CANADA / JUDGMENT

Bumanglag v. Canada (Citizenship and Immigration)

2026 FC 232

COURT
Federal Court

DECIDED
18 February 2026

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Bumanglag v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-18 Neutral citation 2026 FC 232 File numbers IMM-20439-24 Decision Content Date: 20260218 Docket: IMM-20439-24 Citation: 2026 FC 232 Toronto, Ontario, February 18, 2026 PRESENT: Madam Justice Go BETWEEN: LIGAYA MAMALA BUMANGLAG Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] Ms. Ligaya Mamala Bumanglag [Applicant], a citizen of the Philippines, applied for a work permit under the Temporary Foreign Worker Program [TFWP] based on a positive Labour Market Impact Assessment for a live-in domestic housekeeper/light duty cleaner.

[2] A Migration Officer [Officer] of Immigration Refugees and Citizenship Canada [IRCC] issued the Applicant a Procedural Fairness Letter dated August 7, 2024 [PFL] expressing concerns about the genuineness of the job offer. The Officer expressed concerns that the Applicant, the Employer and/or the Applicant's representative were attempting to circumvent the Ministerial Instructions implemented on June 18, 2019 and revised on April 22, 2022 [Ministerial Instructions]. The Ministerial Instructions direct visa officers to refuse to process work permit applications received under the TFWP for caregiver occupations in specific circumstances, including applications for live-in caregivers who provide childcare.

[3] The Applicant responded to the PFL via her representative. In addition to denying the Officer's assertion that she was attempting to circumvent the Ministerial Instructions, the Applicant submitted new evidence including a new offer of employment, a new employment contract with a live-out provision, affidavits by the Applicant and her employer, and a letter of explanation from her employer about the Applicant's duties.

[4] By a decision dated September 2, 2024 [Decision], the Officer denied the Applicant's work permit because they were not satisfied that the Applicant would leave Canada at the end of her stay as required by paragraph 200(1)(b) of the Immigration and Refugee Protection Regulations, SOR/2002-227. The Decision noted: a) the purpose of the Applicant's visit to Canda is not consistent with a temporary stay; b) the Officer was not satisfied the offer of employment is genuine; and c) the Officer was not satisfied that the job offered is primarily

for a domestic housekeeper but for a caregiver providing childcare duties.

[5] The Applicant seeks judicial review of the Decision. I grant the application as I find that the Decision was both unreasonable and procedurally unfair. II. Issues and Standard of Review [6] The Applicant raises the following issues: Whether the Officer's Decision was reasonable; and Whether the Officer breached the duty of procedural fairness.

[7] As the parties submit, and I agree, that the standard of review is reasonable for the first issue, per Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov]. 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. The onus is on the Applicant to demonstrate that the decision is unreasonable: Vavilov at para 100.

[8] With respect to the issue of procedural fairness, the standard of review is akin to correctness. The focus of this Court is on whether or not the procedure allowed the Applicant to know the case to meet and have a full and fair opportunity to respond: Canadian Pacific Railway Company v Canada (Attorney General), 2018 FCA 69at paras 54-56. III. Analysis A. Was the Decision unreasonable? [9] The Applicant submits several arguments to challenge the Decision on the basis that the Officer unreasonably relied on the Applicant's work history as a negative factor and unreasonably found the Applicant's job offer not genuine.

[10] The determinative issue is that the Officer overlooked evidence when finding the Applicant's job offer not genuine.

[11] The Officer's reasons for the Decision are found in the Global Case Management Systems [GCMS] notes which state as follows: I have considered the following factors in my decision. I note that the applicant is applying for a WP as a Light duty cleaner. Previous experience and employment history reviewed. I note that the applicant is currently working as a Domestic Helper in Hong Kong and has been doing this since approximately 2019 as per application forms provided. CV/Resume indicates that recent responsibilities also included childcare. Applicant also recently completed a Certificate Course for Caregivers in May 2022. PFL response was received and reviewed. After reviewing all information and documentation on file, I am not satisfied with the applicant's purpose of visit to Canada, as it appears that they are likely to work in Canada as a caregiver or may accept responsibilities of that nature during proposed period of employment. The initial contract was to be a live-in position, located in the employer's private household. However, in response to the PFL, the applicant and REP indicated that the contract will be changed to a live-out position. The initial job offer was for a full-time and live-in Light duty cleaner hired from overseas for the Canadian household which appears similar with the other caregiver/home support worker contracts such as in the former live-in caregiver program. Therefore, I have concerns that the applicant is attempting to circumvent the Ministerial Instructions regarding caregivers implemented on June 18, 2019 and revised on April 22, 2022. Weighing all the above stated

factors, I am not satisfied, on a balance of probabilities, that the offer of employment is genuine. Furthermore, I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. Application Refused.

[12] In the GCMS notes, the Officer made no mention of much of the new evidence the Applicant submitted. Among the new evidence submitted was an affidavit from the Applicant's employer in which the employer declares that she would not provide accommodation to the Applicant but would help the latter find suitable and affordable housing. The employer also declares that the Applicant would not be asked to do any caregiving for anyone in the household. The employer further swears that she is not attempting to circumvent the Ministerial Instructions.

