Federal Court  Cour fédérale

Date: 20220210

Docket: IMM-6571-20

Citation: 2022 FC 175

Toronto, Ontario, February 10, 2022

PRESENT: Justice Andrew D. Little

BETWEEN:

ABIGAIL OCRAN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision by a visa officer dated December 16, 2020 (the "Decision"). The officer dismissed Abigail Ocran's application for a study permit under subsection 216(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the *"IRPR"*).

[2] The applicant submitted that the officer's decision was unreasonable and breached her right to procedural fairness. As explained in detail below, I have concluded that the applicant has not demonstrated that the officer's decision contained a reviewable error. In addition, the officer did not deprive the applicant of procedural fairness.

[3] Therefore, the application must be dismissed.

I. Facts and Events Leading to this Application

[4] The applicant is a citizen of Ghana. At the relevant time, she was 28 years old. She lives with her parents and two sisters in Ghana. The applicant's maternal uncle lives in Calgary.

[5] In September 2020, the applicant was accepted into the Business Administration Diploma program at Bow Valley College in Calgary. It is a two-year program. Her uncle, who lives in Calgary, paid a $1,500 deposit to secure her position at that College.

[6] On October 19, 2020, she applied for a temporary resident visa to allow her to study in Canada. She provided a letter explaining why she wanted to study in Canada. She explained that she made two unsuccessful attempts to join the police force in Ghana in order to serve her community. While she was applying to the force, she worked as a cashier, which introduced her to the world of business and also worked with her mother's trading business. After re-evaluating her goals, she decided to pursue a degree in business administration. Her visa application advised that she looked at the courses available in Ghana but they were not as robust as the program at Bow Valley College.

[7] The applicant's uncle has agreed to pay her tuition and support her during her studies. Her application included a sworn statement of support from her uncle, together with some documents showing his ability to pay her tuition. The applicant did not file financial information disclosing her own financial position, nor information about her parents' ability to provide financial support to her during her studies.

II. Relevant Regulations and the Decision under Review

[8] The provisions in Part 12 of the *IRPR* govern how "Students" as a class of persons may become temporary residents of Canada. To study in Canada, *IRPR* section 213 requires a foreign national to apply for a study permit before entering Canada. Under subsection 216(1), an officer shall issue a study permit to a foreign national if, following an examination, certain criteria are established. Those criteria include that: the foreign national will leave Canada by the end of the period authorized for their stay (under paragraph 216(1)(*b*)); the foreign national must meet the requirements of Part 12 (paragraph 216(1)(*c*)); and the foreign national must have been accepted to undertake a program of study at a designated learning institution (paragraph 216(1)(*e*)).

[9] Under *IRPR* section 220, an officer shall not issue a study permit to a foreign national unless they have sufficient and available financial resources, without working in Canada, (a) to pay the tuition fees for the course or program of studies that they intend to pursue, (b) to maintain themselves during their proposed period of study, and (c) to pay the costs of transportation to and from Canada. (There are additional aspects of section 220 that are not pertinent to this application.)

[10] In this case, the officer denied the application for a study permit. By letter dated December 16, 2020 from the Consulate General of Canada in Shanghai, China, the officer advised the applicant of the negative Decision.

[11] The grounds for refusal in the letter were that the decision maker was "not satisfied" that the applicant "will leave Canada at the end of [her] stay, as stipulated in subsection 216(1)", based on the applicant's:

- travel history,
- family ties in Canada and in her country of residence,
- purpose of visit to Canada, and
- personal assets and financial status.

[12] The Global Case Management System (GCMS) contained the following entry from an officer in Shanghai on December 16, 2020:

> I have reviewed the application. Taking the applicant's plan of studies into account, the documentation provided in support of the applicant's financial situation does not demonstrate that funds would be sufficient or available. I am not satisfied that the proposed studies would be a reasonable expense. Funding is being provided entirely by third party. I find little evidence of personal financial establishment for this applicant and family. I am not satisfied that the applicant would leave Canada at the end of their stay as a temporary resident, I note that: – the client has strong family ties in Canada – the client is single, mobile, is not well established and has no dependents. The study plan does not appear reasonable given the applicant's employment and education history. I note that: – the client's proposed studies are not reasonable given their career path – the applicant is now 28 years old and appears to have completed secondary/high school later in life in mid-twenties. Current job function volunteering for parent's business. The applicant's prior travel history or lack thereof is insufficient to count as a significant positive factor in my assessment. Weighing the factors in this application, I am not satisfied that the applicant will adhere to the terms and conditions

> imposed as a temporary resident. For the reasons above, I have refused this application.

