Federal Court Cour fédérale

Date: 20250722

Docket: IMM-7182-24

Citation: 2025 FC 1294

Toronto, Ontario, July 22, 2025

PRESENT: Justice Andrew D. Little

BETWEEN:

PREETY SINGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant asks the Court to set aside a decision by a visa officer dated March 6, 2024, refusing her application for a work permit under paragraph 200(3)(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the *"IRPR"*). The officer was not satisfied that the applicant demonstrated that she would be able to adequately perform the work she sought.

[2] The applicant contended that the decision was unreasonable, applying the principles in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653. The applicant also submitted that she was deprived of procedural fairness.

[3] For the reasons that follow, I conclude the application must be dismissed.

A. *Events Leading to this Application*

[4] The applicant is a citizen of India. She holds a Bachelor of Commerce degree from the University of Delhi. She also holds a Diploma in Business Administration (Finance Management) from Symbiosis Centre for Distance Learning.

[5] Starting in December 2021, the applicant worked part time with Streamline Software Solutions Ltd. ("Streamline"), a firm located in Kelowna, British Columbia, as a Software Sales (Technical) consultant. In addition, from December 6, 2021, she worked with Royal Cyber Pvt. Ltd. as a Senior Business Manager.

[6] On or about December 15, 2022, the applicant received a full-time job offer from Streamline for a role located in British Columbia as a Vice President Technical Solutions.

[7] On or about April 23, 2023, the applicant applied for a provincial nomination under the Provincial Nomination Program ("BC PNP"). The BC PNP allows an applicant to apply for a British Columbia work permit without a market impact assessment ("LMIA"). However, it does

not negate the jurisdiction or admissibility requirements to be applied by Immigration, Refugees and Citizenship Canada ("IRCC").

[8] The applicant received a nomination from the BC PNP on or about July 20, 2023.

[9] On or about September 29, 2023, the applicant submitted a work permit application for the role at Streamline.

[10] In support of her work application, the applicant provided a variety of materials, including:

a) A copy of the nomination from the BC PNP;

b) The employment contract from Streamline;

c) Her *curriculum vitae*;

d) A letter from OM TAT SAT Solutions Pvt. Ltd. dated 4 August 2017; and

e) A letter from UnicoSols dated 6 September 2019.

[11] The applicant also included a "support letter" from the BC PNP, which stated:

> The BC PNP confirms that all required factors for provincial support have been met. These factors include:
>
> • that the nominee is urgently required by the employer listed above
>
> • that the job offer is genuine and will create economic benefit or opportunities
>
> • that the employment is not part-time or seasonal
>
> • that the wages and working conditions would be sufficient to attract and retain Canadian citizens.

[12] By letter dated March 6, 2024, a visa officer at IRCC refused the applicant's application for a work permit. The officer found that the applicant's work permit application and supporting documentation did not meet the requirements of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 and the *IRPR*. Specifically, the officer refused the application on the following grounds:

> • You were not able to demonstrate that you will be able to adequately perform the work you seek.

[13] The officer entered the following notes in the Global Case Management System ("GCMS") on February 9, 2024:

> Application and submissions reviewed. Applicant has received provincial nomination from BC for the position of a Vice President (VP) Technical Solutions (NOC 62100). Applicant has completed Bachelor of Commerce and currently employed as a software sales consultant at Streamline Canada. While an employment reference letter has been provided, however there are no pay stubs or bank statements showing salary credits have been provided in support. Applicant has provided two relieving letters from his [*sic*] previous companies however it is not supported by any other employment documents. Insufficient evidence to show experience in the stated employment. Given the foregoing, I am not satisfied the applicant has sufficiently demonstrated that she will be able to perform the work she seeks in Canada. Consequently, I am not satisfied that the applicant is eligible for a work permit pursuant to R200(3)(a).

B. *Was the visa officer's decision unreasonable?*

[14] I agree with the parties that the standard of review for the substantive issues is reasonableness: see e.g., *Nguyen v. Canada (Citizenship and Immigration)*, 2024 FC 798, at para 19; *Thuy v. Canada (Citizenship and Immigration)*, 2021 FC 522, at para 15; *Bano v. Canada (Citizenship and Immigration)*, 2020 FC 568, at para 13.

