

CANADA / JUDGMENT

Brar v. Canada (Citizenship and Immigration)

2026 FC 631

COURT

Federal Court

DECIDED

15 May 2026

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20260515 Docket: IMM-20813-24 Citation: 2026 FC 631 Ottawa, Ontario, May 15, 2026 PRESENT: The Honourable Mr. Justice Gleeson BETWEEN: GURPINDER SINGH BRAR Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent REASONS AND JUDGMENT I.

Overview [1] The Applicant, Gurbinder Singh Brar, is a citizen of India. An officer with Immigration, Refugees and Citizenship Canada [Officer] refused his application for permanent residence [PR] under the Agri-Food Pilot Program [AFPP] on November 1, 2024. He seeks judicial review of that decision under subsection 72(1) of the Immigration Refugee and Protection Act, SC 2001, c 27 [IRPA].

[2] The Applicant argues that the Officer erred by ignoring and misconstruing the evidence he provided and, therefore, made unfounded determinations in refusing his PR application. The Respondent submits the Officer's decision is reasonable, the Officer having engaged in a well-reasoned analysis of the evidence to conclude that the Applicant was ineligible for the AFPP.

[3] For the reasons that follow, the application for judicial review will be granted. II.

Background [4] The Applicant entered Canada in September 2022 and resides in British Columbia. He was issued a work permit, valid until September 2024 as a General Farm Worker at Khaira Farms Ltd [Khaira] with the support of a positive Labour Market Impact Assessment [LMIA].

[5] In December 2023, the Applicant applied for PR under the AFPP.

[6] The AFPP has been established as part of the economic immigration class referred to in subsection 12(2) of the IRPA. It provides a pathway to PR in Canada for foreign workers in specific occupations and industries within the agri-food sector. Applicants must meet the selection requirements of the Ministerial Instructions Respecting the Agri-food Immigration Class (Ministerial Instructions (MI64), Canada Gazette, Part I, vol 157, no 18, (May 6, 2023)) [Ministerial Instructions], including the following work experience requirement: a

minimum of 12 months of work experience in Canada, during the three years preceding the day on which the PR application was made, in non-seasonal full-time work in one or more eligible occupation of the National Occupational Classification [NOC] for an employer that is primarily engaged in activities set out for in an eligible industry group of the North American Industry Classification System [NAICS].

- [7] The Applicant submitted his application under NAICS 1114 – Greenhouse, nursery and floriculture production and NOC 85101 – Harvesting labourers, an eligible NAICS/NOC combination pursuant to subclause 2(3)(c)(iv)(A)(IV) and paragraph 2(3)(f) of the Ministerial Instructions. A NAICS 1114 industry is described as an industry comprising of “establishments primarily engaged in growing crops of any kind under cover, growing nursery crops and growing flowers. Under cover includes in greenhouses, cold frames, cloth houses, and lath houses. The crops grown are removed at various stages of maturity.”
- [8] To establish his relevant work experience, the Applicant provided a letter of employment dated December 20, 2023, describing Khaira’s business activities and his main duties, paystubs for more than a year, his 2022 T4 and notice of assessment, a letter confirming Khaira’s positive LMIA, and his May 2022 employment contract.
- [9] In a Procedural Fairness Letter [PFL] dated October 17, 2024, the Officer noted concerns that the Applicant may not meet the work experience requirement under the AFPP. The Global Case Management System [GCMS] notes, in an entry dated March 6, 2024, provide further insight as to the Officer’s concerns: After reviewing the information before me, I am not satisfied on balance of probabilities that the PA meets the eligibility requirements of the Agri-Food Pilot Program. PA is employed by Khaira Farms Ltd since 2022/09/18. The principal business activity for this employer is growing and marketing blueberries. As per job duties listed in provided Employment Letter, Employment contract, and IMM0115 Offer of Employment form, the PA’s duties include “Plant, fertilize, cultivate, irrigate Blueberries.” Employment letter also mentions in the “about the company” section that they also produce vegetables, however this is not included in the PA’s listed job duties. Blueberries are included under NAICS code 1113 – Fruit and tree nut farming. NAICS code 1113 is not eligible for AFIP; therefore the PA has not completed any hours of eligible work experience.
- [10] In response to the PFL, the Applicant provided the Officer (1) a letter of explanation from Khaira, stating that it is primarily engaged in vegetable production, that fruits – limited to strawberries and blueberries – are only grown seasonally, that vegetables are cultivated both outside and under cover, that Khaira qualifies under NAICS 1114, that the Applicant had been employed with Khaira since September 2022, and that the failure to fully explain the Applicant’s employment and duties was the result of an oversight, (2) screenshots taken from Google Maps and photographs showing Khaira’s “area of business operations, greenhouses and plantations,” (3) an amended letter of employment explaining Khaira’s business activities and detailing the Applicant’s main duties and responsibilities, and (4) a letter from a client of Khaira confirming that Khaira produces vegetables and the quantity of vegetables received from Khaira from 2019 to 2023. III. Decision Under Review [11] On

November 1, 2024, the Officer refused the application because they were not satisfied that the Applicant met the qualifying work experience requirement as set out in paragraph 2(3)(f) of the Ministerial Instructions.