[13] On this application, the applicant raised issues about whether the Decision was unreasonable in substance and whether the applicant was denied procedural fairness.

III. Analysis

A. *Review of the Substantive Merits of the Decision*

[14] The standard of review of the officer's **s**ubstantive decision is reasonableness, as described in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The onus is on the applicant to demonstrate that the Decision is unreasonable: *Vavilov*, at paras 75 and 100.

[15] Justice Roussel set out the standard of review concisely in *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552, at para 13:

> The standard of review applicable to a review of a visa officer's decision to refuse a study permit application is that of reasonableness (.. *Vavilov*, at paras 10, 16–17 …; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 5 …; *Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6). While it is not necessary to have exhaustive reasons for the decision to be reasonable given the enormous pressure on visa officers to produce a large volume of decisions each day, the decision must still be based on an internally coherent and rational chain of analysis and be justified in relation to the facts and law that constrain the decision maker (*Vavilov* at para 85). It must also bear "the hallmarks of reasonableness — justification, transparency and intelligibility" (*Vavilov* at para 99).

[16] I only add that in order to intervene, the court must find an error in the decision that is sufficiently central or significant to render the decision unreasonable: *Vavilov*, at para 100; *Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156, at para 36; *Alexion Pharmaceuticals Inc v Canada (Attorney General)*, 2021 FCA 157, at para 13.

[17] I will organize the analysis of the applicant's submissions using the issues identified in the Consulate General's letter dated December 16, 2020.

(1) Family Ties in Canada and in Ghana

[18] The applicant is single and 28 years old with no dependants. She has always lived in Ghana. Her immediate family (parents and two siblings) all reside in Ghana. Her maternal uncle lives in Calgary and agreed to provide all the funding for her studies at Bow Valley College.

[19] The officer's GCMS notes stated that "I am not satisfied that the applicant would leave Canada at the end of their stay as a temporary resident, I note that: – the client has strong family ties in Canada – the client is single, mobile, is not well established and has no dependents".

[20] The applicant submitted that the Decision was arbitrary and lacked intelligibility because it discounted or ignored the fact that the four members of her immediate family are all in Ghana compared with the presence of only her uncle in Canada (citing *Musasiwa v Canada (Citizenship and Immigration)*, 2021 FC 617; *Bteich v Canada (Citizenship and Immigration)*, 2019 FC 1230*; Balepo v Canada (Citizenship and Immigration)*, 2016 FC 268 and *Thiruguanasambandamurthy v Canada (Citizenship and Immigration)*, 2012 FC 1518). She also contended that her marital

status and mobility had no relation to whether she would depart Canada at the end of her stay and were in no way a determinant of whether a visa should be issued.

[21] The applicant also observed that the officer's GCMS treated her relationship with her uncle inconsistently. For the purposes of family ties, her uncle in Canada was the only and dominant negative factor in the assessment, implying that their personal relationship must be close. However, the GCMS notes characterized the funding for her studies as provided "entirely by a third party", suggesting a distant or absent personal relationship with her uncle.

[22] The respondent relied on the presumption that foreign nationals seeking to enter Canada are immigrants (citing *Singh v Canada (Citizenship and Immigration)*, 2015 FC 115, at para 23). The respondent also noted that the record did not show the nature of the relationship between the applicant and her parents or siblings. There was no evidence that the applicant had any financial ties to Ghana, that she owns property there or that she has a job on her return.

[23] In *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872, Justice Rennie stated:

> [14] The focus must, therefore, be on the strength of ties to the home country. Visa officers must assess the strength of the ties that bind or pull the applicant to their home country against the incentives, economic and otherwise, that might induce the foreign national to overstay. In this sense the relative economic advantage is a necessary component of the decision, but it is not the only part of the analysis. It is only through objective evidence of countervailing strong social and economic links to the home country that the onus to establish an intent to return be discharged.

[24] The Court must also read the reasons provided in the GCMS notes alongside the evidence in the record: *Vavilov*, at para 91-96.

[25] The applicant provided no evidence about her personal relationship with any of her family members (parents, siblings and uncle). Her immigration consultant's letter referred to her close relationship with her family in Ghana but the applicant's own statements were silent, only indicating that she planned to return to them after her studies. The record does not disclose ties to Ghana such as a spouse, a dependent child, a job or assets. I recognize that many students applying for visas are single, mobile and have no dependants or assets: see *Onyeka v. Canada (Citizenship and Immigration)*, 2009 FC 336, at para 48; *Iyiola v Canada (Citizenship and Immigration)*, 2020 FC 324, at para 20. However, in order to obtain a study permit, the applicant had an onus to show through evidence that she would comply with the *IRPR* including by departing Canada at the end of her stay.

[26] In the circumstances of this case, it was open to the officer to give less weight to the applicant's ties to Ghana (and the absence of financial and other non-familial ties) and more weight to the evidence that her uncle in Canada, who was entirely funding her studies, living expenses and travel to Canada, provided a strong tie to this country as it concerned whether she would depart as required. The assessment was not arbitrary or unintelligible as understood in *Vavilov*, nor did it reach an untenable conclusion. The Court is not permitted to reweigh or reassess the evidence. See *Vavilov*, at paras 101-104 and 125-126.

[27] I understand, but ultimately do not agree with, the applicant's submission about an implicit internal inconsistency in the officer's GCMS notes. In my view, the reference to her uncle as a "third party" simply suggested that she would not pay for her studies herself. The officer's reasoning as reflected in the GCMS notes did not contain an inconsistency that rendered the decision unintelligible or unreasonable as contemplated by *Vavilov*, at paras 101-104.

(2) Purpose of the Visit to Canada

[28] The applicant submitted that it was obvious that her purpose for visiting Canada was to pursue her studies, based on her admission to Bow Valley College, the documents associated with it, her own letter of explanation and her uncle's letter of financial support. The applicant argued that there was no basis to conclude otherwise.

[29] The respondent maintained that the purpose of applicant's visit was vague. The respondent argued that her study plan was generic and not compelling and did not present a clear connection between the applicant's planned studies, her past employment with her mother's trading business and a boutique in Ghana, and her future career plans. She also did not explain her career plans with any specificity. The respondent's position was that the applicant had the onus to persuade the officer that the diploma she sought in business administration was a logical career or educational step and of her motivations to attend the program in Canada.

[30] The parties exchanged submissions on the reasonableness of the applicant's proposed study, focusing on the GCMS notes' statement that her study plan did not appear reasonable given her employment and education history. The applicant criticized the officer's notes for failing to provide an explanation or justification for this conclusion (citing *Ogbuchi v Canada (Citizenship and Immigration)*, 2016 FC 764, at para 12-13). The applicant submitted that, given the evidence in the record, the officer engaged in speculation by concluding that the applicant's studies were unreasonable given her career path, age (28) and that she "appears to have completed secondary/high school later in life in mid-twenties".

[31] The respondent countered that the applicant failed to provide a clear or specific rationale for her proposed studies in Canada and clear evidence of a long-term goal (citing *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282, at paras 9 and 13, and *Wong (Litigation Guardian of) v Canada (Minister of Citizenship and Immigration*), [1999] FCJ No 1049 (CA), at para 13). She did not provide a clear record to justify her academic objective (*Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176, at para 28). The respondent submitted that the applicant was asking the Court to reweigh the evidence and reach another conclusion, contrary to *Vavilov*.

[32] The officer's GCMS notes stated:

> The study plan does not appear reasonable given the applicant's employment and education history. I note that: – the client's proposed studies are not reasonable given their career path – the applicant is now 28 years old and appears to have completed secondary/high school later in life in mid-twenties. Current job function volunteering for parent's business.

[33] In my view, it was open to the officer to make these statements on the record of evidence filed by the applicant. The applicant's submissions did not identify any specific evidence that the officer overlooked or ignored. One concern about the evidence was that the officer speculated about the purpose of her visit. In this case, that argument is another way of attempting to re-argue the merits of the visa application.

[34] Reading the officer's comments with the record, it is arguable that the applicant's career and education prior to her application do lead logically to higher studies in business administration. The applicant made two unsuccessful attempts to become a police officer and

then completed her secondary school studies. She was employed and unemployed at various times. However, the question is not how the Court would view the evidence. Looking at the record as a whole, including the applicant's description of her reasons for applying to Bow Valley College and her stated career goals, there is merit in the respondent's comments about the vagueness of the applicant's own evidence on her career and how her goals would be achieved through study at the College. As a result, I cannot conclude that the officer fundamentally misapprehended the evidence, reached an untenable result, or ignored or failed to account for critical evidence in the record that runs counter to the conclusion: *Vavilov*, at paras 101 and 125-126; *Gordillo v Canada (Attorney General)*, 2022 FCA 23, at para 62; *Canada (Attorney General) v Best Buy Canada Ltd*, 2021 FCA 161, at paras 122-123; *Federal Courts Act*, RSC 1985, c F-7, paragraph 18.1(4)(*d*).

