

Federal Court



Cour fédérale

Date: 20250508

Docket: IMM-6097-24

Citation: 2025 FC 845

Ottawa, Ontario, May 8, 2025

PRESENT: Madam Justice McDonald

BETWEEN:

AZWAD SAQEB

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision dated February 1, 2024, in which an Immigration Officer (Officer), acting under the authority of the Respondent Minister of Citizenship and Immigration, denied his application for a Post-Graduation Work Permit

(PGWP). The Officer found that the Applicant failed to maintain full-time studies during his program of study, as required by the PGWP Program Delivery Instructions (PGWP-PDIs).

[2] The Applicant, a citizen of Bangladesh, arrived in Canada in 2017 on a student permit. He was initially enrolled as a full-time student at York University but later transitioned to part-time status, citing medical issues as the reason for doing so.

[3] The PGWP was denied on February 1, 2024, as the Officer found the Applicant did not meet the requirements of paragraph 205(c)(ii) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. The Global Case Management System (GCMS) notes, which form part of the decision, state:

Client is requesting PGWP having completed the Bachelor's of Economics from York University, however, client was part-time throughout the majority of their degree due to medical issues and was unable to attend the full program while maintaining full-time status for the majority of their degree. Client fails to meet parameters of R205(c)(ii) and is consequently refused. Advised of status.

I. Analysis

[4] The Applicant argues that the Officer failed to consider his reasons for switching to part-time studies, namely his documented mental health issues and a recommendation from his academic institution's counsellors to pursue part-time studies. The Applicant argues that the Officer did not exercise discretion in these circumstances.

[5] The PGWP Program is governed by paragraph 205(c)(ii) of the *IRPR*, which grants the Minister the authority to create programs allowing foreign nationals to receive work permits where the Minister deems it necessary for reasons of public policy relating to the competitiveness of Canada's academic institutions or economy (*Kaur v Canada (Citizenship and Immigration)*, 2020 FC 513 at para 8).

[6] The Minister has established the criteria for the issuance of a PGWP through the PGWP-PDIs. This Court has repeatedly held that those criteria are to be strictly applied, and an officer has no discretion to disregard the mandatory requirements in the PGWP-PDIs (*Osahor v Canada (Citizenship and Immigration)*, 2017 FC 666 at paras 14–16).

[7] The PGWP-PDI requires applicants to “have maintained full-time student status in Canada during each academic session of the program or programs completed” with exceptions only for authorized leaves or switching to part-time status in the final academic session of a program. The Officer reasonably found that the Applicant did not fit into either of these exceptions.

[8] It is not disputed that the Applicant moved to part-time status, but the Applicant claims there are “strong equitable factors at play” and the Officer should have exercised discretion in favour of the Applicant and in failing to do so renders the decision unreasonable.

[9] While I am sympathetic to the Applicant's circumstances, there is no merit to this argument. The Officer cannot fetter their discretion under paragraph 205(c)(ii) of the *IRPR* and

the strict requirements outlined under the PGWP-PDIs. Neither the *IRPR* nor the PGWP-PDIs allow for equitable relief in the Applicant's circumstances.

[10] The decision is reasonable and the application for judicial review is dismissed.

JUDGMENT IN T-547-23

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

"Ann Marie McDonald"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-6097-24

STYLE OF CAUSE: AZWAD SAQEB V THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRURAY 19, 2025

JUDGMENT AND REASONS: MCDONALD J.

DATED: MAY 8, 2025

APPEARANCES:

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Ferishtah Abdul-Saboor	FOR THE RESPONDENT

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