Federal Court Cour fédérale

Date: 20260427

Docket: IMM-22658-24

Citation: 2026 FC 553

Ottawa, Ontario, April 27, 2026

PRESENT: Mr. Justice McHaffie

BETWEEN:

ARTI KATARIA

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Arti Kataria applied for a work permit under the Temporary Foreign Worker Program to come to Canada to work as a beautician. Her application included an accepted job offer from a hairstyling business in Vancouver and a positive Labour Market Impact Assessment [LMIA]. Ms. Kataria also provided two letters: a 2018 "Certificate of Experience" letter from a salon in India, stating that Ms. Kataria had worked there as a Senior Beauty Therapist and Make Up

Artist since 2009; and a notarized letter written by Ms. Kataria, confirming that she had been working as a beautician from her home since 2017 and listing the duties she performed.

[2] A visa officer with Immigration, Refugees and Citizenship Canada [IRCC] considered this information, but concluded Ms. Kataria had not filed sufficient evidence of her work experience and ability to perform the job she had been offered. The officer therefore refused Ms. Kataria's application.

[3] On this application for judicial review of the officer's refusal, Ms. Kataria raises a number of challenges to both the merits of the officer's decision and the fairness of the process by which it was reached. Having considered the officer's reasons in light of the record before them, I am not persuaded that Ms. Kataria has met her burden to show that the officer's decision was unreasonable or unfair.

[4] The application for judicial review is therefore dismissed.

II. Analysis

A. *The officer's reasons*

[5] The officer's reasons for refusing Ms. Kataria's work permit application are found in their formal refusal letter and in their notes in the Global Case Management System [GCMS] maintained by IRCC. In the formal letter, the officer stated that they were not satisfied that Ms. Kataria would leave Canada at the end of her stay, citing four factors: (i) her proposed

length of stay was inconsistent with a temporary stay given the details provided in the application; (ii) the purpose of her visit was not consistent with a temporary stay given the details provided in the application; (iii) her current employment situation did not show that she was financially established in India; and (iv) she was not able to demonstrate that she would be able to adequately perform the work.

[6] The officer's GCMS notes show that the fourth of these—the evidence of ability to perform the work—was their primary concern. Those notes read as follows:

> I have reviewed the application. PA [principal applicant] is applying for a LMIA based WP [work permit] as an esthetician/beautician. PA does not list any occupation on the IMM 5645 form. As per the NOC [National Occupational Classification] 63211 Employment requirements Completion of high school, college or beauty school programs for cosmeticians, estheticians, electrologists, manicurists and pedicurists is required. Evidence of experience is based on 2 letters. One that PA has written stating that she works from home as a beautician. The other is a certificate of experience from Headmasters salon stating that PA worked for them dated 2018. There is no documentation provided in the form of pay cheques or indications of renumeration for working as a beautician. Based on the documents provided, I am not satisfied that PA has provided sufficient evidence of experience and ability to do the job. Refused r200(1)(b) and r200(3) [typographical errors corrected].

[7] The officer's references to "r200(1)(b)" and "r200(3)" are to provisions within section 200 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*], a section that addresses the issuance of work permits. Paragraph 200(1)(b) requires an applicant for a work permit to establish that they will leave Canada by the end of the period authorized for their stay. Subsection 200(3) includes a number of grounds on which an officer shall not issue a

work permit including, in particular, where there are reasonable grounds to believe that the applicant is unable to perform the work sought: *IRPR*, s 200(3)(a).

B. *The officer's decision is reasonable*

[8] Ms. Kataria raises several arguments directed at the officer's reasons for decision, both as expressed in their formal letter and in their GCMS notes. There is no dispute that the merits of the officer's decision are reviewable on the reasonableness standard: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25; *Naderiboroujeni v Canada (Citizenship and Immigration)*, 2024 FC 684 at para 11.

