

## CITIZENSHIP AND IMMIGRATION

### STATUS IN CANADA

#### *Persons with Temporary Status*

Judicial review of visa officer's decision refusing applicant's application for extension of his study permit, finding applicant inadmissible for misrepresentation under *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (Act), s. 40(1)(a) — Applicant, citizen of China, receiving non-final acceptance letter from York University in 2018 through services of educational consultant (CVP) — Submitting application for extension through Immigration, Refugees, and Citizenship Canada (IRCC) online portal — As acceptance letter not final, application not considered complete — Applicant required to resubmit application — Also providing high school transcripts from Canada — Officer finding that transcripts submitted to IRCC showing applicant attending different high school from one indicated in transcripts on file with York University, presumably submitted by CVP — Applicant maintaining that documents submitted to IRCC genuine, having no knowledge of any incorrect documents submitted to York University by CVP — Whether fact that no false documents were submitted directly to IRCC constituting exception to general principle that applicants are responsible for misrepresentation by third parties — No basis upon which to find that application falling within Act, s. 40(1)(a) on information before officer — Duty of candour overriding principle of Act, underlying s. 40(1)(a) — Principles of interpretation including that s. 40 to be given broad interpretation in order to promote its underlying purpose; applicant having duty of candour to provide complete, honest, truthful information in every manner when applying for entry — Record not indicating how officer became aware of false transcript submitted to York University — Clear that documents submitted to IRCC did not include false transcript — Therefore, no one making misrepresentation directly or indirectly to IRCC on behalf of applicant that induced or could induce error in administration of Act — Within officer's discretion to refuse study permit application if not satisfied with applicant's enrollment at York University — However, officer's application of misrepresentation provisions not reasonably sustained by statutory scheme — Misrepresentation decision quashed — Application allowed.

WANG V. CANADA (CITIZENSHIP AND IMMIGRATION) (IMM-2037-19, 2020 FC 262, Mosley J., reasons for judgment dated February 18, 2020, 9 pp.)