

Federal Court



Cour fédérale

Date: 20250708

Docket: IMM-5399-24

Citation: 2025 FC 1210

Ottawa, Ontario, July 8, 2025

PRESENT: Madam Justice McDonald

BETWEEN:

HARMANDEEP SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Background

[1] Harmandeep Singh, a citizen of India, seeks judicial review of the Visa Officer's decision refusing his application for a work permit under paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. The work permit was denied on the

grounds that Mr. Singh would not leave Canada at the end of his authorized stay. Mr. Singh argues that the Officer failed to consider that his work permit was tied to a permanent job offer supported by a Labour Market Impact Assessment (LMIA) under the permanent residence stream.

II. Issue and standard of review

[2] The only issue is if the Officer reasonably considered the Applicant's work visa application in light of the dual intent features of the LMIA he applied under.

[3] The parties agree that reasonableness is the standard of review (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 12, 15 [*Vavilov*]).

III. Analysis

[4] Mr. Singh applied for a LMIA-based work permit as a Carpenter which references the permanent residence feature as follows:

This positive LMIA is issued with reference to your stated commitment to support both a work permit application and a permanent residence application (this means the employer will hire the foreign national as a temporary foreign worker before or while the permanent residence application is being processed).

...

WORK PERMIT OR PERMANENT RESIDENCY APPLICATION

Employers must provide copies of this LMIA Letter and the annexed Employment Details page to the foreign nationals in order for them to apply for a work permit or permanent residency. To

obtain more information, please visit Immigration, Refugees and Citizenship Canada (IRCC) at www.cic.gc.ca.

[5] On the attached Annex A Employment Details page (which is a Government of Canada document), the following is noted:

LMIA Stream: Permanent Resident

LMIA Validity Period: 2024-11-17

*Please take note that the foreign worker(s) must apply to IRCC for a work permit or permanent residency prior to this date.

[6] Although the Global Case Management System [GCMS] notes reference that the Applicant is young with minimal job experience or education, the Officer's reasons do not question the Applicant's training or ability to do the carpentry job identified in the LMIA. Rather, the Officer denied Mr. Singh's work permit because he was not satisfied that Mr. Singh would leave Canada at the end of his stay as required by *IRPR* paragraph 200(1)(b).

[7] The Applicant argues that the Officer's finding is illogical because the work permit contemplates a future permanent resident application. Neither the decision nor the GCMS notes refer to this key feature, namely that the LMIA identifies the stream as "Permanent Resident," indicating dual intent. While the Applicant's counsel confirmed at the hearing that it is not possible to apply for permanent resident status at the same time as the work permit, the LMIA clearly indicates that applying for permanent residency is part of the dual intent of the Applicant's work permit.

[8] While the Officer was not required to consider whether the Applicant would apply for permanent residence in the future, the absence of any reference to this possibility in the GCMS notes or the decision raises the question of whether this key factor was overlooked. Not all LMIA's are the same, and notwithstanding the high volume of applications, there is still an obligation on the Officer to properly consider the information provided in support of the particular application under consideration.

[9] Both the Applicant and the Respondent refer to several cases in support of their positions. While at first glance some decisions appear contradictory, a closer review demonstrates that they are distinguishable on their facts. For example, several of the cases relate to temporary visa applications and not LMIA-supported work permits as here. In *Ramos v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 768, the work permit at issue was not in the LMIA context.

[10] For LMIA cases, in *Chowdhury v Canada (Citizenship and Immigration)*, 2019 FC 1417, the officer's decision was upheld where the finding was that the applicant had weak ties to Bangladesh and lacked the necessary supervisory experience and language skills to support his LMIA.

[11] I agree with the Applicant that his case is distinguishable from *Patel v Canada (Citizenship and Immigration)*, 2021 FC 483, where dual intent was not at issue and the focus was on the applicant's ability to perform the work. This case is also distinguishable from *Iqbal v Canada (Citizenship and Immigration)*, 2024 FC 1836, where the officer did consider dual intent but denied the application due to insufficient liquid assets and a lack of explanation as to how the

applicant would access the \$530,000 investment required by the Ontario Immigrant Nominee Program.

[12] Turning back to this case, the Officer failed to recognize the LMIA's express reference to the permanent residence stream. Denying the application on the ground that the Applicant will not leave Canada at the expiry of the work permit—without addressing the dual intent nature of the work permit—renders this decision unreasonable.

IV. Conclusion

[13] The decision is quashed and shall be remitted for reconsideration. There is no question for certification.

JUDGMENT IN IMM-5399-24

THIS COURT'S JUDGMENT is that:

1. This judicial review application is granted. The decision is quashed and shall be reconsidered.
2. There is no question for certification.

"Ann Marie McDonald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5399-24

STYLE OF CAUSE: SINGH V MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 5, 2025

JUDGMENT AND REASONS: MCDONALD J.

DATED: JULY 8, 2025

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