

SUPREME COURT OF NOVA SCOTIA

Citation: *Xing v. Nova Scotia (Immigration)*, 2017 NSSC 70

Date: 20170309

Docket: Hfx. No. 451444

Registry: Halifax

Between:

Yifei Xing

Applicant

v.

The Province of Nova Scotia
as represented by The Minister of Immigration

Respondent

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Judge: The Honourable Justice Michael J. Wood

Heard: February 7, 2017, in Halifax, Nova Scotia

Written Decision: March 9, 2017

Subject: Judicial Review – Reasonableness
Immigration – Provincial Nominee Program

Summary: Mr. Xing was nominated for permanent resident status by NS Office of Immigration through International Graduate Stream of provincial nominee program. When he returned to Canada to become “landed” CBSA officer formed opinion that he did not intend to reside in NS which was a condition of his nomination. NS rescinded nomination due to lack of intention to reside in province.

Mr. Xing successfully challenged CBSA opinion through Immigration and Refugee Board and requested reconsideration of rescission of his nomination. NS Office of

Immigration refused to reconsider decision and Mr. Xing sought judicial review.

Issues: Was refusal to reconsider rescission of nomination reasonable?

Result: Minister argued that rescission based on factors other than CBSA opinion about lack of intention to reside in NS. These included alleged failure to keep program advised of change in employment. Court reviewed record and concluded that reason for rescission was lack of intent to reside in NS which was resolved in Mr. Xing's favour by Board decision. Apparent failure to advise program when he left job in 2014 not reasonable basis for refusal to reconsider where Mr. Xing otherwise met all program requirements. Decision not to reconsider set aside. Parties to make further submissions on remedy.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***