

Federal Court



Cour fédérale

Date: 20250605

Docket: IMM-3694-24

Citation: 2025 FC 1008

Toronto, Ontario, June 5, 2025

PRESENT: The Honourable Madam Justice Furlanetto

BETWEEN:

MANDEEP PAL

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Mandeep Pal, seeks judicial review of a February 21, 2024 decision [Decision] of an Officer of Immigration, Refugees, and Citizenship Canada [Officer] refusing his application for a work permit under the Temporary Foreign Worker Program [TFWP]. The Officer was not satisfied that the Applicant had established he could perform the work sought as required by subsection 200(3)(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] As set out below, the application is granted as I am of the view that the Officer's reasons lack sufficient justification.

I. Background

[3] The Applicant is a 33-year-old citizen of India. He asserts that for the past five years he has worked as a food supervisor at Dwelling Residency LLP [DW], a hotel and restaurant establishment in Noida, India.

[4] In October 2023, the Applicant applied for a work permit under the TFWP supported by an offer of employment from SM Innovation Inc., operating as Panago Pizza in St. Albert, Alberta, after receiving a positive Labour Market Impact Assessment [LMIA] for the position of Food Service Supervisor, 2021 National Occupational Classification [NOC] code 62020.

[5] The NOC 62020 for the position of Food Service Supervisor required that the Applicant demonstrate he had the following education or work experience:

Completion of a community college program in food service administration, hotel and restaurant management or related discipline or several years of experience in food preparation or service are required

(62020 – Food service supervisors, National Occupational Classification, Immigration Canada, 2021).

[6] The Applicant was not educated in the area of the proposed work. In support of his application, he provided *inter alia*, a letter from DW with his offer of employment as Food Supervisor as well as a subsequent letter indicating how long the Applicant had been working at DW, that he was a permanent full-time employee, his salary and hours of work, his job duties,

and a number to call for further information. The information submitted also included monthly pay stubs from DW for the period covering December 2022 to May 2023, and letters from Panago Pizza confirming their acceptance of the Applicant's qualifications and including his new offer of employment and employment contract.

[7] By letter dated February 21, 2024, the Officer refused the Applicant's work permit application for its failure to comply with the *Immigration and Refugee Protection Act*, SC 2001, c 27 and the IRPR. The letter stated that the Officer was not satisfied that the Applicant had demonstrated he would be able to adequately perform the work sought.

[8] In the Global Case Management System [GCMS] notes, the Officer provided the following additional reasons for the Decision:

I have reviewed the application. Based on the documentation submitted, I am not satisfied that the applicant will be able to adequately perform the proposed work given their:

- Completion of a community college program in food service administration, hotel and restaurant management or related discipline or several years of experience in food preparation or service are required.
- PA has a Bachelor of Art with a major in Political science
- PA has provided a reference letter of current employment indicating that he worked as a food service supervisor from May 2019 to today. PA has also provided paystubs of the last 6 months.

No proof of salary deposit has been provided. Based on limited information, I am therefore not satisfied with the information provided that the applicant has clearly demonstrated the work experience requirement to complete the duties of the job. For the reasons above and weighing the factors in this application I have refused this application under R200(3)(a)

II. Analysis

[9] The determinative issue on this application is whether the Decision was reasonable. A reasonable decision is “based on an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker”: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 85. A decision will be reasonable if when read as a whole, and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility: *Vavilov* at paras 95, 99.

[10] The Applicant submits that the Decision lacks a rational chain of analysis as to why the Officer concluded that the Applicant could not adequately perform the work sought in view of his experience with DW and the evidence provided. The Applicant argues that the Officer’s reasons fail to connect the Applicant’s skill level with the specific duties in the job offer and gives no explanation for why “proof of salary deposits” were necessary.

[11] The Respondent asserts that the Visa Office Instructions for New Delhi [Visa Instructions] are relevant to this judicial review and provide additional document requirements for establishing proof of work experience, including the production of bank statements:

Proof of work experience: Copies of appointment letters and relieving letters from your current and previous employers, copies of salary slips and form 16; **bank statements**. [...]

(emphasis added)

[12] The Respondent cites *Aghvamihamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 [Aghvamihamoli] at paragraph 28 as authority for the proposition that in assessing the reasonableness of a visa decision, the Court may consider IRCC’s instructions to visa applicants:

[28] In the case of the Applicant's financial support, the Officer reviewed the evidence. It is important at this point to note that as a person applying from Iran, the visa office instructions for study permits require an applicant to include with their study permit application "[c]opies of bank statements or bank book covering the past 6 months" and that "[i]f person or organization outside Canada is funding your studies: detailed explanation letter and proof of financial capacity of that person or organization (employment letter, bank statements, proof of real estate property, etc.)" (Immigration Canada, *Study Permit Ankara Visa Office Instructions*, IMM 5816 E (Ottawa: Immigration Canada, May 2016)). The Applicant did not provide 6 months of bank statements. Moreover, the Applicant stated that he was financially supported by his brother and grandfather (Certified Tribunal Record at p 21). But again, the Applicant did not provide any evidence of financial capacity from them.

[13] As a preliminary matter, I note that the case before me involves an application for a work permit, not a study permit. It is therefore not a direct parallel to *Aghvamiyamoli: Taheri v Canada (Citizenship and Immigration)*, 2025 FC 520 at para 14.

[14] Moreover, the Officer does not refer to the Visa Instructions in the Decision, nor do they otherwise explain why the evidence that was provided is insufficient to support the application and why proof of salary deposits is necessary to establish the Applicant's work experience in view of the documents given.

[15] The Respondent cites to further jurisprudence which they contend establishes that letters from a previous employer are insufficient to support a work permit. However, I do not consider either of the cases cited to be factually on all-fours with what is before me here. Further, in each of these cases (*Ponican v Canada (Minister of Citizenship and Immigration)*, 2020 FC 232; *Singh v Canada (Minister of Citizenship and Immigration)*, 2022 FC 240), the officer grappled

with the evidence and identified in the GCMS notes specific reasons for why the evidence that was provided was not sufficient to support the work experience asserted.

[16] In this case, no such explanation is provided in the GCMS notes. The Officer simply lists some of the documents that were supplied without providing any assessment of the evidence. The Respondent argues that the Officer was entitled to rely on the Visa Instructions. They assert that independent bank statements are necessary to reduce any risk of fraud associated with asserted work experience. However, there are no such reasons given in the GCMS notes. As noted earlier, there is no mention of the Visa Instructions in the Decision nor explanation given for why proof of salary deposits was necessary in the context of the evidence that was before the Officer. There is no rationale provided for why the Officer found the evidence that was provided to be insufficient.

[17] I agree with the Applicant, the Decision lacks justification as to how the Officer weighed the evidence in relation to their assessment of the Applicant's ability to adequately perform the work sought.

[18] While lengthy reasons were not required, the Officer's failure to show that they engaged with the evidence in a meaningful way in my view constitutes a reviewable error.

[19] For these reasons, the application is allowed.

[20] There was no question for certification proposed by the parties, and I agree none arises in this case.

JUDGMENT IN IMM-3694-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, the Decision is set aside, and the application shall be referred back to a different officer for redetermination.
2. No question of general importance is certified.

"Angela Furlanetto"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3694-24

STYLE OF CAUSE: MANDEEP PAL v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 20, 2025

JUDGMENT AND REASONS: FURLANETTO J.

DATED: JUNE 5, 2025

APPEARANCES:

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Zofia Rogowska	FOR THE RESPONDENT

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