

CANADA / JUDGMENT

Nguyen v. Canada (Citizenship and Immigration)

2026 FC 155

COURT

Federal Court

DECIDED

4 February 2026

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Nguyen v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-04 Neutral citation 2026 FC 155 File numbers IMM-19573-24 Decision Content Date: 20260204 Docket: IMM-19573-24 Citation: 2026 FC 155 Toronto, Ontario, February 4, 2026 PRESENT: Mr. Justice Brouwer BETWEEN: THIEN NIEM NGUYEN THI NHU TRUC NGUYEN HOANG TRUC NHAN NGUYEN Applicants and MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] This is an application for judicial review of the decisions by Immigration, Refugees and Citizenship Canada [IRCC] finding that Thien Niem Nguyen is inadmissible for misrepresentation under section 40(2)(a) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] and refusing his, and his dependents', applications for work and study permits. For the reasons set out below, I am granting the application. I. Background [2] Thien Niem Nguyen, his spouse Thi Nhu Truc Nguyen and their son Hoang Truc Nhan Nguyen are citizens of Vietnam. Mr. Nguyen is a co-founder of GIM Innovation Homes Inc., a startup builder of modular homes in Canada. In June 2024 he applied for permanent residence under the Start Up Visa program, and in August 2024 he submitted an application for a work permit under the Temporary Foreign Worker Program [TFWP], along with related applications for work and study permits for his dependent spouse and child, respectively.
- [3] In support of his TFWP application, Mr. Nguyen submitted application forms completed by himself and by the Canadian "designated entity" supporting his start-up; his CV; his education certificates; an explanation letter summarizing his application; and a venture report detailing the start-up's plans and each co-founder's role.
- [4] On August 28, 2024, Mr. Nguyen received a procedural fairness letter [PFL] from IRCC advising that a Reviewing Officer was concerned that he might have misrepresented his educational credentials. Specifically, the letter stated: I have concerns that you may have misrepresented your educational background. On supporting documentation (your CV, Business Plan), you state that you obtained a Bachelor of Computer Science from the University of Waikato. You have not provided proof of this credential. Please provide your

degree, as well as your transcripts.

- [5] The Officer noted other concerns as well and provided Mr. Nguyen with an opportunity to respond within 30 days.
- [6] Mr. Nguyen responded promptly with submissions and supporting documentation. Regarding his educational credentials, he explained that he had attended the University of Waikato for two years but had not completed his degree, and that his highest level of education was a Level 4 certification in automotive engineering. He stated that he had accurately reflected these facts in his permanent residence application and that while he had listed his time at the University of Waikato in his CV and other documents, he had not claimed to have obtained a degree from the university. Mr. Nguyen acknowledged that upon review he recognized that the venture report inaccurately stated that he had earned a degree in computer science; however, he characterized this as a “typo” that he had attempted to correct (the document was produced jointly with the designated entity) but that the wrong version of the document had inadvertently been submitted. He added: “I hope this explanation, along with the attached academic records, will clarify the matter. Please let me know if there are any further documents or clarifications required.”
- [7] By decision dated October 3, 2024, the Officer refused Mr. Nguyen’s application, finding him inadmissible for misrepresentation pursuant to section 40(1)(a) of IRPA. The related applications of Thi Nhu Truc Nguyen and Hoang Truc Nhan Nguyen were refused on the same date, on the basis that since Mr. Nguyen’s application was being refused, their proposed purpose of travel in their respective applications was no longer applicable.
- [8] IRCC issued three separate refusal letters. However, since the reason for refusing the dependents’ applications is that Mr. Nguyen’s TFWP application was being refused, a finding that the latter refusal was unreasonable means that the dependent application refusals were unreasonable as well. As such, the matters have been properly placed before the Court as a single application for judicial review, and the arguments provided by both parties were focused on the reasonableness of Mr. Nguyen’s TFWP application refusal.
- [9] In Global Case Management System [GCMS] notes, which set out the Officer’s reasons (Bagga v Canada (Citizenship and Immigration), 2022 FC 454 at para 16; Song v Canada (Citizenship and Immigration), 2019 FC 72 at para 18; Wang v Canada (Citizenship and Immigration), 2018 FC 368 at para 9 and the cases cited therein), the Officer explained that they gave “little weight” to Mr. Nguyen’s explanation of what he called a “typo” and determined that the assertion that he had a degree “may have led the Officer to erroneously analyze this application vs the merit criteria for an A77 SUV application.” The Officer found further that Mr. Nguyen “may not have obtained a LMIAE in this category should this information [have] been disclosed upfront.” The Officer concluded: On the balance of probabilities, applicant (foreign national) is inadmissible for Misrepresentation pursuant to A40(1)(a) for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act; and pursuant to A40(2)(a)

continues to be inadmissible for misrepresentation for a period of five years following, in the case of a determination outside Canada, a final determination of inadmissibility under subsection (1).

