

Federal Court



Cour fédérale

Date: 20250902

Docket: IMM-14787-24

Citation: 2025 FC 1449

Montréal, Quebec, September 2, 2025

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**USMAN AHMED
ANZA USMAN
AENA USMAN**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Ahmed, a citizen of Pakistan, applied for a work permit to work as an accounting technician or bookkeeper. His application was refused because the officer found that he would not leave Canada at the end of his authorized stay and that he would not be able to perform the work sought. The latter conclusion was based on the officer's finding that Mr. Ahmed did not prove his English language abilities nor his work experience.

[2] Mr. Ahmed now applies for judicial review of this decision. I am granting his application, because the officer unreasonably focused on the lack of evidence regarding his work experience. In fact, no experience was required because Mr. Ahmed holds a university degree in accounting.

[3] For the relevant category, the National Occupational Classification requires the completion of a college program in accounting or two years of a university program or courses in accounting “combined with several years of experience.” In other words, experience is needed only if the applicant lacks college or university training. Here, Mr. Ahmed holds a bachelor’s degree in accounting and finance and thus exceeds the requirement. At the hearing, counsel for the Minister conceded that no experience was needed for an applicant in Mr. Ahmed’s situation.

[4] Thus, it was unreasonable for the officer to focus on the fact that “reference letters presented in isolation [do not] show that the applicant has worked in the stated occupation.” It is true that the letters do not provide any details regarding the tasks performed by Mr. Ahmed, but this is irrelevant because experience was not required. In fact, it is difficult to understand why a university graduate in accounting would need to show experience as a bookkeeper.

[5] I must nevertheless consider whether this issue renders the whole decision unreasonable. Subsections (1) and (3) of section 200 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, set forth independent requirements. Pursuant to paragraph 200(1)(b), applicants must show that they “will leave Canada by the end of the period authorized for their stay.” Pursuant to paragraph 200(3)(a), a permit shall not be issued if the applicant “is unable to

perform the work sought,” which may entail consideration of the applicant’s language abilities, training and experience.

[6] It may be that a finding that the applicant is unable to perform the work may constitute an independent reason for denying a permit. Hence, a conclusion that the officer made a reasonable finding in this regard is sufficient for the Court to dismiss the application for judicial review, even if the officer’s finding regarding the applicant’s intention to leave Canada at the end of the authorized stay is unreasonable.

[7] The reverse, however, is not necessarily true. When assessing whether an applicant will leave Canada at the end of the authorized stay, the officer may consider all relevant factors, including the applicant’s ability to perform the work. In this particular case, nothing in the officer’s reasons shows that they considered Mr. Ahmed’s intention to leave Canada in isolation from his ability to perform the work. Hence, it is possible that the officer’s unreasonable finding regarding Mr. Ahmed’s experience affected the conclusion regarding his intention to leave Canada. As a result, I cannot conclude with any degree of certainty that the work permit would have been denied had the officer not erred regarding Mr. Ahmed’s experience. I must therefore allow his application for judicial review.

[8] As the decisions to deny a work permit and a visitor visa to Mr. Ahmed’s wife and daughter, respectively, were based mainly on the refusal of Mr. Ahmed’s work permit, it follows that the refusal of these permits must be set aside as well.

JUDGMENT in IMM-14787-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is granted.
2. The decisions denying the applicants' work permits or visitor visa, as the case may be, are set aside.
3. The matter is remitted to a different officer for reconsideration.
4. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14787-24

STYLE OF CAUSE: USMAN AHMED, ANZA USMAN, AENA USMAN v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: SEPTEMBER 2, 2025

JUDGMENT AND REASONS: GRAMMOND J.

DATED: SEPTEMBER 2, 2025

APPEARANCES:

Katrina Graham	FOR THE APPLICANTS
Sherry Rafai Far	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Patrice Brunet Avocats Outremont, Quebec	FOR THE APPLICANTS
Attorney General of Canada Ottawa, Ontario	FOR THE RESPONDENT