- [12] The relevant portions of the Officer's GCMS notes, which form part of the decision, state: ***ELIGIBILITY*** Eligibility failed. Applicant sent in a letter of employment, letter of explanation, pictures, and paystubs from Khaira Farms LTD. The letter of explanation states that the business qualifies under NAICS 1114 as they grow crops, primarily vegetables, under cover in greenhouses and the pictures provided do reflect that. The amended letter of employment also lists the applicant's duties as tending to those crops in greenhouses, amongst other duties as well as harvesting blueberries seasonally not under cover. Using an open web-based search of the address of the business at which the applicant is working, it appears that the greenhouses on the property only cover a very small portion of the business, and the majority of the business's crop production is not under cover or in greenhouses. As a result, I am not satisfied the business's primary activities fall under NAICS 1114. As a result, I am not satisfied the applicant has demonstrated they've obtained one year of work experience in an eligible NAICS/NOC combination. As a result, I am not satisfied the applicant has demonstrated they've met the work experience eligibility criteria of the Agrifoods program. ***FINAL DECISION*** After reviewing all of the information before me, I am not satisfied on balance of probabilities that the principal applicant has demonstrated per IRPR R70(1)(d) that they meet the eligibility requirements for the Agri-Food Pilot (AFP) Program. IV. Issues and Standard of Review [13] The Applicant submits that the reasonableness of the Officer's decision is in issue, and that the Officer erred by ignoring and/or misconstruing evidence, raising an issue of fairness.
- [14] Contrary to the Applicant's framing of the issues, the question of whether the Officer ignored or misconstrued evidence does not raise an issue of procedural fairness. The Officer's weighing and assessment of the evidence is to be afforded deference by a reviewing court and is reviewable on the presumptive standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 25, 125 [*Vavilov*]).
- [15] The Applicant's written submissions also suggest issues of fairness arise because the Officer "harbored underlying skepticism" and mischaracterized the evidence relating to his work, amounting to "a clear miscarriage of justice" and demonstrating disregard for the fundamental principles of fairness. However, beyond these statements, the Applicant has not advanced any procedural fairness argument. Counsel for the Applicant confirmed in the course of oral submissions that the Applicant was not alleging any breach of fairness.
- [16] This application therefore raises a single issue: Was the Officer's decision unreasonable?
- [17] A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8). The party challenging a decision has the burden of demonstrating to a reviewing

court “sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency” (Vavilov at para 100). Justified and transparent reasons should meaningfully account for key or central issues and concerns raised by the parties (Vavilov at para 127). V. Analysis [18] The Respondent argues that the Officer, having considered the evidence submitted by the Applicant and comparing that evidence to the NAICS description, reasonably determined that they were not satisfied the Applicant performed main duties corresponding to the NAICS 1114 classification. The Respondent submits the Applicant was required to provide the Officer with sufficient and complete evidence demonstrating he had worked and performed duties under the NAICS classification for one year within the three years leading up to his PR application, and that the Applicant simply failed to discharge this burden.

- [19] It is not disputed that the Applicant bore the burden of establishing the work experience requirement was satisfied. I also acknowledge that it may have been reasonably open to the Officer to conclude the Applicant lacked the required work experience to qualify under the AFPP. However, a decision that falls within a range of reasonable outcomes is not sufficient; a reasonable decision must also be justified by reasons allowing a reviewing court to understand the decision-maker’s chain of analysis (Vavilov at paras 84–85, 102–103).
- [20] In responding to the PFL, and as noted above at paragraph 10, the Applicant provided evidence which, he asserts, disclosed that Khaira is primarily engaged in vegetable production and cultivation under cover – business activities aligning with the NAICS 1114 description.
- [21] The Officer acknowledges this evidence but fails to engage with it.
- [22] Instead, the Officer prefers and relies on “an open web-based search of the address of the business at which the applicant is working.” The Officer does not (1) suggest the information disclosed by that search was inconsistent with that provided by Khaira, (2) explain why limited greenhouse coverage justified the conclusion that Khaira’s primary activities do not fall under NAICS 1114, or (3) explain why the Applicant’s contradictory information describing Kharia’s operations as falling within the scope of NAICS 1114 was rejected.
- [23] The Officer’s reasons do not disclose why greenhouse coverage was a proper metric upon which to assess whether Khaira was primarily engaged in growing crops of any kind “under cover,” where “under cover” encompasses more than greenhouses and captures, for example, cold frames. Nor do the reasons grapple with Khaira’s contradictory evidence to the effect that its primary product – vegetables – are cultivated from seedling before “we regularly move them outdoors and under cover to enhance their growth.”
- [24] The shortcomings in the reasons prevent the Court from identifying a coherent and rational chain of analysis supporting the Officer’s finding that they were not satisfied Khaira’s primary business activities fall under NAICS 1114 and, in turn, that the Applicant had failed to demonstrate one year of work experience in an eligible NAICS/NOC combination.

[25] The absence of intelligible, transparent, and justified reasons renders the Officer's decision unreasonable. VI. Conclusion [26] The application for judicial review is granted.

[27] Neither Party has proposed a serious question of general importance for certification, and I agree that none arise. JUDGMENT in IMM-20813-24 THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The matter is returned for redetermination by a different decision-maker.
3. No question is certified. "Patrick Gleeson" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-20813-24 STYLE OF CAUSE: GURPINDER SINGH BRAR v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Ottawa, Ontario DATE OF HEARING: April 29, 2026 REASONS AND JUDGMENT: GLEESON J. DATED: May 15, 2026 APPEARANCES: Ralitsa Harding For The Applicant Sarah Rajguru For The Respondent SOLICITORS OF RECORD: Ralitsa Harding Barrister and Solicitor Ottawa, Ontario For The Applicant Attorney General of Canada Ottawa, Ontario For The Respondent

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