[35] The applicant is correct that the officer did not provide an explanation for the specific conclusion that her study plan was not reasonable. There are references to certain facts that influenced the conclusion, but no real understanding of why they lead to that conclusion. However, this observation does not necessarily lead to a conclusion that the officer made a reviewable error. The officer's reasons do not have to be perfect: *Vavilov*, at para 91; *Alexion Pharmaceuticals Inc*, at para 22-23. In addition, a decision will only be set aside if an error is sufficiently important or central to the decision and, in the case of inadequate justification, if Court cannot discern a reasoned explanation for the decision as a whole – which may or may not occur if there is insufficient reasoning provided for an officer's conclusion on specific point or issue: *Alexion Pharmaceuticals Inc*, at paras 13-17, 31; *Ogbuchi*, at para 13. Further, the context matters – this Court has held that a visa officer's obligation to provide reasons is not onerous: see

e.g. *Singh v Canada (Citizenship and Immigration)*, 2015 FC 115, at para 24; *Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781, at para 9; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77, at para 15; *Kucukerman v Canada (Citizenship and Immigration)*, 2022 FC 50, at para 27. With these factors in mind, I find that the officer's failure to provide reasoning on this point does not constitute a reviewable error.

(3) Personal Assets and Financial Status

[36] The Consulate General's letter advised that the decision maker was not satisfied that the applicant would leave Canada at the end of her study period based on her personal assets and financial status. The applicant challenged various aspects of the following statements in the officer's GCMS notes:

> Taking the applicant's plan of studies into account, the documentation provided in support of the applicant's financial situation does not demonstrate that funds would be sufficient or available. I am not satisfied that the proposed studies would be a reasonable expense. Funding is being provided entirely by third party. I find little evidence of personal financial establishment for this applicant and family.

[37] The applicant submitted that the officer's conclusion could not be rationalized because of the extensive evidence from her uncle showing that he had adequate financial resources to support her studies in Canada – about $25,000 in cash and about $90,000 in a registered investment account. Her uncle had already paid a $1,500 deposit to Bow Valley College and provided proof of his employment, copies of his bank statements, the summary page of his registered investment account statement and a sworn statement undertaking to pay the costs of her studies (including tuition, living expenses and travel to Canada as contemplated in *IRPR*

section 220). In the applicant's submission, the officer's conclusion that the funds were not sufficient or available contrasted sharply with the financial documentation in the record. She contended that the officer must not have read the evidence or ignored it, which was unreasonable.

[38] The respondent submitted that the officer's statements in the GCMS notes were reasonable based on the evidence. According to the respondent, the officer was entitled to consider the amount and source of the funds when deciding whether she would depart Canada at the end of her stay (citing *Kita v Canada (Citizenship and Immigration)*, 2020 FC 1084, at para 20). The applicant did not provide any evidence of her own financial circumstances that would tie her to Ghana. She is single, has no dependents, and did not demonstrate sufficient financial establishment in her home country. The incentives for the applicant to remain in Canada or return to Ghana were relevant to the officer's assessment of whether she would remain or leave as required.

[39] The respondent also submitted that the applicant was fully reliant on her uncle to fund her studies, living expenses and all expenses related to her education in Canada, suggesting weak economic ties of the applicant to Ghana. In addition, the uncle's financial documents were not complete and did not show that the applicant's uncle had access to the full amount of the funds in the registered investment account. According to the respondent, it was also unclear why her uncle would use half of his retirement savings to pay for his niece's education. The respondent argued that the uncle's available cash outside the registered account were not enough to pay for the applicant's education in Canada. In addition, the respondent submitted that the evidence from

the applicant's uncle did not disclose his own personal financial obligations (e.g., liabilities, living expenses, obligations to support other family members or financial commitments for his occupation as a taxi driver)

[40] In my view, there is no basis for the Court to intervene on this issue. It must be remembered that the focus of this issue is whether the officer reasonably concluded that the applicant would not depart Canada at the end of her studies as set out in the Consulate General's letter. In that context, the officer was not satisfied that she would do so based on her personal assets and financial status. Having said that, I recognize that the officer referred to both the sufficiency and the availability of funds, which are the touchstones for being able to pay for the education in *IRPR* section 220, which are criteria in *IRPR* Part 12 that must be satisfied under subsection 216(1).