(1) Ability to perform the work

[9] Ms. Kataria's central argument is that the officer's assessment of her ability to perform the proposed work unreasonably failed to consider the evidence in her application regarding her skills and experience as a beautician. I disagree. The officer clearly reviewed the only pieces of evidence that spoke to this question—Ms. Kataria's notarized letter and the "Certificate of Experience" letter from her former employer—and noted that she had filed no objective evidence substantiating that she had been paid to work as a beautician. The officer neither disregarded nor fundamentally misapprehended this evidence: *Vavilov* at paras 125–126.

[10] Paragraph 200(3)(a) of the *IRPR* places an obligation on visa officers to assess whether there are reasonable grounds to believe that a work permit applicant is unable to perform the work sought. Given this obligation, it is reasonable for visa officers to look for objective

evidence that confirms or substantiates the applicant's assertions about their work experience and ability to perform the proposed work: *Sangha v Canada (Citizenship and Immigration)*, 2020 FC 95 at para 47; *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at para 28, citing *Chen v Canada (Minister Citizenship and Immigration)*, 2005 FC 1378 at para 12. It was not unreasonable for the officer in this case to conclude that they were not satisfied as to Ms. Kataria's ability to perform the work based on the letters provided.

[11] Ms. Kataria contends that the positive LMIA and the offer letter from her prospective employer in Canada also demonstrate her qualifications to perform the proposed work, and that the officer unreasonably ignored this evidence. Again, I cannot agree. With respect to the LMIA, this Court has held that the purpose of the LMIA "is to test a labour market need, and not the attributes of the individual: that is what the visa application is for" [emphasis added]: *Singh v Canada (Citizenship and Immigration)*, 2015 FC 115 at para 20; *Yue v Canada (Citizenship and Immigration)*, 2023 FC 417 at para 5. As for the Canadian employer's offer letter, this cannot render the decision unreasonable, both because (a) it only speaks to the terms, conditions, and responsibilities of the job and not to Ms. Kataria's qualifications or abilities to perform those responsibilities; and (b) even if it did speak directly to her abilities, a statement by a prospective employer is not binding on a visa officer, who has a duty to conduct an independent assessment: *Sulce* at para 28; *Chen* at para 12; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 266 [*Singh (2022)*] at para 32.

[12] It was therefore reasonable for the officer to conclude that Ms. Kataria had not filed sufficient supporting documentation to demonstrate her ability to perform the task and to reject the application on the basis of paragraph 200(3)(a) of the *IRPR*.

[13] On the issue of adequate supporting documentation, the Minister filed as an exhibit a copy of IRCC's Visa Office Instructions for New Delhi in respect of work permits. These instructions, which are available online to applicants and their advisors, include a checklist of documents that work permit applicants should file. Under the heading "[e]vidence that you meet the requirements of the job offered," the checklist includes the following documents:

> Proof of work experience: Copies of appointment letters and relieving letters from your current and previous employers, copies of salary slips and form 16; bank statements. Letters of reference must outline the duration and specific nature of your employment, including your exact duties on the job. Contact name, address and phone numbers should be provided.
>
> [Emphasis added.]

[14] As set out above, Ms. Kataria did not provide documents of this nature. The only document from a third party that she filed speaking to her past work experience—the former employer's "Certificate of Experience" letter—did not set out her "exact duties on the job." Nor did Ms. Kataria file any salary slips, bank statements, or other documents that would show that she had actually performed and been paid for working as a beautician.

[15] As Ms. Kataria notes, the officer's reasons do not refer to the New Delhi checklist, and do not specifically identify Ms. Kataria's failure to file documents listed in that checklist as a reason for refusing her application. Both the Minister and the Court must be cautious not to try to

buttress an officer's reasons through reference to guideline documents such as the New Delhi checklist: *Vavilov* at para 96. Nonetheless—and the Minister puts the argument no higher than this—the checklist can provide relevant context for assessing the reasonableness of the officer's conclusion that the evidence filed was insufficient to establish Ms. Kataria's ability to perform the work.

[16] In this regard, this Court has held that failure to provide documents required by a visa office can be a reasonable ground for refusal, and has done so even in cases where the visa officer did not expressly refer to the applicable document checklist or visa office instructions: *Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 at paras 7, 13; *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at paras 8, 28; see also *Adepoju v Canada (Citizenship and Immigration)*, 2024 FC 2014 at paras 16–18 and the jurisprudence cited therein.

