

CANADA / JUDGMENT

Chater v. Canada (Citizenship and Immigration)

2026 FC 588

COURT
Federal CourtDECIDED
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Chater v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-05-04 Neutral citation 2026 FC 588 File numbers IMM-1753-25 Decision Content Date: 20260504 Docket: IMM-1753-25 Citation: 2026 FC 588 Ottawa, Ontario, May 4, 2026 PRESENT: Madam Justice Pallotta BETWEEN: ABADA CHATER Applicant and MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The applicant, Abada Chater, applied for a temporary resident visa to visit Canada. He answered “no” to a question on the application form that asked if he had ever been refused a visa, but in fact, he had been refused three US visas. In response to a procedural fairness letter from a visa officer, Mr. Chater said his failure to disclose the prior visa refusals was an unintentional error arising from a lapse in memory, not a calculated effort to conceal information. In a further response, Mr. Chater said that he did not think the refused US visas from several years earlier would bear negatively on his Canadian visa application, and due to the passage of time, the US visa refusals did not stand out as a significant or relevant event.
- [2] The visa officer refused Mr. Chater’s visa application and found him inadmissible to Canada for misrepresentation under paragraph 40(1)(a) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. The officer’s reasons, recorded in the Global Case Management System (GCMS), were: A Procedural Fairness Letter was sent to the applicant to allow the opportunity to address the stated concern of misrepresentation of a material fact in support of this application. I have reviewed the applicant’s submission in response to the PFL. In essence, it confirms the fact that the info provided in response to the statutory questions was not truthful and complete, and that material information was omitted - even if not deliberately - namely the hitherto undisclosed visa refusal(s). The client has not disabused me of the concerns of factual misrepresentation, which were specifically addressed to the applicant and which could have induced an error in the administration of the Act. A finding of misrepresentation is determined pursuant to A40(1)(a). As such, the client is inadmissible for 5 years from the date of this decision.

- [3] In this application for judicial review, Mr. Chater alleges that the visa officer's misrepresentation finding was unreasonable. He asks the Court to overturn the decision that found him inadmissible to Canada.
- [4] To determine whether the officer's decision was unreasonable, the Court looks to whether the decision bears the hallmarks of reasonableness—justification, transparency, and intelligibility: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99. A reasonable decision is based on an internally coherent and rational chain of analysis, and it is justified in relation to the facts and law that constrain the decision maker: *Vavilov* at para 85.
- [5] Mr. Chater acknowledges that he owed a duty of candour and that he did not disclose the refused US visas in his application for a visitor visa to Canada. However, there are two criteria for an inadmissibility determination under IRPA section 40(1)(a). First, there must be a misrepresentation, and second, the misrepresentation must be material in that it induces or could induce an error in the administration of the IRPA: *Gill v Canada (Citizenship and Immigration)*, 2021 FC 1441 at para 14; *Idelfonso v Canada (Citizenship and Immigration)*, 2025 FC 392 at para 18; *Malik v Canada (Citizenship and Immigration)*, 2021 FC 1004 at para 11. Mr. Chater alleges that the officer's reasons did not justify the inadmissibility determination because the officer did not address or explain how omitting the refused US visas could have induced an error in the administration of the IRPA: *Idelfonso* at para 24; *Gill* at para 29.
- [6] Mr. Chater also states that his response to the procedural fairness letter explained how his mistake was innocent. He alleges that the inadmissibility determination is also unreasonable because the officer failed to consider or even mention the innocent mistake exception: *Markar v Canada (Citizenship and Immigration)*, 2022 FC 684, among other cases.
- [7] The respondent submits it is self-evident that omitting prior visa refusals in a visa application is a material misrepresentation. Relying on *Mohseni v Canada (Citizenship and Immigration)*, 2018 FC 795, *Singh v Canada (Citizenship and Immigration)*, 2025 FC 1745, and *Algothar v Canada (Citizenship and Immigration)*, 2019 FC 1364, the respondent states that it was not necessary for the officer to give an explanation of materiality in the circumstances.
- [8] I agree with Mr. Chater that the inadmissibility determination was not justified because the officer did not explain how the omission could have induced an error in the administration of the IRPA. Materiality cannot be presumed: *Wang v Canada (Citizenship and Immigration)*, 2024 FC 1521 at para 17, citing *Munoz Gallardo v Canada (Citizenship and Immigration)*, 2022 FC 1304 at para 34; *Gill* at para 7. The officer's bare conclusion that Mr. Chater's omission "could have induced an error in the administration of the Act" was not enough.
- [9] This was a sufficiently serious shortcoming, and warrants setting aside the officer's decision. It is unnecessary to consider the second alleged error, regarding the innocent mistake exemption.

[10] The parties did not propose a question for certification. I find there is no question to certify. JUDGMENT IN IMM-1753-25 THIS COURT'S JUDGMENT is that: The application for judicial review is allowed. The officer's decision is set aside and remitted to a different officer for redetermination. There is no question for certification. "Christine M. Pallotta" Judge
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DATED: May 4, 2026 APPEARANCES: Sean Alexander Yauk For The Applicant Neeta Logsetty
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