[41] It was not contested that the evidence disclosed no personal assets or financial resources in Ghana for the applicant or her parents and that the applicant's uncle was paying for all of her education expenses. Therefore, there is no debate over the officer's finding of "little evidence of personal financial establishment for this applicant and family".

[42] I have already addressed the statement that "[f]unding is being provided entirely by third party".

[43] The parties' dispute was over the officer's comments about the sufficiency and adequacy of the funds to pay for her education in Canada. On the latter issue, it is not this Court's role to

reweigh the evidence about the availability of funds to pay for the applicant's education. The Court is to assess whether or not the officer's decision was unreasonable because it did not respect the factual constraints in the evidentiary record: *Vavilov*, at paras 101, 105, 125-126 and 194. The issue is not whether the Court agrees or disagrees with the officer's conclusion. As noted already, it is whether the Decision was unreasonable because it fundamentally misapprehended the evidence, reached an untenable result, or ignored or failed to account for critical evidence in the record that runs counter to the conclusion reached: *Vavilov*, at paras 101 and 125-126; *Best Buy Canada*, at paras 122-123.

[44] Applying that measure, I find no basis to interfere with the officer's conclusions about the sufficiency or availability of funds to pay for the applicant's education in Canada. On one hand, the applicant's uncle had about $25,000 in cash and about $90,000 in a registered investment savings account. On the other hand, the officer must have considered the cost of the applicant's education. On the evidence in the record, it appears that the applicant prepared her visa application form based on one year's expenses, but in fact, her proposed program of studies would occur over two years. The applicant's completed visa application form advised that her studies would commence in January 2021 and ending in December 2022. It stated that the cost of her education would be $13,909 for tuition, $10,000 for room and board and $3000 for "other", and stated that the funds available for her stay were $27,000 (all C$). The applicant's Letter of Acceptance from Bow Valley College also confirmed the dates of her study but stated that the total estimated tuition and fees for the applicant's program were $31,964 for the two-year program. That implies that the overall financial commitment for two years' education was

approximately $58,000 ($31,964 tuition + $10,000 room and board for each year + $3,000 “other” for each year).

[45] From this review, I believe it was open to the officer to conclude that the uncle did not have sufficient cash on hand to pay for all of the applicant’s education. Most of his savings was in a registered investment account, which is not as accessible as cash. Accordingly, I cannot say that the officer fundamentally misapprehended the evidence, reached an untenable conclusion or failed to account for critical facts by concluding that the documentation provided in support of the applicant’s financial situation did not demonstrate that funds would be sufficient or available.

(4) Travel History

[46] The applicant had no travel history outside Ghana. She contended that the officer erred by using the absence of any travel history as a negative factor, when it should have been at most neutral (citing *Patel v Canada (Citizenship and Immigration)*, 2020 FC 517, at para 18 and *Adom v Canada (Citizenship and Immigration)*, 2019 FC 26, at para 15). The respondent argued that the officer did not treat her travel history as negative. Rather, the officer found it was not a positive factor and therefore it was treated as a neutral.

[47] I agree with the applicant. It is true that the officer’s GCMS notes stated that the applicant’s “prior travel history or lack thereof is insufficient to count as a significant positive factor in my assessment”. However, the Consulate General’s letter expressly stated that the applicant’s travel history was one reason why the officer was not satisfied that the applicant would leave Canada at the end of her proposed stay. It must have been a negative factor.

[48] In my view, however, this error was not so fundamental to the officer's decision as to render the entire decision unreasonable. Taking a holistic approach to the decision and considering the other three reasons why the officer was not satisfied that the applicant would not leave Canada at the end of her study time, I find that this error does not vitiate the overall decision not to issue a study permit to the applicant.

(5) Conclusion

[49] For these reasons, I conclude that the applicant has not demonstrated that the officer's decision was unreasonable, applying the principles in *Vavilov*.

IV. Procedural Fairness

[50] The applicant also raised procedural fairness concerns. The Court's review of procedural fairness issues involves no deference to the decision maker. The question is whether the procedure was fair having regard to all of the circumstances, focusing on the nature of the substantive rights involved and the consequences for the individual(s) affected: *Canadian Pacific Railway Company v Canada (Transportation Agency)*, 2021 FCA 69, at paras 46-47; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69, [2019] 1 FCR 121, esp. at paras 49 and 54; *Gordillo*, at para 63.