[15] The starting point for reasonableness review is the reasons provided by the decision maker, which are read holistically and contextually, and in conjunction with the record that was before the decision maker. 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 constrained the decision maker: *Vavilov*, esp. at paras 85, 91-97, 102-103, 105-106 and 194; *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21, at paras 8, 59-61, 66. In order to intervene, the Court on this application must find an error in the decision that is sufficiently central or significant to render the decision unreasonable: *Vavilov*, at para 100.

[16] It is not the role of the Court to re-assess or re-weigh the evidence, or to provide its own view of the merits. Thus, it is not permissible for the Court to come to its own view of the merits of the study permit application and then measure the officer's decision against the Court's own assessment: *Mason*, at para 62; *Vavilov*, at para 83; *Delios v. Canada (Attorney General)*, 2015 FCA 117, at para 28.

[17] Under paragraph 200(3)(a) of the *IRPR*, an officer shall not issue a work permit to a foreign national if there are reasonable grounds to believe that the foreign national is unable to perform the work sought.

[18] The applicant submitted that the officer ignored evidence, including the support letter from the BC PNP. I do not agree.

[19] It is well-established that officers are presumed to have considered all of the evidence for a temporary resident visa, including a work permit: *Ferra v. Canada (Citizenship and Immigration)*, 2025 FC 254, at para 16; *Solopova v. Canada (Citizenship and Immigration)*, 2016 FC 690, at para 28. The onus was on the applicant to provide the information required for the visa: *Adepoju v. Canada (Citizenship and Immigration)*, 2024 FC 2014, at paras 15-18.

[20] The officer in this case considered the evidentiary record and factual matrix surrounding the work permit application. The GCMS notes referred to letters from employers, the applicant's current employment at Streamline, and the BC PNP.

[21] The GCMS notes acknowledged that "[a]pplicant has received provincial nomination from BC for the position of a Vice President (VP) Technical Solutions". Although the officer did not specifically refer to the support letter issued by the BC PNP, the letter confirmed that the applicant has meet the requirements required for a provincial nominee and that an LMIA was not required. It did not constrain the decision maker's ability to decide whether or not to grant a work permit.

[22] A deviation from a provincial or territorial conclusion in the nomination process must be justified, transparent and intelligible: *Sarfraz v. Canada (Citizenship and Immigration)*, 2019 FC 1578, at para 22. The applicant submitted that the officer's decision whether to approve the work visa was constrained by and should be consistent with the BC PNP program. However, the applicant did not identify a constraint in the program that was not respected in this case. Section

7.12 of the BC PNP Skills Immigration Program Guide provided that the applicant must seek and obtain a work permit:

> **Work Permits**
>
> You must maintain legal immigration status while in Canada, and you must have a valid work permit to work in B.C.
>
> • A BC PNP nomination by itself does not authorize you to work in B.C.
>
> […]
>
> If you require a work permit, you must apply to the federal government. IRCC and the Canada Boarder Services Agency (CBSA) are responsible for issuing work permits.

[23] There was no legal or factual constraint requiring the officer to grant a permit merely because the applicant had a BC PNP nomination. The officer explained why the work permit was not granted: the applicant did not file sufficient evidence to demonstrate that she could perform the work sought. That conclusion was reasonable having regard to the information in the record before the officer.

[24] The applicant relied on *Shang v Canada (Citizenship and Immigration)*, 2021 FC 633, for the proposition that the officer was required to engage with the BC PNP support letter. However, in *Shang*, the support letter had assessed the documents to determine whether the applicant's business would generate significant benefits in accordance with the *IRPR*. The officer in *Shang* did not mention the support letter at all and it contradicted the officer's conclusion in that case: *Shang*, at paras 68-69.

