

CANADA / JUDGMENT

Su v. Canada (Citizenship and Immigration)

2025 FC 2001

COURT

Federal Court

DECIDED

18 December 2025

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Su v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2025-12-18 Neutral citation 2025 FC 2001 File numbers IMM-15064-24 Decision Content Date: 20251218 Docket : IMM-15064-24 Citation: 2025 FC 2001 Ottawa, Ontario , December 18, 2025 PRESENT: Madam Justice Gagné BETWEEN: BIN SU Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] Mr. Bin Su's application for permanent residence under the Canadian Express Class using Express Entry was rejected as incomplete, because his wife's police certificate was issued prior to her departure from China.
- [2] The Applicant submits that this amounts to a credibility issue that necessarily required the issuance of a Procedural Fairness Letter, and that the decision is overall unreasonable.
- [3] The Chinese police certificate confirms there were no criminal offences during the spouses' residence in China from April 2, 2019, to April 2, 2024, whereas the evidence shows she resided in China from February 5, 2018, to August 22, 2022. In that scenario, the period not covered is prior to the issuance of the police certificate.
- [4] Yet the officer's decision states the following: The Police certificate from China was issued prior to your last residence in that country. The Police certificate was issued on April 2nd 2022. Your last residence in this country was August 22nd 2022.
- [5] In that scenario, the period not covered is posterior to the police certificate.
- [6] The Global Case Management System [GCMS] notes do not provide further clarification as they simply state: Police certificate from China provided with the application is not acceptable as it does not cover the full period of time spent in China.
- [7] The Respondent concedes that the officer erred in noting the date of the police certificate but states this error has no impact on the decision as the GCMS clearly provides the reason for the rejection: the certificate does not cover the full period of time spent in China.

- [8] I disagree with the Respondent.
- [9] If the rejection letter and the GCMS are read together, it is clear that for the officer, the period of time of residence not covered by the Police certificate is posterior to its issuance. This clearly does not meet the requirement that the Police certificate be issued after the last time an applicant has stayed in a country for six months or more in a row.
- [10] Since the Police certificate was issued after the Applicant's wife left China, the latter requirement was clearly met.
- [11] The officer's error has an impact on the decision as time does not go backward and criminal records do not tend to erase themselves. The Court cannot substitute itself to the officer, reassess the evidence, and issue the decision that should have been issued without this significant error.
- [12] This, in and of itself, justifies granting this application and sending the file back to Immigration, Refugee and Citizenship Canada for a new determination.
- [13] The parties have not proposed any question of general importance for certification and no such question arises from the facts of this case. JUDGMENT IN IMM-15064-24 THIS COURT'S JUDGMENT is that : This application for judicial review is granted and the file is sent back to Immigration, Refugee and Citizenship Canada for a new determination by a different officer. No question of general importance is certified. blank "Jocelyne Gagné" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket : IMM-15064-24 STYLE OF CAUSE: BIN SU v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING : Vancouver, British Columbia DATE OF HEARING: OCTOBER 23, 2025 JUDGMENT AND REASONS: GAGNÉ J. DATED: December 18, 2025 APPEARANCES : Joshua Slayen FOR THE APPLICANT Jocelyne Mui FOR THE RESPONDENT SOLICITORS OF RECORD: Slayen Immigration Law Vancouver, British Columbia FOR THE APPLICANT Attorney General of Canada Vancouver, British Columbia FOR THE RESPONDENT

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