[51] The applicant made two arguments, one general and the other specific. The general argument was that the visa officer had an obligation to notify her about the concerns with her application and to give her an opportunity to address them (citing *Bteich* and *Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283, [2007] 3 FCR 501). The specific

argument was that the officer should have alerted her and her uncle about any concerns with the sufficiency or availability of funds and should have given them an opportunity to explain.

[52] In my view, the established case law of this Court does not support either argument. In *Hassani*, this Court held that "where a concern arises directly from the requirements of the legislation or related regulations, a visa officer will not be under a duty to provide an opportunity for the applicant to address his or her concerns".

[53] After setting out that principle, Justice Walker stated in *Masam v Canada (Citizenship and Immigration)*, 2018 FC 751, at para 11:

> In each case, the applicant bears the onus of submitting to the officer all information relevant to eligibility with his or her initial application. It is in cases where an officer considers issues or facts extraneous to the application requirements that a duty arises to advise the applicant of the issue or concern. In those cases, the applicant would not have known that the particular issue or concern was relevant to his or her application and, in fairness, should be given an opportunity to make submissions.

[54] In *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001, Justice Gascon explained:

> [37] Visa officers are therefore generally not required to provide applicants with opportunities to clarify or further explain their applications […]. The onus remains on applicants to provide all the necessary information to support their application, not on the Officer to seek it out […]. Indeed, it is well-established that the Officer had no legal obligation to seek out explanations or more ample information to assuage concerns relating to Ms. Penez's study permit application by way of a 'Procedural Fairness Letter' or any other means […]. Imposing such an obligation on a visa officer would amount to giving advance notice of a negative decision, which has been rejected by this Court on many occasions […].

> [38] The responsibility lied with Ms. Penez to satisfy the Officer that she would leave after her stay pursuant to section 11 of the IRPA and paragraph 216(1)(b) of the Regulations by means of the documentation she provided; it was not up to the Officer to apprise her of concerns that may have a negative bearing on the outcome of her application and invite her to respond, or to provide the applicant with a running score at every step of the application process […].
>
> [Numerous internal citations omitted.]

[55] The issues in this case all pertained to whether the applicant complied with the requirements of the *IRPR*. The Decision did not consider extraneous matters and it is not suggested that the officer considered extrinsic evidence found beyond the contents of her application.

[56] I therefore find no breach of procedural fairness in the circumstances.

V. Matters Raised by the Respondent

[57] The respondent raised additional matters for resolution by this Court about the preparation of GCMS notes generally by visa officers using spreadsheets made with a software-based tool known as the "Chinook Tool". The respondent sought to resolve an issue about whether contents of Certified Tribunal Record ("CTRs") were deficient because the spreadsheets are not retained and therefore do not appear in the CTRs prepared for matters such as this application. The respondent also purported to file an affidavit in an effort to provide a factual foundation; the applicant objected to its admissibility and relevance to the proceeding.

[58] In my view, the Court should not resolve the additional matters raised by the respondent on this application. There is no dispute or controversy between these parties about the contents of the CTR or the officer's preparation of the GCMS notes. The respondent's written submissions acknowledged that the additional matters were unrelated to the substantive merits of this application for judicial review and that the applicant did not raise any issues related to the CTR, including whether it was deficient. The respondent did not file a Notice of Application and did not provide a legal basis for the Court to adjudicate the matters on an advisory basis. In the circumstances, the respondent's issues should be resolved in another case in which there is a live dispute on the facts.

VI. Conclusion

[59] The application is therefore dismissed. Neither party proposed a serious question for appeal to certify.

JUDGMENT in IMM-6571-20

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. No question is certified under paragraph 74(*d*) of the *Immigration and Refugee Protection Act*.

"Andrew D. Little"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6571-20
STYLE OF CAUSE:	ABIGAIL OCRAN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	SEPTEMBER 14, 2021
REASONS FOR JUDGMENT AND JUDGMENT:	A.D. LITTLE J.
DATED:	FEBRUARY 10, 2021

APPEARANCES:

E. Omorotionmwan	FOR THE APPLICANT
Justine Lapointe Robert L. Gibson	FOR THE RESPONDENT

SOLICITORS OF RECORD:

E. Omorotionmwan Barrister & Solicitor Calgary, Alberta	FOR THE APPLICANT
Justine Lapointe Attorney General of Canada Edmonton, Alberta	FOR THE RESPONDENT