

Federal Court



Cour fédérale

**Date: 20250731**

**Docket: IMM-7904-24**

**Citation: 2025 FC 1343**

**Ottawa, Ontario, July 31, 2025**

**PRESENT: The Honourable Mr. Justice Gleeson**

**BETWEEN:**

**SHAKEEL KHAN MOHAMMAD**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant is a citizen of India who was refused an employer-specific work permit, which was accompanied by a positive Labour Market Impact Assessment [LMIA] after receiving an offer of employment in the restaurant industry in Canada. He brings an Application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] for judicial review of the Immigration, Refugees and Citizenship Canada Visa Officer's [Officer] decision.

[2] In refusing the Application, the Officer was not satisfied that the Applicant had demonstrated an ability to adequately perform the work. The Officer's Global Case Management System [GCMS] notes provide brief reasons in support of the decision:

I have reviewed the application.

The applicant claims to have worked as Food and Beverage Management Training at Hotel Marriott Downtown from 2022 to 2023. Prior to that, they worked as a Food & Beverage Supervisor at AL Wathaba Desert Resort & Spa-The Luxury Collection in Abu Dhabi, UAE, from December 2018 to March 2022. Although the applicant submitted an employer reference letter and some pay slips, there was no bank statement reflecting regular salary deposits from the employer, and no income tax documents have been submitted. Therefore, there is insufficient evidence to confirm the applicant's stated work experience.

Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay.

For the reasons above, I have refused this application.

[3] The Application raises a single issue: was the Officer's decision unreasonable?

[4] The decision is to be reviewed against the presumptive standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23, 25 [Vavilov]; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 672 at paras 8, 10).

Reasonableness review focuses on the decision made and requires consideration of both the decision maker's reasoning process and the outcome (*Vavilov* at paras 83, 87). Perfection is not the standard on judicial review (*Vavilov* at paras 91, 128; *Canada Post Corporation v Canadian Union of Postal Workers*, 2019 SCC 67 at paras 30, 52), and extensive reasons are not required in the visa context (*Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7;

*Zamor v Canada (Citizenship and Immigration)*, 2021 CF 479 at para 22). However, the Court must be satisfied that the decision, when read holistically and contextually, bears the hallmarks of reasonableness — justification, transparency and intelligibility — and is justified in relation to the relevant factual and legal constraints (*Vavilov* at para 99).

[5] In my view, the decision is unreasonable.

[6] In refusing the work permit, the Officer relies on the absence of bank statements and income tax documents to conclude the Applicant has failed to provide adequate evidence to confirm the stated work experience. The Respondent argues these documents are identified in the Visa Office Instructions and the Applicant's failure to include that documentation provided a reasonable basis to refuse the application.

[7] I am unpersuaded by the Respondent's argument. As the Applicant notes, the study permit jurisprudence the Respondent relies on flows from instructions that state certain financial documents "must" be submitted. The instructions in issue in this matter include a reference to bank statements, pay slips and tax documents under a heading entitled "Additional Supporting Documents to be submitted."

[8] Regardless of whether the instructions required the Applicant to include the documents the Officer noted were absent from the application, the Officer was nonetheless required to consider the evidence that was submitted (*Sangha v Canada (Citizenship and Immigration)* 2022

FC 309 at para 20, *Ahmadalinezhad v Canada (Citizenship and Immigration)*, 2025 FC 145 at para 9 [*Ahmadalinezhad*]).

[9] In this instance, the Applicant included documentation in the form of reference letters and education and training certificates demonstrating significant work experience and training in the food and beverage industry. The Officer makes no reference to this evidence. Nor does the Officer explain why, in light of the evidence that was submitted, the financial documentation was required in this case. As in *Ahmadalinezhad*, it may have been reasonably open to the Officer to conclude the failure to provide the financial documentation was fatal. However, the mere assertion that this was so, is not sufficient; the Officer provides no justification for the conclusion.

[10] In the circumstances, I am of the opinion the decision does not reflect the hallmarks of transparency and justification and is therefore unreasonable.

[11] While I need not consider the issue, I also note the grounds for refusal identified in the GCMS notes and the refusal letter are inconsistent.

[12] The Application is granted. The parties have not identified a question of general importance and none arises.

**JUDGMENT IN IMM-7904-24**

**THIS COURT’S JUDGMENT is that:**

1. The Application is granted.
2. The matter is returned for redetermination by a different decision maker.
3. No question is certified.

“Patrick Gleeson”

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-7904-24

**STYLE OF CAUSE:** SHAKEEL KHAN MOHAMMAD v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 24, 2025

**JUDGMENT AND REASONS:** GLEESON J.

**DATED:** JULY 31, 2025

**APPEARANCES:**

James Feliks Morrison	FOR THE APPLICANT
Charles J. Jubenville	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Zarei Law Professional Corporation Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT