

Federal Court



Cour fédérale

Date: 20150902

Docket: IMM-418-15

Citation: 2015 FC 1038

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Ottawa, Ontario, September 2, 2015

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

PETANTCHAN AMADOU OUATTARA

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

JUDGMENT AND REASONS

I. Preliminary

[1] A visa officer has to process between 50 and 60 applications a day (*Singh v Canada (Minister of Citizenship and Immigration)*, [2011] FCJ No 1172 at para 10 [*Singh*]). Applicants

must fulfill their responsibilities and ensure that all required documents are provided within the clearly established statutory timelines.

II. Introduction

[2] This is an application for judicial review under the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], from a decision of Citizenship and Immigration Canada [CIC] dated October 10, 2014, rejecting the applicant's application for the restoration of his temporary resident status and his application for a work permit.

III. Factual background

[3] The applicant is originally from Côte d'Ivoire and is 27 years old.

[4] He arrived in Canada on December 31, 2010, with temporary resident status as a foreign student.

[5] He studied full-time in the college diploma program in computing at Collège LaSalle in Montréal, completing his studies in April 2014.

[6] During his studies, the applicant obtained two Quebec Acceptance Certificates and three study permits by renewing his authorizations to continue his college studies in Canada as and when required.

[7] On July 26, 2014, the applicant's study permit expired, and he lost his status.

[8] On September 18, 2014, the applicant submitted an online application for the restoration of his status as well as an application for a post-graduation work permit.

[9] On October 10, 2014, the applicant's application was denied because he had applied outside the 90-day time limit.

[10] In her reasons, the visa officer found as follows:

[TRANSLATION]

After a review of your entire file, it has been determined that you are not a person whose work would create or maintain employment, or significant benefits or opportunities for Canadian citizens or permanent residents.

Foreign students who have completed a post-secondary program in Canada may apply for a work permit within 90 days of being issued the notice indicating that they have successfully completed their study program. Since you did not send your application during this period, you are not eligible for a work permit in this category.

Furthermore, we wish to inform you that your temporary residence status expired on 2014/07/26.

(Officer's decision dated October 10, 2014, applicant's record, at p 5)

[11] On November 17, 2014, the applicant submitted an explanatory letter and his diploma issued by Quebec's Ministère de l'Enseignement supérieur, de la Recherche et de la Science.

[12] The applicant contacted CIC, which informed him that it had received his documents, but that it was upholding the refusal of his application for restoration as he had failed to submit it within the required time.

IV. Issue

[13] Was the visa officer's decision to refuse the applicant's application for restoration reasonable?

V. Analysis

[14] The Court is of the opinion that the visa officer's decision was reasonable, for the following reasons.

[15] The application for judicial review was filed out of time, about three months after the deadline provided for in paragraph 72(2)(b) of the IRPA.

[16] The applicant did not offer any arguments to satisfy the test for a reasonable explanation for his delay. The respondent submits that the applicant's motion for an extension of time should be dismissed for this reason alone.

[17] The applicant has failed to establish that he has an arguable case.

[18] The visa officer reasonably refused the applicant's application given that he provided only one document, which did not indicate the date on which he received the notice that he had passed his study program.

[19] On the basis of this document, it was therefore reasonable for the visa officer to calculate the 90-day period from April 30, 2014, the end of the winter term.

[20] A visa officer has to process between 50 and 60 applications a day (*Singh*, above, at para 10). Applicants must fulfill their responsibilities and ensure that all required documents are provided within the clearly established statutory timelines.

[21] The applicant's letter explaining his situation was not before the visa officer who rendered the October 10, 2014 decision, because it was provided after the application was denied.

[22] The applicant cannot therefore criticize the visa officer for ignoring documents supplied after she had already assessed and denied his application.

[23] Lastly, the officer's reasons supporting her decision are adequate. The officer's reasons meet the test for adequacy as they inform the applicant of the reason for which his application for restoration was denied and do not prejudice his ability to seek judicial review.

VI. Conclusion

[24] For all these reasons, the application for judicial review is dismissed.

JUDGMENT

THE COURT ORDERS AND ADJUDGES that the application for judicial review be dismissed. There is no question of importance to be certified.

“Michel M.J. Shore”

Judge

Certified true translation
Johanna Kratz, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-418-15

STYLE OF CAUSE: PETANTCHAN AMADOU OUATTARA v THE
MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: MONTRÉAL, QUEBEC

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JUDGMENT AND REASONS: SHORE J.

DATED: SEPTEMBER 2, 2015

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