[17] Ms. Kataria is correct that the New Delhi checklist does not preclude consideration of other forms of documentation that establish work history, employment skills, and experience. However, Ms. Kataria did not file such other forms of documentation, other than her own notarized letter and the letter from her former employer. The fact that the documentation Ms. Kataria filed does not conform with the New Delhi checklist is thus an additional indicator confirming the reasonableness of the officer's assessment.

(2) Other issues in the GCMS notes

[18] Ms. Kataria raises concerns with two other aspects of the officer's GCMS notes. The first is the officer's observation that Ms. Kataria did not list her occupation on the IMM 5645 form. That form, titled "Family Information," is part of the application package for a temporary resident visa. It requires the applicant to provide the name of all family members, together with information such as their marital status, date of birth, present address, and present occupation. On this form, Ms. Kataria provided her own name, date of birth, and address, but did not put anything in the "Present occupation" box.

[19] The officer's statement regarding the IMM 5645 form was factually correct. However, it was clear from Ms. Kataria's application as a whole that she put herself forward as being a self-employed beautician. I agree with Ms. Kataria that it would be problematic in the circumstances to place material reliance on the empty box in the IMM 5645 form in such circumstances. Reading the officer's reasons as a whole, though, it seems clear that the empty box on the IMM 5645 form was not a material part of the officer's decision. If anything, it is simply an observation that the information in the form did not provide support to show Ms. Kataria's ability to perform the work.

[20] The second passage in the GCMS notes that Ms. Kataria contests is the reference to the employment requirements set out in the National Occupational Classification [NOC] class for "estheticians, electrologists and related occupations." The officer reproduced a passage from the NOC requirements referring to academic training ("high school, college or beauty school

programs"), but omitted the remainder of the passage, which states that on-the-job training may be provided as an alternative. The NOC therefore requires academic *or* on-the-job training. Ms. Kataria argues it was unreasonable for the officer to only consider one aspect of the NOC employment requirements rather than the full passage, which contemplates other ways of meeting requirements.

[21] I agree that it would have been preferable for the officer to cite the full relevant portion of the NOC employment requirements. However, the omission does not render the officer's decision unreasonable. There is no indication that the officer reached their decision on the basis that Ms. Kataria did not have formal academic training. To the contrary, the officer reviewed the evidence of Ms. Kataria's experience as a beautician, to consider whether she had established her ability to perform the proposed work. Neither that evidence, nor the future employer's letter, showed that she previously had or would have "on-the-job training." As a result, the officer's omission of the reference to such training in their notes cannot have affected their decision. Rather, it again appears that the officer was considering whether Ms. Kataria may have met the employment requirements through academic training (which she did not have), before then reviewing whether the evidence established that she had acquired the necessary abilities through work experience.

[22] I am therefore not satisfied that the additional issues Ms. Kataria raises with the officer's GCMS notes show the decision to be unreasonable.

(3) The formal refusal letter

[23] Ms. Kataria's remaining arguments with respect to the merits of the officer's decision relate to the factors identified in the officer's formal letter. She contends that the officer provided no explanation why her proposed length of stay or the purpose of her visit was inconsistent with a temporary stay. She also argues that the officer failed to engage with the financial evidence before concluding that her current employment situation did not show she was financially established in India.

[24] I am not persuaded that these are matters that render the officer's decision unreasonable, for two reasons.

[25] First, as the Minister argues, the officer's conclusion that Ms. Kataria had not provided sufficient evidence to adequately perform the work was determinative of the application. Paragraph 200(3)(a) of the *IRPR* provides that an officer "shall not issue a work permit" if there are reasonable grounds to believe that the applicant is unable to perform the work sought. The officer was therefore bound to refuse the application once they reached their conclusion on this issue, regardless of any other factors.

