Federal Court Cour fédérale

Date: 20260116

Docket: IMM-435-25

Citation: 2026 FC 66

Toronto, Ontario, January 16, 2026

PRESENT: Mr. Justice Diner

BETWEEN:

DORCAS MICHEAL EDEM

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision of a visa officer [Officer] dated December 5, 2024 [the Decision], refusing her application for a work permit made from outside Canada. For the reasons detailed here, I find the Officer's Decision unreasonable, and the application is granted.

[2] I note at the outset that this matter was heard in a 45-minute oral hearing, under the Federal Court's revised practice to hold shorter hearings for non-complex, temporary

immigration files, aimed to streamline procedures and promote consistency and efficiency in the litigation process. I provided my decision to grant judicial review at the end of the hearing, promising reasons, which follow.

[3] The Applicant, Ms. Dorcas Micheal Edem, is a citizen of Nigeria. On August 9, 2024, she applied from outside Canada for an employer-specific work permit under the Labour Market Impact Assessment [LMIA] stream. The application was supported by a positive LMIA and identified the intended occupation as Hairstylist Apprentice under National Occupational Classification [NOC] 63210 – Hairstylists and Barbers.

[4] The documentary record before the Officer included, among other materials, the completed work permit application forms, a résumé describing hairstyling experience, an employment contract and a letter from Dee's Artistry Beauty House in Lagos dated November 19, 2021.

[5] In the Global Case Management System [GCMS] notes which form part of the Decision, on December 5, 2024, the Officer identified the employment requirements associated with NOC 63210 and noted that, while several years of experience may replace formal education and training, the Applicant had not provided education documents and had submitted only a single employment letter dated November 19, 2021 as proof of experience. The Officer was not satisfied that the Applicant met the requirements of the LMIA and refused the application.

[6] The Applicant contests the decision as unreasonable on the basis that the Officer applied the employment requirements for a hairstylist rather than considering any distinction in those that would be required to be a hairstylist apprentice. The Applicant emphasizes that NOC 63210 expressly includes both the main occupation of hairstylist, as well that of hairstylist apprentices and argues that, as an apprentice, she was not required to provide the same licensing and educational qualifications and/or on-the-job experience.

[7] The presumptive standard of review applicable to the merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov* [*Vavilov*], 2019 SCC 65 at paras 15-17). The burden is on the Applicant to demonstrate unreasonableness (*Vavilov,* at para 100).

[8] I agree with the Respondent that while a positive LMIA is a necessary component of an LMIA-based work permit application, it is not determinative. A visa officer must make an independent assessment, on the basis of the evidence submitted, of whether the applicant can perform the duties of the job described (*Liu v Canada (Minister of Citizenship and Immigration)*, 2018 FC 527 at paras 52-54).

[9] First, the Applicant provided proof of employment by way of a letter from the hair salon at which she worked in her home country, having worked there (when read in conjunction with her resume and legal submissions) undertaking many of the primary duties of a hairstylist, until the time of her application for a work permit. The Officer unreasonably found that they were unable to evaluate this experience as it was the only letter of employment provided, however, the

Applicant also indicated in her application that she was still employed by this employer – a period of over 4 years if calculated to the present date.

[10] I further note that the Applicant had obtained and presented an LMIA to the visa officer. The Officer raised no questions with respect to the legitimacy of the LMIA, that of the bona fides of the employer, or contested any point respecting the job offer. Rather, the Officer challenged only the qualifications of the Applicant to satisfy the job requirements, based solely on the NOC.

[11] The NOC provides contextual guidance, including a description of occupational duties and employment requirements. It does not operate as a rigid checklist, nor does it relieve an applicant of the burden of providing sufficient, reliable evidence to demonstrate their ability to perform the work offered (*Musiker v Canada (Citizenship and Immigration)*, 2021 FC 1092, at para 39).

[12] The Officer incorrectly conflated the sub-occupation of apprentice under which the application was made, with the main occupation of hairstylist. NOC 63210 includes apprentices as well as hairstylist and other related occupations. The NOC, however, only enumerates main duties of the hairstylists and barbers. It does not include the any main duties for hairstylist apprentices. To evaluate a hairstylist apprentice through the same evidentiary standard as a hairstylist would eliminate the purpose of being an apprentice – to gain the experience necessary to become qualified as a hairstylist. In Ontario, the NOC makes it clear that trade certification is compulsory.