[13] In addition to the affidavit, the employer provided a letter with detailed explanation about her household needs and the rationale for offering the Applicant to work in her household as a housekeeper. In her letter dated August 16, 2024, the employer states that they live in a 7,000-square-foot house with five bedrooms and a three-car garage and she needs a housekeeper to help with cleaning and laundry in this large home. The employer explains that her mother-in-law helped take care of her now seven-year-old son since birth until he started school and that her son has been enrolled as a full-time student at a Montessori school since September 1, 2021. The employer also states that her mother-in-law helps take care of her daughter (now two and a half years old), who would be placed in the same full-time Montessori program as her older brother. The employer emphasizes that her son and daughter are well taken care of by herself and her mother-in-law and they do not need anyone else to look after her children.

[14] The Applicant also submitted as part of her response to the PFL, a detailed breakdown of all her daily housekeeping duties.

[15] Other than noting that the Applicant's response to the PLF indicated that the contract will be changed to a live-out position, the Officer did not mention, let alone analyze, the evidence as summarized above.

[16] As Justice Pamel, then with this Court, stated in Gill v Canada (Citizenship and Immigration), 2020 FC 934 at para 40, "a decision-maker is required to at least address relevant evidence if such evidence goes directly to contradict his/her findings." Justice Pamel went on to state: "A court may infer that a decision-maker has made an erroneous finding of fact without regard to the evidence from a failure to mention in the reasons evidence that is relevant to the finding and which points to a different conclusion" citing Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration), 1998 CanLII 8667 (FC), [1998] F.C.J. No 1425 (QL) at para 15; Begum v Canada (Citizenship and Immigration), 2017 FC 409, [2018] 1 FCR 3 at para 81.

[17] Here, given the lack of mentioning of the evidence which contracted the Officer's central finding that the job offered is for a caregiver providing childcare duties, the Court is thus entitled to infer that the Officer made an erroneous finding of fact without regard to the evidence.

[18] The Respondent submits that the Applicant only changed the live-in arrangement to a live-out arrangement after receiving the PFL and there was no significant change in her work schedule. I reject this argument for two reasons. First, the Officer did not cite this as the basis for finding the job offer not genuine. Second, the Respondent's submission does not address the Officer's failure to analyze the new evidence which contradicted the Officer's finding. B. Did the Officer breach the duty of procedural fairness? [19] The Applicant submits that the Officer appeared to have relied on extrinsic evidence to conclude that her job offer was not genuine. The Officer notes in their GCMS notes "similarities" between the Applicant's Officer of Employment and those of "caregiver/home support worker contracts such as in the former live-in caregiver program." The Applicant argues that the Officer did not raise this in the PFL, and the Officer appears to have relied on their own expertise or proprietary IRCC knowledge of various employment contracts under different National Occupational Classification codes and immigration programs to unreasonably undermine the veracity of the Applicant's Offer of Employment. By relying on extrinsic evidence that was not reasonably available to the Applicant, the Officer breached procedural fairness: Joseph v Canada (Minister of Citizenship and Immigration), 2015 FC 904 at para 38.

[20] I agree with the Applicant. The PFL made no reference to any "similarities" between the Applicant's offer of employment and those of the other contracts mentioned in the GCMS notes. Without this explicit reference, the Applicant was not given the opportunity to respond to the Officer's specific concerns.

[21] The Respondent submits that the Officer was not required to provide the Applicant an opportunity to address their concern when the concern arises directly from the requirements of the legislation or related regulations, which was the case here because ministerial instructions are connected to the legislation, citing Wang v Canada (Citizenship and Immigration), 2024 FC 1965 [Wang] at para 38 where the Court noted that "procedural fairness does not require disclosure of all relevant extrinsic documents, but rather that the Applicant be given an adequate understanding of the 'gist of the concerns.'"

[22] The Respondent further cites El Rifai v Canada (Citizenship and Immigration), 2024 FC 524 [El Rifai] where the Court found that an officer's consideration of other fraudulent documents that had similar characteristics does not constitute extrinsic evidence that had to be disclosed, so long as the applicant had an adequate understanding of the "gist of the concerns:" El Rifai at para 4.

[23] While I acknowledge the procedural fairness requirements in the context of work permits are at the low end of the spectrum, I disagree with the Respondent's assertion that the PFL adequately met those requirements. The Officer's concern in this case was not based on the

requirements under the Ministerial Instructions. Rather, it was based on the Officer's knowledge about contract provisions found in other caregiver/home support worker contracts but failed to disclose it in the PFL. Unlike Wang and El Rifai, I find the PFL did not disclose the "gist of the concerns." In so doing, the Officer deprived the Applicant of a meaningful opportunity to address their concerns and breached the principles of procedural fairness. IV. Conclusion [24] The application for judicial review is granted.

[25] There is no question for certification. JUDGMENT in IMM-20439-24 THIS COURT'S JUDGMENT is that: The application for judicial review is granted and the matter sent back for redetermination by a different officer. There is no question for certification. "Avvy Yao-Yao Go" Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-20439-24 STYLE OF CAUSE: LIGAYA MAMALA BUMANGLAG v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: held via videoconference DATE OF HEARING: february 3, 2026 JUDGMENT AND REASONS: GO J. DATED: February 18, 2026 APPEARANCES: Mohammad Mirabdolbaghi For The Applicant Aida Kalaj For The Respondent SOLICITORS OF RECORD: Golden Maple Law LLP North York, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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