- [10] The Applicants challenge the reasonableness of the Officer's decisions and assert that they were reached in a procedurally unfair manner. II. Analysis A. The decisions are unreasonable [11] It is uncontested that Mr. Nguyen's application included inaccurate information regarding his educational qualifications. Specifically, the venture report asserts that Mr. Nguyen "holds an Automotive Engineering Certificate from Bay of Plenty Polytechnic, New Zealand and earned his second degree in Computer Science from The University of Waikato, New Zealand," and this statement is copied verbatim in the commitment certificate.
- [12] However, the rest of the documentation included in the application – including the application form itself - contradicts the statement in the venture report and commitment certificate. In his application form, Mr. Nguyen stated that his highest level of post secondary education was his Automotive Engineering Level 4 certificate from the Bay of Plenty Polytechnic; he did not mention his studies at the University of Waikato. His CV likewise indicated that he completed his automotive engineering certificate but that he spent only two years in the Bachelor of Computer Science program at the University of Waikato, plus a year of pre-university studies, with no suggestion that he earned a degree. And in the cover letter supporting his application, under the heading "experiences and qualifications," Mr. Nguyen discussed only his completed automotive engineering certificate and his work experience – again here he made no mention of his time at the University of Waikato.
- [13] There is nothing in the Officer's correspondence or reasons to indicate the Officer was aware of the discrepancy within the application materials, much less that they took it into account when determining that Mr. Nguyen should be found inadmissible for misrepresentation. Instead, the Officer appears singularly focused on a sentence in the venture report that is repeated in the commitment certificate, to the exclusion of the rest of the application materials which contradict it.
- [14] I agree with the Applicants that this was unreasonable.
- [15] To be reasonable a decision must bear the hallmarks of justification, transparency and intelligibility (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99 [Vavilov]). As Justice William F. Pentney explained in *Li v Canada (Citizenship and Immigration)*, 2023 FC 147 at paragraph 26, "While a decision does not need to be perfect to be reasonable, the expectations rise in proportion to the impact of the decision on the person affected (Vavilov at para 133)."
- [16] The decisions under review impose a five-year bar on re-entry by Mr. Nguyen, which this Court has recognized is a particularly harsh consequence (*Kasimova v Canada (Citizenship and Immigration)*, 2025 FC 1500 at para 11, citing *Lamsen v Canada (Citizenship and*

Immigration), 2016 FC 815 at para 24). On this standard, the Officer was required to both acknowledge the contradictory documentation and to justify their decisions in the face of it (Toki v Canada (Immigration, Refugees and Citizenship), 2017 FC 606 at para 38), including when assessing whether Mr. Nguyen had made an innocent mistake. They did neither, and the decisions are therefore unreasonable.

[17] As I have found the decisions under review to be unreasonable, there is no need to assess Mr. Nguyen's further argument that the decisions were reached in a procedurally unfair manner, and I decline to do so. Mr. Nguyen's application will need to be redetermined, as will the related applications of his spouse and child.

[18] The parties have not proposed a question for certification, and I find that none arises. JUDGMENT in IMM-19573-24 THIS COURT'S JUDGMENT is that: The application is granted. The decisions are quashed and the matters are remitted for redetermination by a different officer in accordance with these reasons, prior to which the Applicants shall be provided a reasonable opportunity to update their applications. No question of general importance is certified. "Andrew J. Brouwer" Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-19573-24 STYLE OF CAUSE: THIEN NIEM NGUYEN, THI NHU TRUC NGUYEN, HOANG TRUC NHAN NGUYEN v MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: TORONTO, ONTARIO DATE OF HEARING: NOVEMBER 20, 2025 JUDGMENT AND REASONS: BROUWER j. DATED: FEBRUARY 4, 2026 APPEARANCES: ZEYNAB ZIAIE MOAYYED For The ApplicantS ADA MOK For The Respondent SOLICITORS OF RECORD: Zeynab Ziaie Moayyed Barrister & Solicitor For The ApplicantS Attorney General of Canada Toronto, Ontario For The Respondent

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