the certificate supplied by Ms. Jiang was insufficient - was unreasonable. There was no evidence that the Shanghai Panel Telecommunications Group was a proper accrediting authority; nor was there evidence that the Shanghai Technician School was an accredited institution.

[8] Ms. Jiang also suggested that the officer had a duty to check with the CADGEDC to see if her 1978 degree qualified under the Regulations. Since the officer had checked her accounting degree, she could easily have done the same for her earlier diploma. While the officer might have been able to find evidence on Ms. Jiang's behalf, she had no obligation to do so. The officer gave Ms. Jiang many opportunities to assemble the necessary documentation. Ms. Jiang cannot complain

that she was denied a fair chance to perfect her application.

III. Conclusion and Disposition

[9] I can find no basis for concluding that the officer erred in the assessment of Ms. Jiang's educational credentials. I must, therefore, dismiss this application for judicial review. No question of general importance arises.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed;
2. No question of general importance is stated.

“James W. O’Reilly”

Judge

Annex “A”

*Immigration and Refugee Protection
Regulations, SOR/2002-227*

73. The following definitions apply in this Division, other than section 87.1.

“educational credential”

“educational credential” means any diploma, degree or trade or apprenticeship credential issued on the completion of a program of study or training at an educational or training institution recognized by the authorities responsible for registering, accrediting, supervising and regulating such institutions in the country of issue.

*Règlement sur l’immigration et la protection des
réfugiés, DORS/2002-227*

73. Les définitions qui suivent s’appliquent à la présente section, à l’exception de l’article 87.1.

« diplôme »

« diplôme » Tout diplôme, certificat de compétence ou certificat d’apprentissage obtenu conséquemment à la réussite d’un programme d’études ou d’un cours de formation offert par un établissement d’enseignement ou de formation reconnu par les autorités chargées d’enregistrer, d’accréditer, de superviser et de réglementer les établissements d’enseignement dans le pays de délivrance de ce diplôme ou certificat.

FEDERAL COURT
SOLICITORS OF RECORD

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PLACE OF HEARING: Toronto, Ontario

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**REASONS FOR JUDGMENT
AND JUDGMENT:** O'REILLY J.

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