[25] By contrast, in this case, the GCMS notes recognized that the applicant had the PNP nomination from British Columbia. The support letter provided no more information than did the nomination itself: it advised that that the applicant was urgently required by the employer, that the job offer was genuine and would create economic benefit or opportunities, that the employment was not part-time or seasonal, and that the wages and working conditions would be sufficient to attract and retain Canadian citizens. The letter did not assess whether the applicant could perform the work in question and therefore did not contradict or materially affect the officer's finding that the there was insufficient evidence to show experience in the stated employment, or the conclusion that the applicant had not demonstrated that she would be able to perform the work she seeks in Canada. Given that the GCMS notes expressly mentioned the receipt of a provincial nomination from British Columbia, I cannot infer the officer overlooked the contents of the support letter: see *Zendehdel v. Canada (Citizenship and Immigration)*, 2024 FC 207, at paras 12-13, 19; *Shang*, at paras 64-66; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1999] 1 F.C. D-53, [1998] FCJ No 1425, at paras 16-17.

[26] The present situation is similar to the established principle that an officer is not bound to issue a work permit because there is a "positive" LMIA or because a prospective employer has found that an applicant can perform the job: see e.g., *Singh v. Canada (Citizenship and Immigration)*, 2024 FC 792, at para 18; *Yue v. Canada (Citizenship and Immigration)*, 2023 FC 417, at para 5; *Gill v. Canada (Citizenship and Immigration)*, 2021 FC 934, at para 33. Rather, an officer must independently assess and determine the issues presented in an application in accordance with applicable law and the information filed by an applicant.

[27] Accordingly, I conclude that the officer made no reviewable error in the assessment of the evidence, including the BC PNP and related support letter.

C. *Was the applicant deprived of procedural fairness?*

[28] I agree with the parties that on this application, the Court reviews issues of procedural fairness on a standard akin to correctness: *Shull v. Canada,* 2025 FCA 25, at para 6; *Jagadeesh v. Canadian Imperial Bank of Commerce,* 2024 FCA 172, at para 53; *Canadian Pacific Railway Company v. Canada (Attorney General),* 2018 FCA 69, [2019] 1 FCR 121, at paras 54-55.

[29] The applicant submitted that the officer breached procedural fairness by requiring information that was not on the portal's checklist – namely pay stubs or bank statements showing salary credits. The applicant submitted that if the officer had concerns, they should have been raised with the applicant to allow her to disabuse the officer's concerns. I do not agree.

[30] It is well-established that the duty of fairness owed to an applicant in a work permit application is at the low end of the spectrum: *Ibitayo v. Canada (Citizenship and Immigration),* 2025 FC 426, at para 16; *Yip v. Canada (Citizenship and Immigration),* 2025 FC 288, at para 39; *Grewal v. Canada (Citizenship and Immigration),* 2017 FC 955, at para 11.

[31] It is also well settled that an officer does not have a duty to provide an applicant an opportunity to address concerns that arise from the requirements of the *IRPR*. While an officer may be required to disclose concerns about credibility, veracity or authenticity of evidence and give the applicant an opportunity to address them, the officer in this case did not have any such

concerns: see e.g., *Mahmoudzadeh v. Canada (Citizenship and Immigration)*, 2022 FC 453, at paras 14-15; *Patel v. Canada (Citizenship and Immigration)*, 2021 FC 483, at para 41. The officer found the evidence filed by the applicant was insufficient. The existence of pay stubs goes to show whether the applicant actually performed the job as claimed. The officer did not breach procedural fairness, whether by considering their absence in deciding whether to issue a work permit or by failing to provide her with an additional opportunity to file evidence.

D. *Conclusion*

[32] The applicant has not shown that the officer's decision refusing the work permit was unreasonable or that there was procedural unfairness in the officer's consideration of her application. The application for judicial review must therefore be dismissed.

[33] Neither party raised a question to certify for appeal and none will be stated.

JUDGMENT IN IMM-7182-24

1. The application for judicial review is dismissed.

2. No question is certified for appeal under paragraph 74(d) of the *Immigration and Refugee Protection Act*.

"Andrew D. Little"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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