[26] Second, in the circumstances of this case, I do not read the other factors identified by the officer in their letter as being independent of the central issue regarding Ms. Kataria's ability to perform the work. There is no doubt that the reasons provided in a visa officer's formal refusal letter form part of their decision and the factors set out in that letter should not be unsupported or

simply raised for no reason: see, *e.g.*, *Singh v Canada (Citizenship and Immigration)*, 2025 FC 976 at paras 14–18, citing *Patel v Canada (Citizenship and Immigration)*, 2025 FC 947 at paras 8–10 and *Gao v Canada (Citizenship and Immigration)*, 2025 FC 127 at para 10.

[27] However, the visa officer's decision must be read as a whole, "holistically and contextually, for the very purpose of understanding the basis on which a decision was made": *Vavilov* at paras 15, 85, 97, 99. Here, the officer stated that they had concerns with the proposed length of stay and purpose of the visit "given the details" Ms. Kataria provided in her application. In context, and when read in light of the GCMS notes, the officer appears to be indicating that in the absence of a demonstrated ability to perform the work—the very purpose of the application—the proposed travel to Canada did not appear consistent with a temporary stay. In this regard, I agree with the Minister that the situation is like that in *Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457. There, Justice Zinn found that an officer's conclusion regarding the purpose of the visit did not constitute "a new proposition requiring additional reasoning," but was simply a recognition that given the facts, the applicant had "failed to rebut the presumption that she intended to immigrate to Canada and did not demonstrate that she would depart at the end of her authorized stay": *Kaleka* at paras 10, 29–30.

[28] Similarly, the officer's reference to Ms. Kataria's current employment situation can be understood given their conclusions regarding the evidence presented about that employment, which was limited to her own notarized letter. In the circumstances, I am satisfied that this factor was adequately explained by the officer in the GCMS notes as being related to the insufficient evidence of Ms. Kataria's current self-employment as a beautician.

[29] I am therefore not persuaded that Ms. Kataria has shown the officer's refusal of her work permit application to be unreasonable.

C. *There was no breach of procedural fairness*

[30] Ms. Kataria argues that she should have been given an opportunity to respond to the officer's concerns and was therefore denied procedural fairness. Such issues are reviewed on a standard akin to correctness, in which the Court asks whether the procedure was fair in all the circumstances: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54–56; *Naderiboroujeni* at para 11.

[31] This is not a strong argument. As Ms. Kataria recognizes, the jurisprudence of this Court has consistently held that an officer is not obliged to advise an applicant of concerns about, or deficiencies in, their application, or give an applicant the opportunity to address or satisfy outstanding concerns: *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 10; *Kaur v Canada (Citizenship and Immigration)*, 2014 FC 678 at para 17; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 38; *Kaleka* at para 26. It is only where issues of credibility or authenticity arise that the duty of procedural fairness will require an officer to provide an applicant with an opportunity to respond: *Kaur* at para 17; *Singh (2022)* at paras 37–39.

[32] The officer's reasons do not show that they drew any adverse credibility findings regarding Ms. Kataria's application requiring a procedural fairness letter or other opportunity to respond. Rather, as set out above, their concern was about the insufficiency of the evidence filed

by Ms. Kataria. Contrary to Ms. Kataria's arguments, the officer did not find Ms. Kataria's notarized letter not credible; they simply found it insufficient in the circumstances to demonstrate that she had the ability to perform the work. Requiring an applicant to file objective evidence that demonstrates their ability to perform the work—and refusing their application when they have not done so—does not inherently involve an adverse credibility finding. The duty of procedural fairness does not require an opportunity to respond in such circumstances: *Kaleka* at para 26; *Singh (2022)* at paras 37–39.

III. Conclusion

[33] As Ms. Kataria has not demonstrated that the officer's decision was unreasonable or unfair, her application for judicial review of that decision is dismissed.

[34] Neither party asked the Court to certify a question pursuant to paragraph 74(d) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. I agree that no serious question of general importance is involved.

JUDGMENT IN IMM-22658-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

"Nicholas McHaffie"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-22658-24
STYLE OF CAUSE:	ARTI KATARIA v MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	HELD BY VIDEOCONFERENCE
DATE OF HEARING:	APRIL 23, 2026
JUDGMENT AND REASONS:	MCHAFFIE J.
DATED:	APRIL 27, 2026

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