[13] The Decision was based in part on the Officer's finding that the Applicant lacked a trade qualification. However, in Ontario where authorization (such as a certificate of qualification) is required to practice in a compulsory trade, of which hairstylist is one, the very *raison d'être* of an apprenticeship program is to provide some of the tools and experience to a prospective worker. Of course there are usually other skill requirements for any given occupation, including education and language proficiencies.

[14] Clearly, a primary purpose of being an apprentice is one step in the necessary training to obtain the job experience and requirements to qualify as a full-fledged member of a given occupation, and to become certified to practice the trade on one's own.

[15] The hairstylist NOC (63210) shares similarities with other trades that have apprenticeships, red seal certification, and/or licensing regimes, including electricians (NOC 72200), plumbers (NOC 72300), heavy duty equipment operators (NOC 73400). I note that in these and other occupations which require certification or licensing, apprentices and trainees are classified in the same NOC unit groups as the occupations for which they are training.

[16] Indeed, I note that the Introduction to the National Occupational Classification (NOC) 2021 Version 1.0, Apprenticeships and Trainees makes the following qualification about all apprentice and trainee job occupation descriptions in the NOC:

> Apprentices and trainees
>
> Apprentices and trainees have been classified in the same unit groups as the occupations for which they are training. Similarly,

> interns, residents and articling students are classified with their respective professional groups.
>
> This convention has been adopted to prevent a proliferation of unit groups of apprentices. It is not intended to imply equivalence or interchangeability of apprentices or trainees with fully qualified workers.
>
> [My emphasis; see Introduction to the National Occupational Classification (NOC) 2021 Version 1.0), the NOC at the time of publication of these Reasons].

[17] As this extract that the introductory remarks of the current version of the NOC states, the situation for apprenticeships for requisite trade occupations is analogous to the regimes for professions such as doctors and lawyers, where one must complete a residency or articling equivalency to gain the necessary pre-qualification to practice the main duties of the main occupation independently, and under the relevant province's licensing regime. To prevent the apprentice, resident, articling student, or trainee from carrying out that rule due to a failure to have carried out all the duties of the primary occupation in advance of the mandated training period, defies logic.

[18] The record in this matter demonstrates that the Officer imposed an inflexible requirement for trade certification under the NOC. While a deference is owed to the Officer and their reasons (see, for instance, *Mohammmed v Canada (Citizenship and Immigration)*, 2025 FC 1933 at para 41), the conflation of an apprentice with a fully qualified hairstylist is unreasonable. While the main duties for a hairstylist are listed under NOC 63210 and not those of an apprentice hairstylist, common sense would dictate the main job duties for an apprentice and a fully qualified hairstylist, are not equivalent.

[19] The introductory comments to the NOC make this distinction clear. The same is true of the purposes for apprenticeship for a hairstylist contained under Ontario's skilled trades certification regime, which includes the hairstylists as a one of the occupations requiring apprenticeship. Under the standards imposed on the Applicant by the Officer, no apprentice would ever be accepted under NOC 63210, despite the NOC explicitly including apprentices under the relevant NOC classification.

[20] Finally, I note that my analysis relates solely to the reasonability of the Decision under review, and its conflation of the occupation of hairstylist with an apprentice for that very occupation. My analysis should also not be taken as a comment on or analysis of the appropriateness of LMIAs being granted for apprenticeship positions, nor the provincial licensing and/or compulsory trades regime – in this case, for Ontario. Neither of these two issues were raised in the application under review, or by the parties. The LMIA was granted by the responsible Department and the Respondent did not challenge its issuance. It would be inappropriate for the Court to comment on government policy or decisions taken thereunder, particularly when not challenged on a legal basis by either party.

I. Conclusion

[21] For the reasons set out above, this application for judicial review is granted. Neither party proposed a question for certification, and I agree that none arises.

JUDGMENT in IMM-435-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.

2. No questions for certification were argued, and I agree none arise.

3. There is no award as to costs.

"Alan S. Diner"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-435-25
STYLE OF CAUSE:	DORCAS MICHEAL EDEM v MCI
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE
DATE OF HEARING:	JANUARY 13, 2026
JUDGMENT AND REASONS:	DINER J.
DATED:	JANUARY 16, 2026

APPEARANCES:

Sandra Dzever	FOR THE APPLICANT
Nimanthika Kaneira	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Law Office of Ronen Kurzfeld Barristers and Solicitors Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT