

CANADA / JUDGMENT

Bhargava v. Canada (Citizenship and Immigration)

2026 FC 165

COURT

Federal Court

DECIDED

5 February 2026

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Bhargava v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
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made on February 10, 2026 Decision Content Date: 20260205 Docket: IMM-22390-24 Citation: 2026
FC 165 Ottawa, Ontario, February 5, 2026 PRESENT: Madam Justice Sadrehashemi BETWEEN:
ALOK BHARGAVA RITU BHARGAVA Applicants and MINISTER OF CITIZENSHIP AND
IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicants are a married couple who applied for work permits to work in Canada. The Principal Applicant, Alok Bhargava applied for a Start-Up Visa Work Permit under the International Mobility Program, pending the approval of his application for permanent residence under the Start-up Business Class Program. Mr. Bhargava's wife, a dependent on this application for permanent residence, also applied for an open work permit based on the approval of her husband's work permit application. An officer at Immigration, Refugees and Citizenship Canada refused both work permits in October 2024.
- [2] The Applicants do not challenge the procedure followed by the Officer but argue on judicial review that the substance of the decision is unreasonable.
- [3] I am granting the judicial review. The Applicants raised numerous issues on judicial review. It is unnecessary for me to address them all. I find that the decision was unreasonable in two respects: i) the limited and unresponsive analysis of the "significant benefit" of Mr. Bhargava's start-up company; and ii) the failure to consider Mr. Bhargava's temporary worker status in Qatar in the context of decades of immigration compliance as a worker in various countries outside of his country of citizenship.

- [4] Mr. Bhargava is the co-founder and CEO of his company, Builtdata. In April 2024, he was issued a Commitment Certificate and Letter of Support from Pycap Inc, which is a designated business incubator in accordance with subparagraph 98.03(1) of the Immigration and Refugee Protection Regulations, SOR/2002-227. Builtdata is a platform which allows small and medium businesses to access data centers via co-location facilities which provide accessible and scalable data storage solutions.
- [5] In May 2024, the Applicants applied for permanent residence under the Start Up Business Class Program. A few days later, they applied for work permits to allow them to work in Canada while their permanent resident applications were pending. At the time that Mr. Bhargava applied for the work permit under the International Mobility Program (pre-October 2024), only closed one-year work permits tied to the start-up business were permitted.
- [6] The Applicants are Indian citizens, who had lived in Qatar since 2023 with temporary status. Mr. Bhargava had lived and worked outside of India for the last 20 years in a number of managerial roles, including in the United Arab Emirates, Thailand, Kuwait, South Africa and Oman. The Applicants have a son studying in university on a study permit in Canada. They have visited their son in Canada on temporary resident visas. There is no evidence of non-compliance with immigration rules in Canada or abroad.
- [7] The Officer found that the Applicants' temporary status in Qatar and limited ties to their country of citizenship was a negative factor in evaluating whether they would leave Canada at the end of their authorized stay. The Officer states: Based on the applicant's immigration status outside of their country of nationality or habitual residence, I am not satisfied that they will leave Canada at the end of their stay as a temporary resident. The applicant is a temporary worker with temporary status that must be renewed every 2 or 3 years. The status is directly tied to employment and will be cancelled when an employee resigns or otherwise leaves Qatar. Going to Canada would cause their ties to Qatar to be completely severed.
- [8] The Officer's evaluation ignores salient context to the Applicants' temporary immigration status in Qatar. Counsel's submissions and Mr. Bhargava's CV set out that he has been working outside of India in multiple countries in global leadership roles for approximately twenty years. Mr. Bhargava has complied with immigration conditions of his stay in these various countries. The relevance of his status ending in Qatar as a basis to find that the applicants would not comply with his stay in Canada must be understood in the context of his full employment and immigration history. The Officer's limited reasoning does not "add up" when taking into account the facts in this case.
- [9] The Officer also finds that Mr. Bhargava has not "provided a business plan/deck that adequately demonstrated significant benefit to Canada under this program". There is no requirement for a "business plan/deck" for the work permit. Applicants' counsel provided submissions on the nature of the company and the plan for the business along with the required Commitment Certificate and Letter of Support from a designated business

incubator. The Officer does not address either in relation to the question of significant benefit, nor provide any explanation as to why what was provided was not adequate to demonstrate significant benefit.

- [10] I find the Officer's reasoning on these two key issues, significant benefit and immigration status in Qatar, to lack the requisite degree of intelligibility, justification, and transparency to be reasonable. The application for judicial review is allowed. Neither party raised a question for certification, and I agree none arises. JUDGMENT IN IMM-22390-24 THIS COURT'S JUDGMENT is that: The application for judicial review is allowed; The decision dated October 21, 2024 is set aside, and the matter is sent back to be redetermined by a different decision-maker; and No serious question of general importance is certified. blank "Lobat Sadrehashemi" blank Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-22390-24 STYLE OF CAUSE: ALOK BHARGAVA ET AL. V. MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: BY VIDEOCONFERENCE DATE OF HEARING: January 20, 2026 JUDGMENT AND REASONS: SADREHASHEMI J. DATED: february xx, 2026 APPEARANCES: Isabella Ann Harvey For The ApplicantS Nimanthika Kaneira For The Respondent SOLICITORS OF RECORD: Jain Immigration Law Barrister and Solicitor Toronto, Ontario For The ApplicantS Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 29 October 2026 · Esheria